PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT

FIRST SESSION

Tuesday, 8 August 2017

(Extract from book 13)

Internet: www.parliament.vic.gov.au/downloadhansard

By authority of the Victorian Government Printer

The Governor

The Honourable LINDA DESSAU, AC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC, QC

The ministry

(from 10 November 2016)

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	The Hon. F. Richardson, MP
Minister for Finance and Minister for Multicultural Affairs	The Hon. R. D. Scott, MP
Minister for Training and Skills, and Minister for Corrections	The Hon. G. A. Tierney, MLC
Minister for Planning	The Hon. R. W. Wynne, MP
Cabinet Secretary	Ms M. Thomas, MP

Legislative Council committees

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

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

Legislative Council standing committees

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

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

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

participating members

Legislative Council select committees

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

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

Joint committees

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

Dispute Resolution Committee — (*Council*): Mr Bourman, Mr Dalidakis, Ms Dunn, Mr Jennings and Ms Wooldridge. (*Assembly*): Ms Allan, Mr Clark, Mr Merlino, Mr M. O'Brien, Mr Pakula, Ms Richardson 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 Patten and Mr Somyurek. (*Assembly*): Ms Asher, Ms Blandthorn, Mr Dixon, Mr Northe and Ms Spence.

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

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

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

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

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

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

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

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Mr P. Lochert

MEMBERS OF THE LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT — FIRST SESSION

President:
The Hon. B. N. ATKINSON

Deputy President:
Mr K. EIDEH

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

Leader of the Government:
The Hon. G. JENNINGS

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

Leader of the Opposition:
The Hon. M. WOOLDRIDGE

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

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

Leader of the Greens:
Mr G. BARBER

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

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

PARTY ABBREVIATIONS

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

CONTENTS

TUESDAY, 8 AUGUST 2017

Tuesday, 8 August 2017

The PRESIDENT (Hon. B. N. Atkinson) took the chair at 12.06 p.m. and read the prayer.

ACKNOWLEDGEMENT OF COUNTRY

The PRESIDENT — 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 for the first people 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

Messages read advising royal assent on 27 June to:

Appropriation (2017–2018) Act 2017 (*Presented to the Governor by the Speaker of the Legislative Assembly*)

Appropriation (Parliament 2017–2018) Act 2017 (*Presented to the Governor by the Speaker of the Legislative Assembly*)

Bail Amendment (Stage One) Act 2017

Parliamentary Budget Officer Act 2017

State Taxation Acts Amendment Act 2017.

The PRESIDENT — I would like to make a brief statement to the house. It relates to those appropriation bills that have been given royal assent by the Governor. Members, I wish to indicate that the message conveyed to the house states that on 27 June 2017, which was a Tuesday, the Governor gave the royal assent to the Appropriation (2017–18) Act 2017. Pursuant to section 65 of the constitution the Speaker presented the annual appropriation bill to become an act of Parliament notwithstanding that the Council had not passed the bill.

CLERK OF THE PARLIAMENTS

The PRESIDENT — I take this opportunity to advise the house that we actually have a new Clerk of the Parliaments, albeit in an acting capacity, that being Andrew Young, on the basis that Ray Purdey has indicated that he is retiring from the Parliament. That is the official position that he has held as Clerk of the Parliaments, being senior clerk of this state Parliament, and on his retirement the Governor has been advised by the Speaker and me that in fact Andrew Young will assume that position in an acting capacity.

ACTING PRESIDENTS

The PRESIDENT laid on table warrant nominating Mr Purcell to preside as acting president when requested to do so by the President or Deputy President and discharging Mr Finn as acting president.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Membership

The PRESIDENT — I have received a letter of resignation from a parliamentary committee dated 7 August, which I will advise the house of. It reads:

> I hereby resign as a member of the Public Accounts and Estimates Committee effective immediately.

This resignation comes to me from Louise Staley, a member in another place.

PETITIONS

Following petitions presented to house:

Electricity industry

To the Legislative Council of Victoria:

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:

> tried to shift costs to consumers, related to maintenance and upgrades of their assets;
>
> failed to upgrade and maintain their assets, e.g.: corner Hebert Street and Como Parade in Parkdale;
>
> created a safety hazard and risk to the community next to a kids playground, 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 Premier of Victoria and the government immediately conduct a wideranging regulatory inquiry into the electricity industry covering: (a) the practice of making consumers pay for maintaining or upgrading assets, (b) the practice of forcing consumers to pay specific companies to conduct such maintenance, (c) whether electricity distributors such as United Energy are currently meeting legal obligations, guidelines, ISO standards, safety and maintenance obligations, (d) a review of Energy Safe Victoria and the Energy and Water Ombudsman Victoria, (e) whether the regulatory environment (including enforcement, reporting and penalties) are 'fit for purpose', (f) whether the energy and water ombudsman Victoria should be a consumer advocate with broader powers.

By Mr RICH-PHILLIPS (South Eastern Metropolitan) (60 signatures).

Laid on table.

Neighbourhood Watch

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council the disgraceful decision of Premier Daniel Andrews and the state Labor government to cut the funding to Neighbourhood Watch.

The petitioners therefore respectfully request that the Legislative Council calls on the Andrews Labor government to reconsider its decision and to match the commitment of the Liberal-Nationals coalition commitment to provide $2 million over four years to reinvigorate, support and expand Neighbourhood Watch programs across Victoria.

By Mr O'DONOHUE (Eastern Victoria) (10 signatures).

Laid on table.

Tatura police station

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council the overwhelming concern of members of the Tatura district community about the reduced police presence in the township of Tatura.

The petitioners therefore request that the Legislative Council of Victoria ensures that the Andrews government provides, as a matter of urgency, a significantly improved permanent police presence assigned to the Tatura police station, to service:

a. the immediate township and community of Tatura, and

b. the outlying and neighbouring communities.

By Ms LOVELL (Northern Victoria) (359 signatures).

Laid on table.

FIRE SERVICES BILL SELECT COMMITTEE

Interim report

Mr RICH-PHILLIPS (South Eastern Metropolitan) presented interim report, including appendix.

Laid on table.

Ordered to be published.

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

That the Council take note of the report.

I am pleased to present the first interim report of the select committee inquiry into the fire services restructure. The report that is being presented today reflects the work that the committee has undertaken over the five weeks of its existence. As members of the house know, when the Parliament last met in June a resolution was passed establishing the select committee and requiring a report by today.

The committee has been working diligently over the last five weeks. We have undertaken public hearings in Melbourne and also undertaken hearings across regional Victoria in areas such as Wangaratta, Traralgon, Swan Hill and Hamilton, and in total have heard from approximately 90 witnesses. In addition to hearing from approximately 90 witnesses, we have also received over 1800 written submissions, which are still being processed by the committee secretariat for reasons that will be outlined in the substantive report of this committee. The committee has been very appreciative of the oral evidence that it received as well as the written submissions from interested parties across the state. Suffice to say, the assessment of that evidence is something that requires considerable work on the part of the committee. Indeed this report also presents to the house today transcripts of the oral evidence that we have received.

There have been a wide range of issues canvassed in the course of the inquiry, and as part of the committee's follow-up work we are continuing to receive evidence from witnesses in terms of responses to questions taken on notice. Indeed, as members of the house would probably be aware, an error was identified in the whole-of-government submission which was initially made to the committee. We received the replacement submission from government yesterday, which the committee will consider in its deliberations. The report today highlights the work that has been undertaken to date — where we have taken evidence, who we have taken evidence from — and presents to the house the transcripts. The committee looks forward to presenting its final report, with findings and recommendations to the house, expeditiously.

In closing, I would like to thank the committee members for their work over the last five weeks in what has been a very compressed time frame for such a complex inquiry, but also I particularly would like to thank the committee secretariat for their work, led by Keir Delaney and supported by the Deputy Clerk, Anne

Sargent. The complexity of this inquiry and the nature of the submissions to this inquiry have created an enormous workload for the secretariat, which is continuing to process those. The committee is very appreciative of the work that has been undertaken by the secretariat in a very compressed time frame, and we look forward to working with the secretariat in the next week for the conclusion of the substantive report.

Mr MULINO (Eastern Victoria) — Can I just concur with the sentiments expressed by the chair. This has been a report on a complicated matter that has been undertaken on a very compressed time line. We have had hearings right throughout the state. We have had four days of hearings in regional Victoria and a number of days of hearings in the metropolitan area. As the chair indicated, we have received a substantial number of submissions, which reflects great interest in this matter. Can I also concur with the chair in saying that the secretariat has provided a great deal of support, and continues to.

Can I also just reflect — and I think this is consistent with what the chair has said — that this is a matter that has been of considerable public interest for some time and of great interest to the legislature, both the other place and this place. I think it is a matter that everybody in this place would like to see resolved as quickly as possible. While we are submitting an interim report today, and in so doing complying with the original motion which created this committee, I think it is also fair to say that all members of the committee would like to see the final report submitted as a matter of some urgency, given the nature of this issue and the fact that people in the sector and the community are looking for certainty on this issue as quickly as possible. As the chair foreshadowed, we are looking, if possible, to submit a final report over the next week or so — out of session next week if at all possible.

Mr YOUNG (Northern Victoria) — I too would like to quickly add my comments. I agree with both the chair and the deputy chair of the select committee that this has been quite a complex issue and has had quite a large amount of public interest. It has been a big, big undertaking by both the secretariat and the members involved with the committee. I would like to express my thought that the interim report being tabled today is in fact the most appropriate course of action for the time being. Any further reporting would not have been complete and would not have been able to fully encompass all the issues that were brought up during this inquiry. It is such a serious issue that, yes, we would all like to see the full report as soon as possible, but it needs to be done in an appropriate time frame to encompass all of the problems and the possible solutions to deal with them.

Ms HARTLAND (Western Metropolitan) — I too would particularly like to thank the staff who have done quite a remarkable job over these last few weeks. This has been a complex issue. I would actually urge people, if they have the time, to read the transcripts because some of the evidence that was presented at the hearings goes right to the heart of the problems we are trying to resolve. I would particularly urge people to read the transcripts of Steve Warrington, Craig Lapsley and Greg Mullins and also all of those career and volunteer firefighters who put real effort into their submissions and came along and gave evidence about what this means for them. It has been a difficult five weeks. There has been a massive amount of work done. I hope that we will very quickly have the final report. That will greatly be because of the incredible work that the staff has done as well as the members of the committee. Thank you.

Ms LOVELL (Northern Victoria) — I would also like to thank the secretariat for the time that they put into this report over the winter break. It has been an extremely time consuming effort for them because of the high volumes of submissions that the committee did receive. So thank you very much to Keir Delaney, Anne Sargent and the team and particularly to the Hansard reporters as well. I would also like to thank the witnesses who gave their time to come and give evidence in each of our hearings. Mr Rich-Phillips outlined the hearings that were held. We had career firefighters and senior and middle management from the Country Fire Authority, the Metropolitan Fire Brigade and the emergency services commissioner, who gave up their time to be there to give evidence. Volunteer Fire Brigades Victoria of course also attended on two occasions.

I would particularly like to thank the volunteers, because it was the volunteers who took time away from work to be at the hearings and to give evidence. Their passion about what they do in protecting their community came through in spades. We heard from them of their desire to see strong and workable fire services in Victoria going forward. What I did not see or hear in any of the hearings was anyone saying that this was the ideal model to go forward. There were problems raised by career firefighters. There were problems raised by volunteers. There were problems raised by everybody who presented at the hearings, and I think we have a way to go. I look forward to seeing the final report when it is tabled in the house and to the debate that will ensue on this bill going forward.

Mr O'SULLIVAN (Northern Victoria) — I would also like to make some brief comments in relation to the inquiry into the Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017. First of all I would like to thank the committee for the work that they did. It was done in a very cooperative manner in terms of trying to get to the bottom of the complex issues that we were asked to deal with. There is no doubt there are two distinct and different views in relation to this legislation, and the committee went about it in a terrific way in terms of trying to work through those issues.

I would also like to make mention of the secretariat, Anne Sargent and Keir Delaney, and their team for their work. With such a truncated time frame to go out and hold the hearings, the work that they did in terms of turning around the transcripts with Hansard and preparing the information they have for the committee was first-class. It was terrific that the committee was able to get out into the country regions — Wangaratta, Swan Hill, Traralgon and Hamilton — as well as holding hearings in Melbourne. We were able to hear from career firefighters and volunteers plus a whole range of other people directly involved with the Metropolitan Fire Brigade (MFB) and the CFA and a whole range of other experts who presented as well.

The passion was very clear. It came through in relation to the fire services. There is no doubt the people involved in keeping the community safe are very passionate people, whether they be from the MFB or the CFA. I would certainly like to make mention of that passion. The passion that these organisations have is in the best interests of communities and people who live here in Victoria. The interim report handed down today is one thing, but we will get to the fulsome report in the coming week or two.

Ms SHING (Eastern Victoria) — I rise today to make a few comments in relation to the interim report of the inquiry into fire services reform and the bill which introduces a series of modernisation features along with presumptive rights legislation for Victorian firefighters. In doing so, along with the commentary and the comments of other speakers in this chamber, I would like to extend my thanks and gratitude to the secretariat staff and to Hansard, who have assiduously provided assistance to the committee in what has been a complex and very time consuming effort as far as conducting this inquiry within the time frames proposed in the greatest part of the motion that was voted on before the winter break.

I note in particular that well in excess of 1500 submissions have been received. They speak to a number of views, to a number of positions and to a number of proposals around a system which has, at least as far as the vast majority of people have indicated, required improvement, upgrade, renewal and revitalisation for some time. In order to make sure that we are doing the right thing by our volunteer firefighters, by our career firefighters and most importantly by reference to improvements to community safety across the board we need to take account of these views and this evidence as it has been provided to make sure that the outcome which is generated as a consequence of this inquiry and the investigation by this committee — alongside the various reforms which are being implemented at an operational level — can in fact stand our fire services in good stead, in better stead and in the best possible position to respond to risks and to emergencies into the future, including as our population grows.

Mr RAMSAY (Western Victoria) — I will be very brief. I would like to have the opportunity to put on record my appreciation also for the work done by the committee and specifically by the chair, Gordon Rich-Phillips. I would like to thank my colleague Wendy Lovell for allowing me an opportunity to share in some of the work of the committee, and I thank the other committee members. For me, as a farmer in a regional area, it is very important that this work is done and done thoroughly in relation to providing Victoria with the most appropriate fire service and fire service response, and the timing is critical now as we are leading up to what will be a very significant fire season given the fuel loads across regional Victoria.

I do appreciate there has been an enormous amount of work done. I think submissions are still coming in — over 1800, somewhere like that, at present — so an awful amount of work for the staff, and I do congratulate and acknowledge the tremendous work that they have done. So I do await, obviously, as do others, the final substantial report being tabled in the Parliament, and my hope is that Victoria will be in a good place in relation to the up-and-coming fire season.

Motion agreed to.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 10

Mr DALLA-RIVA (Eastern Metropolitan) presented *Alert Digest* No. 10 of 2017, including appendices.

Laid on table.

Ordered to be published.

Regulations and legislative instruments review

Mr DALLA-RIVA (Eastern Metropolitan) presented 2016 report, including appendices.

Laid on table.

Ordered that report be published.

PAPERS

Laid on table by Clerk:

Crown Land (Reserves) Act 1978 — Ministerial Orders for the following approvals in relation to —

A license in relation to Eureka Stockade Public Park and Recreation Reserve, dated 20 June 2017.

A lease in relation to W.G Little Reserve Portarlington, dated 16 July 2017.

Gambling and Lotteries License Independent Review Panel — Report on the Lotteries Licensing Process, 31 May 2017 *(Ordered to be published)*.

Gambling Regulation Act 2003 — Public Lottery Licence and an Ancillary Agreement with Tattersall's Sweeps Pty. Ltd. pursuant to section 5.3.11 of the Act, dated 16 July 2017.

Interpretation of Legislation Act 1984 —

Notices pursuant to section 32 in relation to Statutory Rules Nos. 45, 50 and 52.

Melbourne City Link Act 1995 —

Melbourne City Link Thirty-Sixth Amending Deed pursuant to section 15(2) of the Act.

City Link and Extension Projects Integration and Facilitation Agreement Twenty-Fourth Amending Deed pursuant to section 15B(5) of the Act.

Exhibition Street Extension Seventeenth Amending Deed pursuant to section 15D(6) of the Act.

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

Ballarat Planning Scheme — Amendment C178.

Banyule Planning Scheme — Amendment C111.

Banyule, Baw Baw, Darebin, Mornington Peninsula and Whittlesea Planning Schemes — Amendment GC64.

Boroondara Planning Scheme — Amendment C177.

Brimbank Planning Scheme — Amendment C194.

Cardinia Planning Scheme — Amendments C208, C214 and C221.

Central Goldfields Planning Scheme — Amendment C27.

East Gippsland Planning Scheme — Amendment C136.

Frankston Planning Scheme — Amendment C116.

Greater Dandenong Planning Scheme — Amendment C199.

Horsham Planning Scheme — Amendment C77.

Hume Planning Scheme — Amendments C212 and C219.

Indigo Planning Scheme — Amendment C66.

Knox Planning Scheme — Amendment C151.

Latrobe Planning Scheme — Amendment C91.

Manningham Planning Scheme — Amendments C112 and C121.

Melbourne Planning Scheme — Amendments C311 and C312.

Melbourne, Moreland, Port Phillip and Yarra Planning Schemes — Amendment GC68.

Melton Planning Scheme — Amendments C176 and C187.

Monash Planning Scheme — Amendments C134 and C135.

Moreland Planning Scheme — Amendments C163 and C168.

Mornington Peninsula Planning Scheme — Amendment C208.

Mount Alexander Planning Scheme — Amendment C56.

Murrindindi Planning Scheme — Amendment C64.

South Gippsland Planning Scheme — Amendments C103 and C108.

Stonnington Planning Scheme — Amendments C242, C254 and C256.

Strathbogie Planning Scheme — Amendment C4 (Part 1).

Surf Coast Planning Scheme — Amendment C119.

Swan Hill and Yarra Planning Schemes — Amendment GC73.

Victoria Planning Provisions — Amendment VC137.

Wellington Planning Scheme — Amendments C51, C90 and C92 (Part 1).

Whitehorse Planning Scheme — Amendments C182 and C189.

Yarra Ranges Planning Scheme — Amendment C160.

Public Interest Monitor — Report, 2016–17.

Statutory Rules under the following Acts of Parliament —

Agricultural and Veterinary Chemicals (Control of Use) Act 1992 — Nos. 68 and 69.

Building Act 1993 — Nos. 65 and 66.

Child Wellbeing and Safety Act 2005 — No. 62.

Corrections Act 1986 — No. 60.

Country Fire Authority Act 1958 — No. 61.

Drugs, Poisons and Controlled Substances Act 1981 — No. 76.

Environment Protection Act 1970 — No. 72.

Fisheries Act 1995 — No. 58.

Heavy Vehicle National Law Application Act 2013 — No. 75.

Livestock Disease Control Act 1994 — No. 57.

Local Government Act 1989 — No. 64.

Marine Safety Act 2010 — No. 74.

Public Health and Wellbeing Act 2008 — No. 53.

Rail Safety (Local Operations) Act 2006 — Nos. 77 and 78.

Road Safety Act 1986 — No. 79.

Retirement Villages Act 1986 — No. 67.

Subordinate Legislation Act 1994 — Nos. 54, 56 and 70.

Tobacco Act 1987 — No. 63 and 73.

Treasury Corporation of Victoria Act 1992 — No. 80.

Victorian Energy Efficiency Target Act 2007 — No. 52 and 71.

Witness Protection Act 1991 — No. 55.

Working with Children Act 2005 — No. 59.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 41, 42, 46, 52 to 74 and 76 to 82.

Legislative Instruments and related documents under section 16B in respect of —

Catchment and Land Protection Act 1994 — Declaration of Certain Plants to be State Prohibited Weeds, Regionally Prohibited Weeds, Regionally Controlled Weeds, or Restricted Weeds, dated 18 July 2017.

Fisheries Act 1995 — Amendment to Initial Abalone Quota Order, dated 4 July 2017.

Gambling Regulation Act 2003 — Amendment of a Standard — Keno Technical Standard Version 2, dated 6 June 2017.

Project Development and Construction Management Act 1994 — Order Divesting Land from the Melbourne Market Authority to the Crown, dated 18 July 2017.

Tobacco Act 1987 — Ministerial Guidelines for Certification of Specialist E-Cigarette Retail Premises, dated 8 June 2017.

Transport (Compliance and Miscellaneous) (Ticketing) Regulations 2017 — Specification of Railway Stations for the Purposes of the Definition of 'Compulsory Ticket Area', dated 13 June 2017.

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

Building Amendment (Enforcement and Other Measures) Act 2017 — sections 3(2), 17(1), 18(1), 19, 26, 27, 31 to 38, 49, 50(2), 51, 53, 55, 66(1) and 83 — 16 August 2017 *(Gazette No. S257, 1 August 2017).*

Children Legislation Amendment (Reportable Conduct) Act 2017 — 1 July 2017 *(Gazette No. S216, 27 June 2017).*

Corrections Legislation Amendment Act 2016 — section 16 — 1 July 2017 *(Gazette No. S216, 27 June 2017).*

Creative Victoria Act 2017 — 1 July 2017 *(Gazette No. S206, 20 June 2017).*

Lord Mayor's Charitable Foundation Act 2017 — 1 July 2017 *(Gazette No. S206, 20 June 2017).*

Small Business Commission Act 2017 — 1 July 2017 *(Gazette No. S216, 27 June 2017).*

PRODUCTION OF DOCUMENTS

The Clerk — I have received the following letter from the Attorney-General relating to the resolution of the Council of 7 June 2017 relating to the proposed changes to the Country Fire Authority and Metropolitan Fire Brigade in the Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017:

I refer to the Legislative Council's resolution of 7 June 2017 ordering the production of documents relating to the proposed changes to the Country Fire Authority and Metropolitan Fire Brigade in the Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017.

The government has identified 47 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) produce 15 documents in full (enclosed);

(2) produce four documents in part (enclosed);

(3) not produce 28 documents in full; and

(4) not produce parts of the four documents referred to in (2) above.

The government considers that producing the documents, or the parts of the documents, referred to in (3) and (4) above would be prejudicial to the public interest. Accordingly, the government, on behalf of the Crown, makes a claim of executive privilege in relation to those documents or parts of those documents, on the grounds set out in the enclosed schedules.

Some of the documents produced by the government contain the personal information of individuals. In the interests of personal privacy, those details have been excluded.

A schedule of documents is also attached.

I have also received the following letter from the Attorney-General relating to the resolution of the Council of 21 June 2017 relating to the production of more documents, including advice and/or information from Victoria Police to the Minister for Police in relation to firearms in 2015, 2016 and 2017 to date. The letter is as follows:

I refer to the Legislative Council's resolution of 21 June 2017, seeking the production of all documents including advice and/or information from Victoria Police to the Minister for Police in relation to firearms in the years 2015, 2016, and 2017 to date.

The Legislative Council's date for production of the documents by 9 August 2017 does not allow sufficient time for the government to respond to the Council's resolution. The government is in the process of collating and considering the relevant documents for the purpose of responding to the order. The government will endeavour to provide a final response to the order as soon as possible.

BUSINESS OF THE HOUSE

General business

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

That precedence be given to the following general business on Wednesday, 9 August 2017 —

(1) order of the day 2, second reading of the Game Management Authority Amendment Bill 2017;

(2) order of the day 1, resumption of debate on the Crimes Amendment (Ramming of Police Vehicles) Bill 2017;

(3) notice of motion given this day by Mr Rich-Phillips in relation to the production of certain documents relating to the Criminal Procedure Act 2009;

(4) notice of motion given this day by Ms Pennicuik seeking to refer a matter to the Legal and Social Issues Committee;

(5) notice of motion 438 standing in the name of Ms Fitzherbert in relation to the production of the Muir report into the youth justice riots;

(6) notice of motion 442 standing in the name of Mr O'Donohue in relation to the production of certain documents relating to the Brighton siege; and

(7) notice of motion given this day by Mr Davis in relation to crime in Stonnington.

Motion agreed to.

MINISTERS STATEMENTS

Youth justice system

Ms MIKAKOS (Minister for Families and Children) — When we came into government we inherited a broken youth justice system that suffered from poor political leadership and chronic under-resourcing. Our government is taking decisive action to strengthen and modernise Victoria's youth justice system. That is why in the middle of last year I commenced a business case that led to a new youth justice centre being fully funded in this year's budget. The other key initiative was to commission the first comprehensive review of the youth justice system in more than 17 years.

The Ogloff-Armytage review, *Meeting Needs and Reducing Offending*, spans more than 700 pages, and its scope is far broader and deeper than any current or previous youth justice inquiry. I thank Professor Jim Ogloff and a former Secretary of the Department of Justice, Penny Armytage, for their many months of work. Our government has accepted or accepted in principle the review's 126 recommendations. On releasing this report on Saturday I announced $50 million to address 42 priority recommendations, including a new custodial operating model; better risk and needs assessment tools by which to assess and rehabilitate young offenders, including the establishment of a classification and placement service for the first time; measures to improve workforce capability, including training of the same duration as Corrections Victoria staff; 21 additional safety and emergency response team staff; the biggest ever expansion of rehabilitation programs; and more resources to tackle Koori over-representation. Another

63 recommendations that do not require additional investment or legislative change are already underway.

In just three years the Andrews Labor government has made the largest ever investment in youth justice; this represents an increase of 60 per cent compared to the previous government's four budgets. The government's response to the review will be the broadest reform of the youth justice system ever and will make our community safer by reducing recidivism, strengthening our facilities and establishing programs that work, delivered by a better equipped workforce.

Aboriginal prisoner rehabilitation

Ms TIERNEY (Minister for Corrections) — I rise to update the house on the Andrews Labor government's important programs that assist in the rehabilitation of prisoners, in particular Aboriginal prisoners in the corrections system. Last Tuesday I had the pleasure of launching the Koori Art Trail expansion at the beautiful Beaufort Lake, which features 12 artworks painted by prisoners from the nearby Langi Kal Kal prison. I take this opportunity to thank and congratulate the Pyrenees Shire Council for the role that they have taken in making sure that this project was implemented and is a very successful initiative.

Not only is the art trail a terrific showcase for talented Aboriginal artists at Langi Kal Kal but it is also a great example of how engaging prisoners in meaningful activities can assist in their rehabilitation and help them give something back to the Victorian community. The initial Koori art trail launched inside the grounds of Langi Kal Kal last year has allowed the participating prisoners to demonstrate their considerable talents as well as share their culture with fellow prisoners, staff and visitors. Every piece of work on this trail, whether in the prison or around Beaufort Lake, offers a window onto the cultural upbringing of the prisoners and the stories and traditions of their people. The Koori art trail is a terrific example of the work being done right across the corrections system to support Aboriginal prisoners and offenders through culturally focused programs.

Earlier this year I had the privilege of launching the Kaka Wangity Wangin-Mirrie grants. Administered by Corrections Victoria, these grants are investing almost $2.5 million over three years in a range of Aboriginal cultural programs in prisons and community correctional services. The successful programs, including 32 being delivered this year, have been chosen because of their capacity to strengthen cultural connections and develop important life skills.

As corrections minister I am committed to working closely with the Aboriginal community and Corrections Victoria to provide meaningful, culturally focused programs to help Aboriginal prisoners and offenders break the cycle of reoffending.

MEMBERS STATEMENTS

Greater Shepparton Sports Hall of Fame

Ms LOVELL (Northern Victoria) — Last Friday night it was my great honour to join over 300 people in attending the Greater Shepparton Sports Hall of Fame inaugural induction ceremony held at the Eastbank Centre. The Greater Shepparton Sports Hall of Fame was the idea of a former member for Shepparton, Don Kilgour, and it aims to recognise athletes from Shepparton who have reached the highest level of sporting representation and achievement in their chosen disciplines.

I would like to congratulate all 27 inductees and their families on this wonderful honour and recognise their contribution to Greater Shepparton's rich sporting history. The inaugural inductees include: Max Carlos, boxer; Kate Church, Paralympian swimmer; Andrew Cleve and Dave Power, motorcycle speedway riders; Betty Curtis, nee Knight, cyclist; Michael Dobbie, Paralympian tennis player; Christine Dobson, hockey player; Louise Dobson, hockey player; Grace Edwards, croquet player; Stephen Fairless, cyclist; Jack Findlay, motorcyclist; Mary Grieve, croquet player; Jack Halsall, motorcyclist; Edna Harling, lawn bowler; Glenn James, football umpire; Margo Koskelainen, softball umpire; Brett Lancaster, cyclist; Mavis Meadowcroft, lawn bowler; Lee Naylor, runner; Shaun O'Brien, cyclist; Clarice Power, lawn and indoor bowler; Bruce Quick, pistol shooter; Michael Scandolera, badminton player; Elizabeth Taylor, nee Tadich, cyclist; Elizabeth Boniello, nee Taverner, netballer; John Thorsen, track cyclist; and Barry Wood, rifle shooter.

Casey City Council

Ms SPRINGLE (South Eastern Metropolitan) — In 2015, following an anti-Islamic tirade from Casey councillor Rosalie Crestani, I said in a member's statement:

> It is our responsibility as community leaders to be proactive and consistently strive for a cohesive, harmonious multicultural society, despite our differences.

That was two years ago. Islamophobia remains a persistent problem, as evidenced by a recent study by

Charles Sturt University and partners examining attacks against Australian Muslims. The study found that women represented nearly 80 per cent of victims, and one in three women had children with them at the time of the incident. Most physical assaults occurred in New South Wales, at 60 per cent, and Victoria, at 26.7 per cent.

Within Casey council inflammatory rhetoric remains the norm. In July Casey council unanimously supported a motion to lobby federal ministers to consider reintroducing compulsory national service. Last week Cr Crestani proposed an unsuccessful motion for the council to lobby federal MPs to oppose marriage equality. Mayor Sam Aziz has said councillors need to focus on their core local business and less on federal issues. But this is not simply a case of a technical or jurisdictional issue. The rhetoric coming out of the Casey council is damaging and divisive. It undermines trust and it puts targeted groups at risk of harassment, marginalisation and assault. It has to stop, not just because these issues are outside the jurisdiction of the council but because it is fundamentally wrong.

Australian Conservatives

Dr CARLING-JENKINS (Western Metropolitan) — I rise today to speak about my recent move to the Australian Conservatives. A few months ago I was approached by Senator Bernardi, the founder and leader of the Australian Conservatives, and entered into discussions about an opportunity to become the party's first state representative and parliamentary leader in Victoria. Based on shared conservative principles and values, it was clear that this move would be the very best way to give the conservative voice in our state the strongest chance of making a difference. For too long the conservative voice has been drowned out by minority voices, including the Socialist Left, who have opposed our values time and time again. Victorians are sick of it and I am sick of it. Joining the Australian Conservatives means that I now have increased support to stand up for freedoms and traditional family values. Kevin Bailey, AM, has accepted the position of state director for the Australian Conservatives, and together we look forward to uniting conservatives in Victoria and presenting a better way for Victoria.

Nick Paraskavas

Dr CARLING-JENKINS — While this was the highlight of my winter break, this break also brought the heartbreaking news of the passing away of Nick Paraskavas in July. Nick's passing was sudden, and words do not do justice to comprehending his loss. I personally will miss his smile and his helpful nature within the halls of Parliament. His funeral was a true celebration of his life, with the theme, 'It's hard to forget someone who gave us so much to remember'. Rest in peace, Nick.

Nick Paraskavas

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I too rise to pay my respects to Nick Paraskavas and offer my condolences. Nick is survived by his wife, Fiona Durham, and his sisters. I pay my respects to his extended family. His extended family of course includes his colleagues in this place, who will have felt his passing acutely. I also join with Dr Carling-Jenkins in saying that I too will miss his friendly demeanour and his cheerful personality regardless of whatever was happening in this place or whatever time of day or night it was happening. His passing was very quick, and the illness attacked him in a way we would not want to see our worst enemy experience. So I rise to pay tribute to the man who was, and I certainly offer my deepest sympathies and respect to his family and friends on his passing.

World Hellenic Inter-Parliamentary Association

Mr DALIDAKIS — The reason I was not able to attend Nick's funeral was that I was overseas with my family in Greece on a family holiday. I wish to also note that I had the pleasure of speaking in the Hellenic Parliament and seconding the nomination of a former member of this place to take over as president of the World Hellenic Inter-Parliamentary Association, none other than Peter Katsambanis, who is now a member of the Western Australian Parliament in the lower house, having moved from their Council. I wish him the very best in his term of office.

Dr Carling-Jenkins

Mrs PEULICH (South Eastern Metropolitan) — As a proud member of the Liberal Party on the social conservative wing, can I just say that the south-east has a very strong voice in those communities. I welcome Dr Carling-Jenkins to her new position and wish her all the very best of luck, but I assure her that there is very strong representation on that side of the ledger.

Frankston line elevated rail proposal

Mrs PEULICH — I also commend all those local anti-sky rail protesters for maintaining the fight against something that is ostensibly not sensible for a beautiful part of our coastal community. Three hundred people

attended a protest on a Sunday morning, on 23 July, in Seaford to make their views known and keep the fires burning. I would like to thank David Hodgett, shadow Minister for Public Transport, and David Davis, the shadow Minister for Planning, for attending, as well as a number of Liberal councillors. There was not a single Labor MP in sight, there was not a single Labor councillor in sight and there was not a single Green anywhere. That is an absolute crying shame.

Of course we are calling for the undergrounding of all those level crossings — something that we initiated and something that if done correctly is totally uncontroversial. People will not be bought off. We welcome the $50 million being committed to Carrum but call on the government to make sure that these level crossings are undergrounded. The exception is Eel Race Road, where a local community group is now saying that they would even prefer Eel Race Road to remain a vehicular connector to the Nepean Highway rather than being closed. With those few words, I say: keep the fires burning and let common sense prevail.

Homelessness

Ms DUNN (Eastern Metropolitan) — I rise today to talk about an event I attended last week run by the homeless services network in Eastern Metropolitan Region. For the first time they organised Homeward Bound: A Walk to End Homelessness. The event was to raise awareness specifically of the issue of homelessness in Eastern Metropolitan Region. We often think that the east is a very affluent place, and indeed it is. It is a very leafy, green place. However, it is startling to learn of the statistics of homelessness in the east of Melbourne.

The services assisted over 13 300 people in 2015–16. In terms of the people who are homeless in the east, 17 per cent are aged under 25, 69 per cent are between 25 and 55, and 14 per cent are over 55. The under-25 cohort is mainly female, at 71 per cent, and the main reason for homelessness is relationship issues, with 48.4 per cent stating it was because of family violence.

What really came home to me was that if we look at the municipality of Maroondah, at this point in time in 2017 only 2 per cent of all rentals there are affordable. What that equates to on the ground is only 15 properties that are affordable to low-income families in the whole Maroondah municipality. It is clear that our housing system is failing these vulnerable people.

I also just want to say thank you to the Council to Homeless Persons for their generosity yesterday and to Jason Russell for his generosity in telling us his story of homelessness in Collingwood.

Nick Paraskavas

Mr MELHEM (Western Metropolitan) — I also rise to pay tribute to Nick Paraskavas, who recently passed away. As we know, Nick was one of the attendants here in the Legislative Council. He had worked here since November 2011, and I had become well acquainted with him during my time in this place. He was also a constituent in my electorate of Western Metropolitan Region.

As an attendant in the Council Nick was recognised as a hard worker, a trusted colleague and an all-round good guy, respected by members and staff alike. Nick often took on additional duties, including joining the ranks of the public tour guides — tours being one of the important ways in which the Victorian Parliament seeks to engage with the community. Nick often received very positive feedback in public tour surveys. In recent months Nick was appointed to a new content contributors work group within Parliament that has been set up to identify social media and other internal communication opportunities. Nick's appointment to this group was indicative of his enthusiasm for extra tasks within the Parliament that were designed to improve engagement with the community.

In 2016 Nick was over the moon when his — and my — beloved Western Bulldogs won the AFL flag for the first time in his lifetime. You could not wipe the smile off his face.

Nick passed away at the Peter MacCallum Cancer Centre on Monday, 17 July. He is survived by his wife, Fiona, his sisters, his extended family and his many friends. I want to take this opportunity to thank the staff who provided Nick with tremendous support during that difficult period. In particular I want to point out Greg Mills, our chief attendant, who was tremendous in his support of Nick and his family through that difficult period. If you ever need someone to be on your side in a difficult time, you could not find a better person than Greg Mills. I thank him again for all the support he provided to Nick and his family.

Drug law reform

Ms PATTEN (Northern Metropolitan) — Welcome back to everyone. I would like to thank the Parliament for the opportunity I had over this break to travel with the Law Reform, Road and Community Safety Committee. We were able to visit Portugal, Switzerland, the UK, Canada and the US to learn how

other jurisdictions are dealing with a whole range of issues around illicit drugs and prescription drugs. We got the opportunity to meet with people at the World Health Organization and the Global Commission on Drug Policy.

A particular highlight for me was the fact that for the first time a committee travelled with a police officer. We were lucky to have Assistant Commissioner Rick Nugent travelling with us. It gave us a great entree into police services overseas. We had some very candid conversations with New Scotland Yard, the Vancouver police and the Portuguese police, the Lisbon police in particular. They all stated that drug use is a health issue and should not be treated as a criminal issue. I really reflect on that in this week, Homelessness Week, when we see the effects of drug use and mental health in homelessness. This was reiterated to us particularly in Vancouver where they are losing four people a day to opioid overdoses and they say that homelessness is one of the big factors in that.

Finally, I am very pleased to see the Deputy President here today and that he made it safely back to Australia. I was very disappointed that he was not able to complete the trip with us and I really look forward to hearing an explanation and an apology.

St Kilda Road

Mr DAVIS (Southern Metropolitan) — I want to inform the chamber today of a very significant walk that I went on with Dr Judith Buckrich, the author of *Melbourne's Grand Boulevard: The Story of St Kilda Road*, and a group of committed supporters. We owe a debt to Dr Buckrich for the work she has done in documenting the magnificence of St Kilda Road, now given some recognition nationally and perhaps internationally. This is a very significant boulevard, and my concern is that the state government does not appear to have recognised or understood this.

We all support the Metro Tunnel project. We support the provision of better public transport services. But other great international cities appear to be able to preserve their heritage and deliver major transport projects, unlike, it appears, this current government in Victoria which seems determined to remove major vegetation, remove major historical points and do the project in a way that causes maximum dislocation and disruption. This is a serious failure. I have to say that for anyone who doubts the significance of St Kilda Road to Victorians, Australians and internationally the book by Dr Buckrich, *Melbourne's Grand Boulevard: The Story of St Kilda Road*, as it is titled, is a very good place to start understanding it.

Sheepvention

Ms TIERNEY (Minister for Training and Skills) — This week I attended my 11th Sheepvention in Hamilton, a fantastic western Victoria agricultural show and a cultural institution celebrating its 39th year. As ever, it was a great opportunity to meet constituents. Sheepvention incorporates the Hamilton and Western District Sheep Show, Suffolk being this year's feature breed. Diversity — around 1000 sheep exhibited this year — is an ongoing theme, with merinos and representation from heritage breeds, the prime lamb breeds, dual-purpose breeds and indeed wool breeds. The pen of five rams sale system draws sellers and buyers from all over Australia, all great evidence of the health of Victoria's rural economy. Walking through the showgrounds yesterday you could see the innovation and the confidence we have in rural industries, and 25 000 people are expected to have gone through the turnstiles yesterday and today.

What stood out for me the most yesterday was the number of people who went into a pavilion that had a bulk-billed skin testing service. This was a fantastic service, particularly for farmers and others in the agricultural sector who spend a lot of time outdoors. Before 11 o'clock yesterday I understand eight people had been diagnosed with melanoma at Sheepvention, and many other additional specimens had been sent for testing. I applaud the proactive efforts and encourage farmers and others in regional Victoria to check on their skin health. I encourage them to go to their doctor or take up this offer at various field days and agricultural shows over our state in the coming months.

Electricity supply

Mr FINN (Western Metropolitan) — Victoria is blessed with vast natural resources. For our state to be facing an energy crisis is nothing short of criminal. Skyrocketing power bills make the lives of working families a misery, and many pensioners and low-income earners cannot afford to heat their homes in the coldest winter we have experienced in some years. Some are spending most of the day in bed just to keep warm.

This is a national scandal. We used to be the home of cheap, plentiful electricity. It gave Victoria the edge in industry and produced jobs for hundreds of thousands. Sadly, this is no more. I have to say I commend my federal colleague Senator Jane Hume on the work she is doing to ensure we properly utilise our natural resources.

Victorians are suffering when they need not do so. The imminent blackouts need not occur. If only the Andrews government had not shackled itself to an extremist hard-left green agenda. The great irony is that many Victorians are freezing to stop something that does not actually exist. There are quite a few of us who would kill for some global warming just about now.

This is a heartless government that puts its hardline leftist ideology ahead of the needs of Victorians. It is a cruel government, and Victoria deserves better — much better. A Matthew Guy government will deliver it in spades.

Early childhood education

Mr ELASMAR (Northern Metropolitan) — Following on from my recent adjournment matter to Minister Mikakos requesting her to organise a visit to a local kindergarten in my electorate of Northern Metropolitan Region, I was delighted to attend a launch of the 10-year *Marrung Aboriginal Education Plan*. Progressive programs like this are helping local Koori families to get greater access to kindergartens and will improve current participation rates, and I would like to thank the minister for that.

Darebin citizenship ceremony

Mr ELASMAR — I attended the Darebin City Council's citizenship ceremony — you, Acting President Patten, were there as well — held on 28 June in Gower Street, Preston. It was a great night, and after the presentation and speeches I was happy to mingle and chat with our new Australian citizens. I thank the City of Darebin officials for, as usual, organising a splendid event.

Bastille Day

Mr ELASMAR — On 14 July I was honoured to attend the celebration of Bastille Day, a day the entire French Republic celebrates together. I was reminded of how lucky we are in Australia in many ways. We did not need to fight a revolution to install our democratic system of government. It was my great pleasure and honour to meet the French ambassador and other dignitaries and to participate in this historic celebration of revolution which ultimately resulted in democracy.

Mallee Machinery Field Days

Mr O'SULLIVAN (Northern Victoria) — Just last week I had the pleasure of attending the Mallee Machinery Field Days up at Speed in the Mallee. These annual field days are very well attended, with over 10 000 people in attendance and with some 350 exhibitors. I attended the field days with my leader, Peter Walsh in the Assembly, and the member for Mildura in the Assembly, Peter Crisp. We had many people come to our site and speak to us about a whole range of issues that are of concern to them, particularly in relation to the changes to the Country Fire Authority. There were many people who were very worried about the impacts that that may have.

I would like to thank and congratulate the committee who put these field days together, particularly Jacko Kiley, the president; Andrew McLean, the secretary; Phil Down, the treasurer; and the committee members for the work that they do. The field days are one of the major fundraisers for the local community organisations that participate, whether that be by getting involved in the car parking, cooking the barbecues or whatever it is within the field days. They play their role, and some of the money that is raised goes to those organisations. It was great on both days. It was particularly wet on the second day, which was terrific for all the farmers up there who are very much looking forward to having a pretty reasonable harvest with the rain that they have had so far.

Fuel drive-offs

Mr O'DONOHUE (Eastern Victoria) — Last week the Liberal-Nationals coalition outlined a comprehensive 'Get tough on fuel drive-offs' policy as part of a zero tolerance approach to crime. From fuel drive-offs and multiple offending while on bail to the revolving door of juvenile justice and the failure of the government's own Minister for Police to report tap-and-go credit card fraud, Victorians are simply sick and tired of criminals virtually getting off scot-free under this government's watch. The current system of turning a blind eye and treating fuel drive-offs as civil debt matters has not worked, with fuel drive-offs in Victoria having escalated alarmingly in recent years, thereby increasing costs for consumers and businesses alike. The Andrews government's parliamentary committee report into petrol drive-offs has failed to fix this growing problem.

The Liberal-Nationals believe a decisive zero tolerance approach must now be taken, with all fuel drive-offs dealt with seriously as criminal theft unless assessed or proven otherwise, accompanied by a central online reporting system to properly record and investigate all fuel drive-off theft across Victoria and an improved system of identifying and reporting stolen numberplates.

Despite fuel retailers having in recent years invested tens of millions of dollars in better surveillance,

security and crime prevention, they are sick and tired of being treated as a soft, easy touch by criminals who have no care or understanding of the impact on small businesses of fuel theft and associated crime, which is estimated at over $20 million per annum in Victoria alone. Fuel drive-offs and associated numberplate thefts are often deemed a gateway crime where offending behaviour can quickly escalate to more serious crime, including carjackings, home invasions and armed robberies. Enough is enough. Theft is theft, and fuel drive-offs should be treated as such.

Nick Paraskavas

Mr ONDARCHIE (Northern Metropolitan) — My friend Nick Paraskavas passed away on Monday, 17 July, at the Peter McCallum hospital. Many people here saw him as a colleague, but Nick and I had a special friendship. We chatted often, never about politics and never about the business of this house. He talked about his love of the environment, he talked about his love of his beloved Bulldogs and he talked about his love of people. We had a deal that he and I would never talk about his illness.

He was a gentleman and a gentle man, and I had the privilege of listening to the many tributes to Nick at his funeral at Overnewton on 26 July. Of the many tributes to this wonderful son, husband, brother and mate, I was particularly moved by the tribute offered that day by his friend and boss, principal attendant Greg Mills. I also joined many of the parliamentary staff on Sunday, 30 July, for Run Melbourne, and I confess it was a walk for me but it was a walk for Nick. I send my love and prayers and that of my family to Fiona, his family and of course all his mates here and beyond. Rest in peace, mate.

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

Second reading

Debate resumed from 22 June; motion of Ms PULFORD (Minister for Agriculture); and Ms CROZIER's amendment:

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

Mr MELHEM (Western Metropolitan) — I rise to speak on the Children and Justice Legislation Amendment (Youth Justice Reform) Bill 2017. This bill has been introduced to propose some changes to the way our justice system operates and tackle some recent events that are confronting our youth, but also it is important to note that recently there has been some dramatic reduction in the number of children and young people sentenced each year by the Children's Court. However, it is a small group of young people who enter the criminal justice system early and reoffend more often, and that has become a major problem.

The Andrews Labor government is committed to reforming the youth justice system to enhance the protection of the community by ensuring the courts have the tools to deal with serious young offenders. We want to make it clear that offending and reoffending is not acceptable. A few days ago the Andrews Labor government accepted a report which was the first comprehensive independent review of Victoria's youth justice system in 17 years to help strengthen and modernise Victoria's youth justice system. That report was commissioned in mid-2016.

Minister Mikakos announced an initial investment of $50 million over four years to respond to the review's priority recommendation, and the government accepts in principle the 126 recommendations from this report. The initial investment will implement 42 recommendations of the report, and we will be working on the other 63 recommendations which are on the way. Investment will support a new custodial operating model to better manage young people in custody and greater workforce capability by providing better training and a targeted recruitment campaign, 21 additional safety and emergency response team members and also address Aboriginal over-representation by employing additional Aboriginal liaison officers.

One of the areas the legislation will deal with, which has become a trend in the last year and a half, is where we have adults using children to commit crimes. The bill will introduce a new offence in order to address that problem, particularly in relation to more experienced criminals. In many cases these adult criminals do not participate in the crimes at all but enrich themselves on the proceeds of these crimes.

We have seen that time and time again where these adults hide behind closed doors. They use these vulnerable kids — the overwhelming majority of them are under the age of 18, a large number of them are somewhere between the ages of 13 and 15 — they prey on these kids and they get them to go and commit a crime, whether it is a house burglary or carjacking. In committing a crime the logic is 'If you commit that crime, we'll pay you a bit of money; you're not likely

to get serious jail time', but these adult criminals hiding in their homes and behind closed doors get the full benefit out of that crime, but they do not do the time because these kids end up doing the time.

To address this issue the bill will create a new offence of recruiting a child to engage in criminal activity. This offence will target people aged 21 years or older who benefit financially from a child's offending and will be punishable by a maximum of 10 years imprisonment. I think that is a very important matter. People talk about the Apex gang, for example. We all know these people were organised by some serious criminals in our society, and they were all adults. They used these young kids to basically go and commit crimes. I want to thank and acknowledge the good work done by Victoria Police to dismantle that particular gang. They have done a great job. Most of these people are now behind bars, particularly some of the ringleaders. If this bill passes, there will be a new offence so we can deal with these serious criminals. Hopefully we keep them away from these kids, because at the end of the day we need to make sure that kids are looked after to make sure they do not offend in the first place. If they do offend, we need to make sure mechanisms are put in place to make sure they do not reoffend and are not used by adults to go and commit a crime on the basis that the adults do not want to get caught but are happy to get the benefit out of these children.

The bill will also increase the consequences for serious youth offending. It will create two categories of offences to reflect their seriousness. Category A offences deal with murder, attempted murder, arson causing death, culpable driving causing death, manslaughter, child homicide, causing serious injury intentionally in circumstances of gross violence, commonwealth terrorism offences, aggravated home invasion and aggravated carjacking. Category B offences deal with areas like rape, rape by compelling sexual penetration, causing serious injury recklessly in circumstances of gross violence, home invasion and carjacking.

The bill obviously also provides for dual-track sentencing. The dual-track system will allow adult courts in certain circumstances to sentence young offenders aged 18 to 21 years to a custodial sentence in a youth detention facility rather than an adult prison. The bill will limit the ability for serious young offenders aged between 18 and 21 years to be sentenced to a period of detention in a youth justice facility. Where an offender is convicted of a category A offence or a category B offence after having previously been convicted of a category A or B offence, the option of youth detention will no longer be available as a right. Instead, if a custodial sentence is imposed, it must be served in an adult jail unless the court is satisfied that exceptional circumstances exist.

The bill will also make it a requirement that the court will need to give consideration to community safety in sentencing. The bill creates a new sentencing option called a youth control order that will offer intensive monitoring and supervision of young offenders who would otherwise be sentenced to detention. I think it is very important to be able to monitor what these kids are doing. As I said earlier, number one is seeing if you can prevent the crime from occurring in the first place, but should one of these young people commit a crime, we need to make sure we have enough tools in place to make sure they do not go and reoffend. That youth control order will go a long way to try to achieve that.

The other area the bill addresses is the increased consequences for young people who assault custodial officers. We know this has been an issue not just in Victoria but in New South Wales, where youth go and assault staff. That is an area the government is taking very seriously. As I said, it is not just unique to Victoria; the New South Wales youth justice system is facing similar circumstances. This bill will now look at strengthening some of the laws we have in place to make sure that these youth will be told in no uncertain terms that, should they continue to go and assault staff, then they will be dealt with, and they will be dealt with properly.

A detainee aged 18 years or over sentenced for causing serious injury recklessly against a youth justice custodial worker will be sentenced to a minimum of two years imprisonment for that offence. There will be higher statutory minimum sentences applied for the more serious offences of causing serious injury intentionally or of causing serious injury recklessly or intentionally in circumstances of gross violence.

For detainees under 18 the bill creates a presumption that any sentence of detention for assaulting a custodial worker while in custody will be served cumulatively on any other period of detention. That should be used as a deterrent to basically say to these young kids, 'If you commit another crime while you're in custody, that will be added to whatever sentence you're already serving'. Hopefully that will be a further deterrent to these kids to make sure that they do not go and assault the people who are there to look after them. These workers are entitled to go to work and go home safely without being subjected to an assault by these young people.

The bill also talks about tougher penalties for escaping and the youth diversion program which we put in place.

More importantly, it is important that we go and give the resources to our police to be able to do their job and give the tools to our judges to be able to apply the correct sentences. It is also about making sure we have enough diversion programs and training, rehabilitation and education for these kids to make sure they do not reoffend.

More importantly, adults who actually go and groom these kids to commit the crime in the first place are the ones who should be the number one target. They are the ones who should be locked up and locked up forever, because they are the true criminals. They should be locked up, not just the young kids, because most of these young kids are vulnerable. Unfortunately in many cases they are unable to find a job or they come from broken families. They are unable to go to school for whatever reason, and then they are preyed on by these adult criminals. I think they should be dealt with harshly.

Hence the government is investing resources and investing money as well to make sure all the resources are put in place and, referring to what Minister Mikakos announced a few days ago, also building the super-maximum custodial centre in Werribee. I think it is very important to actually invest in a purpose-built facility to make sure all the resources are put in place to make sure that when the custodial officers go to work it is safe for them to go to work and they have the ability to deal safely with these inmates who decide to go and wreck the joint, as they did previously, because this facility was not built properly to deal with these difficult cases.

So I commend the government for making the decision, biting the bullet and investing in a maximum-security facility in Werribee. I think it is very important. The New South Wales government is looking at doing something similar to what the Victorian government has already announced. I know there is a lot of work that needs to be done in this space, and a lot of things have been said about youth crime in Victoria over the last 12 to 18 months, but what I can say is there is a record investment by this government to address this issue.

I think it is very important for both sides of politics to stop playing politics with this issue. We need to make sure we focus on the real solution and on eliminating the problem. I think the government is doing that, and I think we should take a bipartisan approach, not play petty politics. This issue did not just occur suddenly in the last year or two. It has been an ongoing issue. It is an issue in New South Wales. It is an issue across the board. Let us not go and play politics. Let us focus on finding the solution. I think this legislation will go a long way towards addressing that problem. I am pleased that the crime figures are going down, that they are not going up. Hopefully we will get some dividend, we will continue to improve safety for the custodial workers who work in our prison system and we will make sure the rate of youth offending in this state goes down, not up. I am confident that with these changes we will achieve that result. With those comments I recommend the bill to the house.

Mr FINN (Western Metropolitan) — In rising to speak on the Children and Justice Legislation Amendment (Youth Justice Reform) Bill 2017 I am tempted to give a prize for the question that has been asked the most in 2017. I would suggest that the winner of that prize would be the person who has asked the question the most, 'How does Jenny Mikakos keep her job?'. That is the one question that has been asked of me time and time again. As this government just moves from one stuff-up to another, the minister for pizza and Coke keeps her job. We on this side of the house, or indeed anyone anywhere else in the state, cannot understand how she keeps her job. I could make some assumptions — I could make them publicly here today — but they might be highly unparliamentary, and that is not something that I would wish to be involved in.

It really is quite extraordinary that over two and a half years after this government came to office Minister Mikakos over there still refuses to take responsibility for her job. She refuses to accept that what we have seen — the youth riots, the destruction of Parkville, the breakouts at Malmsbury — has all happened on her shift. There is no denying that, and she surely cannot deny that with any credibility — not that she has got a great deal anyway. We heard Mr Melhem finish off with a flare. I think it was a flare. He told us how much money the Andrews government was spending on this particular matter, and I thought to myself, 'Where have I heard this before? Where have I heard a Labor government get up and tell us how much they are spending?'. What they never tell us is the results they are getting. That is my judgement. I judge on how effectively a dollar is spent and on the result that it gets, not on how many dollars you actually spend.

We just have to go back to earlier this year when Minister Mikakos announced a new youth justice centre for Victoria. I vividly remember the day I heard about this because I was contacted by a number of people in my electorate who said, 'They've announced a youth justice centre. You'll never guess where'. I said, 'Well, I would assume it would be down near Bacchus Marsh

Road, where the current prisons are, or up near Ravenhall'. There are a number of places around where you could have a jail and where it would make sense. But they said, 'No, you will not believe this', and fair dinkum I did not, and I still have trouble believing it: this government decided to put a youth jail in Werribee South — next to Point Cook, next to housing, next to the tourism precinct that is the highlight of the City of Wyndham and right next to the new development in Werribee South. This is just absolutely staggering.

I think I took more calls that day than I have taken on any day that I have been in this house. I took hundreds of calls. People were outraged. Ms Crozier and I attended a huge rally in Werribee just a few days later; I think it was less than a week later. The uprising among the local populace was instantaneous. There was fury, be they Liberal voters, Labor voters or even Greens voters — we have got a couple down there. They all came together in fury against the minister's decision. Unfortunately on this occasion the minister was unable to join us, and that disappointed the 7000 or 8000 people who had gathered in the centre of Werribee on a cold and wet Tuesday night, as I recall.

An honourable member interjected.

Mr FINN — It is very, very interesting that I am asked that question, because the fact of the matter is there was not one single Labor member of Parliament there, despite the Labor Party representing that entire area.

Honourable members interjecting.

Mr FINN — No, Mr Pallas was not there. Mr Languiller from the Assembly was not there; in fact we are not sure where Mr Languiller was just at that time. We know where Mr Nardella from the Assembly was. And of course Ms Hennessy was missing — I was going to say 'in action' but it is more missing in inaction in her particular case. Mr Melhem has gone, which is very sad. Mr Melhem was not there. Mr Eideh was not there — he was probably nicking out to get a visa. It was quite extraordinary that you had thousands and thousands of local people in Werribee and the Labor Party was not interested in talking to them. There must not have been an election coming up; that is the only thing that you can say to explain there being not one Labor member in that huge crowd that engulfed the centre of Werribee earlier this year. As I say, the minister did not show and she was not on her own.

We have had this situation where without consulting anybody the government went out and announced that this youth jail was going to be put in Werribee South. This outraged the community, but despite the fact that Mr Pallas said on a number of occasions that he did not particularly care about what the locals thought — nor would he because he does not live in Werribee or anywhere near Werribee — the government had to turn around and do a backflip. The government had to do a backflip.

Ms Mikakos — On a point of order, Acting President, whilst we have heard this speech from Mr Finn before and he is seeking to make false claims about what the Treasurer has said in the past, these matters do not relate to the subject matter of the bill in any way. I ask you to direct the member to come back to the contents of the bill. That might be a first for Mr Finn, to actually talk about a bill or the contents of a bill.

Mr FINN — On the point of order, Acting President, whilst I can understand the minister's discomfort with what I am saying, the fact is I am relating my comments directly to the contents of the bill because if it were not for what they had done earlier this year, this bill would not be necessary.

The ACTING PRESIDENT (**Ms Patten**) — Thank you, Mr Finn. If you would like to continue your contribution with some mention of the bill, that would be great.

Mr FINN — This bill is the Children and Justice Legislation Amendment (Youth Justice Reform) Bill 2017. As I was saying, the government did not care what happened in Werribee. I sat in question time in the other place day after day watching as the Treasurer laughed and cackled away while his constituents were outraged at what was going on. It was a total disregard for what the people of Werribee thought, but in the end even the Premier, the man they call Despot Dan, had to back down. Even he had to back down and do a backflip.

Ms Shing — On a point of order, Acting President, much as I am enjoying Mr Finn's commentary, I think that the term he has used to describe the Premier is unparliamentary. I would seek that he withdraw it.

The ACTING PRESIDENT (**Ms Patten**) — Members must refer to the Premier by the right title, so I would ask Mr Finn to withdraw.

Mr FINN — I am happy to withdraw. I apologise. I have been listening to my constituents again, and that is unfortunately what they call him. I have got to stop doing that. I have got to be more like members opposite and not listen to my constituents at all. That would be more like we have come to expect.

We now have, after the outrage of earlier this year, a youth detention centre being built somewhere. Apparently at some stage Dick Wynne, the Minister for Planning, will give it — well, he might or he might not depending on what is discovered down there. I understand there are a number of things down there that will prevent it from being built at Cherry Creek.

Ms Crozier interjected.

Mr FINN — There are a number of environmental and Aboriginal heritage issues that again the minister and the government are not particularly concerned about.

The bill is I suppose some indication that after almost three years in office the government is taking some responsibility, because what we have seen over the last two and a half years is a remarkable, dramatic and disturbing increase in the number of young people involved in crime in this state. Representing the western suburbs and coming from that area, I have seen that far too often. I have seen my constituents, indeed many of them quite often young people, who have been assaulted, who have been robbed by other young people. That is deeply, deeply distressing. You have got to wonder what hope some of these young people who are engaged in these sorts of activities have. It is my very strong desire that anybody who arranges for a child to commit a crime — as is happening with home invasions and car thefts and car hijackings — and those adults involved in that process feel the full brunt of the law. Indeed it would be my very, very strong wish that they not see the light of day again for a very, very long time, but unfortunately our magistrates and judges — some of them, anyway — might have other ideas on that subject. That is a matter for another day.

The people of Victoria have had enough of what this government has done with youth justice. I know the people in my electorate have well and truly had enough. They have had more than a gutful of what this government has allowed to occur over the past three years. They are concerned about the sort of money that is going to be used to pay for the Parkville rebuilding — it is rebuilding, really, is it not? It is rebuilding at Parkville.

Ms Crozier — They trashed it.

Mr FINN — They have, as Ms Crozier says. It has been trashed and the government has allowed it to be trashed —

Ms Crozier — Multiple times.

Mr FINN — Multiple times — and we have had multiple youth riots in both Parkville and Malmsbury. And who could ever forget the day we had the big breakout at Malmsbury and they took off up the Calder Freeway heading towards Bendigo? They went everywhere — it was a pretty scary time for a good number of people in that area. You would hope that one day this minister might actually do her job and get this system under control. She might actually like to take some responsibility for the job that she has. She is not there just to fill a spot — apparently — but she needs to do her job, and I ask her to at some stage consider doing that, because Victoria deserves better than what we are getting now.

Mr MORRIS (Western Victoria) — I too rise to make my contribution to the Children and Justice Legislation Amendment (Youth Justice Reform) Bill 2017. I would begin just by saying I concur very much with the statements that Mr Finn has made in his contribution insofar as that youth justice in this state is indeed in crisis and we have a minister refusing to take responsibility for that crisis and do anything about it.

I thought I might just in passing make some comments regarding the specifics of the bill and note some of the main provisions of the Children and Justice Legislation Amendment (Youth Justice Reform) Bill 2017. Some of the main provisions within this bill may relate to, say, clause 4, which creates a new offence that applies to an adult over the age of 21 who recruits a child under the age of 21 to commit a crime on their behalf. This is something that we have unfortunately seen occur all too regularly in the community — that those older and in a position of greater power are recruiting those who are younger to commit crimes. Often they are committing these crimes without fear of any punishment that will follow the committing of such a crime. I recall from back in my teaching days that one of the great teachers I worked with — Tony Chursky, a great Canadian teacher — told me it is not the severity of the consequence but the certainty of a consequence that is important. If someone is going to do the wrong thing, you need a consistent approach to ensuring that there is going to be a punishment that is going to follow that wrongdoing. Unfortunately those opposite with their soft-on-crime approach would much prefer that people get a whack on the wrist with a limp piece of lettuce rather than a genuine consequence for the crimes that they commit.

When we see crimes committed by young people — breaking into jewellery stores, smashing the joint up completely, terrorising the shop holders and members of the public — this government refuses to ensure there are appropriate penalties put in place for those who go

to commit these crimes. It is something that I hear on a daily basis — that those within the community, my constituents, are absolutely ropable with this government because they refuse to ensure that criminals receive the sanctions that they deserve. The police in the community receive high praise, but unfortunately what happens is that the police catch the criminals, they catch the bad guys —

Mr Finn — Sometimes.

Mr MORRIS — They do sometimes catch them — it would not hurt if this government actually gave them the resources that they need. Rather than cutting the number of frontline police, as they are at the moment, they should be adding frontline police. It is absurd when we know that Victoria is growing — Victoria is growing by 100 000 people a year — that this government, rather than giving us additional police, is actually cutting the number of frontline police. It is absurd to think this government would do so, but they are and they continue to do so.

What we are seeing is that when young people commit these crimes, unfortunately due to the decisions of this government they are cycling through the justice system. This government actually tries to spruik the fact that there are a number of people who are going through court. Unfortunately these people going through the court are the same people. The reason that there are so many people going before the courts is that they go before the courts, they get released, they go back, they break the law and they come before the courts again. Rather than doing this, what would be a better idea is that this government should ensure that those who do break the law receive the appropriate sanctions.

I recall some discussion at a recent committee hearing about the fact that rather than young people being cycled through the youth justice system, they should be given the opportunity to receive an education or they should serve a longer period to ensure that they can be properly reformed and removed from those who are influencing their lifestyle choices and indeed the crimes they are committing. Perhaps then our community would be better off. It is indicative of the soft-on-crime approach of this government that we are seeing more and more crimes being committed.

I will refer to clauses 9 to 19 of this bill, which introduce youth control orders (YCOs). These provide for intensive supervision and monitoring as an alternative to detention and require offenders to engage in education, training, work, treatment or counselling. YCOs may include curfews and other restrictions. Further on, clauses 20 to 22 insert two categories of serious youth offences. Clause 27 inserts a presumption that a person over 16 accused of a category A offence be tried in a higher court with category B offences, including consideration for the uplift of that particular hearing.

Clauses 32 to 33 give the secretary wide discretion to consider factors when making a decision to transfer a detainee between youth justice facilities. Clause 40 gives the secretary powers to grant permission for the publication of details that may identify a child who has escaped from a youth justice facility. This is something that will be widely used under this government. I think this minister will be able to sit back once she has finished her career and say, 'Escapes from youth justice facilities and the destruction of youth justice facilities are a hallmark of my tenure'.

Honourable members interjecting.

Mr MORRIS — I know you like to blame everybody else but you, but at this point in time Ms Mikakos is the minister, and she likes to lay blame at everybody else's feet. We all know, the community knows, that she is responsible for her particular portfolio. I understand she might say, 'It's all too hard'. Well, if it is all too hard, Minister, then perhaps it is time to give someone else a go. Ms Shing has been auditioning all day. Actually Ms Shing has been auditioning all year for this role. She has been auditioning for years. This is the role she was born to do. I think she needs to come on down and give it a go because she has been working hard. Full marks for effort —

Honourable members interjecting.

The ACTING PRESIDENT (**Ms Patten**) — Order! Please continue, Mr Morris.

Mr MORRIS — Thank you very much, Acting President. They are getting rather rowdy on the other side. I might go on to clause 46, which provides for tougher consequences for youths who assault youth justice officers. We have seen the intimidation of youth justice officers. We have seen the intimidation of tradespeople working in youth justice centres. Unfortunately what we have also seen are officers not reporting intimidation and the like for fear of reprisal from these same young people who are committing these acts of intimidation and making threats against officers. What we are seeing is a broken system that the minister refuses to fix in any way —

Ms Fitzherbert — She broke it!

Mr MORRIS — Indeed, very true, Ms Fitzherbert, she did break this system. It is quite remarkable to think that throughout the 2010–14 period there was no problem in youth justice. You certainly did not read about it in the papers. There were no issues or dramas at all. But all of a sudden we get a minister with a soft-on-crime approach who is flat out buying pizza and Coke for those in our youth justice centres —

An honourable member interjected.

Mr MORRIS — From Dominos, indeed. To try to get them down off the roof, to try to get them to stop smashing up the joint she offered to buy them pizza and Coke. I note there have been scathing comments about this and recommendations made against providing inducements to these young people —

Honourable members interjecting.

Mr MORRIS — I am sure you have read the report, Minister, that says that you do not give inducements to young people who are smashing up the joint to try to get them to stop. Rather than giving them things to stop them from smashing up the joint, maybe give them a strong arm or some certainty about the punishments that will be handed out to them for committing such offences.

I will move on to clause 59 of this bill, which provides for the Children's Court to adjourn proceedings to enable a child to complete a diversion program. If successfully completed, no conviction will be recorded. The child must acknowledge responsibility for the offence to be eligible for this scheme. While we are talking about the Children's Court I think it is important to acknowledge that it is under enormous strain due to the number of cases that have been brought before it. As I did note before, many of these cases involve the same children coming before the courts on a revolving door basis. This is not good for the community, it is not good for the young people concerned, it is not good for anybody at all, yet this minister again refuses to do anything about it to ensure that it does not occur.

I think it is incumbent on those in this place to ensure the minister is held to account for this. Several reports have been drafted and indeed delivered to the government that detail what is happening in youth justice. I am sure they must be very critical of the minister and the government's handling of youth justice. However, the community and this Parliament more broadly have had no opportunity to examine these documents because the government is burying them, including the Muir reports, which the government and this minister are refusing to release to the community. The community has a right to know why it is that youth justice is in the state of crisis it is in and to know what recommendations the Muir report has provided to the government to ensure that youth justice can somehow get back on track, as it was under the previous Liberal government.

Ms Crozier interjected.

Mr MORRIS — There have been reviews and there have been rorts — more than one could even imagine. If someone were to write a script for what has happened in youth justice and deliver it to a Hollywood producer, they would say, 'No, no, we couldn't possibly do this. This is absurd'.

Ms Fitzherbert interjected.

Mr MORRIS — It is unbelievable, Ms Fitzherbert. Nobody could possibly expect that a system could plunge into such crisis in such a short period of time. You could not make this stuff up at all. Not only are we seeing that youth justice is in crisis, we are also seeing the same young people over and over again committing offences that were once unheard of, certainly outside of metropolitan Melbourne, in places like Ballarat. We saw a group of young people in the Canadian State Forest, as it was once called, attempt to carjack two undercover police officers while they were sitting in the forest. Two groups of youths in two cars attempted to carjack undercover police officers. I must say that when I heard of it, I thought, 'This sounds insane'. This was in Ballarat East, not south central Los Angeles. It was hard to believe that such a thing would occur. Fortunately those young people were caught and placed before the courts.

However, the police officers who do this very important and dangerous job need to be shown some respect by this government. They need to be given the appropriate resources that they need to do the important job they do, but they also need to have the certainty that this government is going to ensure that when people commit a crime, whether they be young, old or in between, the sentence for that crime is in line with community expectation. That is one of the things that I hear on a regular basis — that the community are continually aghast over the types of sentences and the types of punishments that are being handed out — and this government is not doing anything about it. The number one and most important job of any government is to keep the community safe, and on this measure this government is failing — and failing absolutely miserably.

In making my short contribution to the debate on this particular bill I would urge this government to actually take crime, youth crime in particular, more seriously to ensure the safety of our community and to ensure as we move forward from this day that the people of Victoria feel safe in their homes, as is their right. At this juncture, as we have heard from the Minister for Police herself, people are not feeling safe in their homes, and that is a disgrace.

Dr CARLING-JENKINS (Western Metropolitan) — I rise today to begin speaking to the Children and Justice Legislation Amendment (Youth Justice Reform) Bill 2017 with what voice I have. Obviously I need to acknowledge that we have a serious issue in crime and law and order in Victoria, and this is having quite an impact on our community. I would also like to acknowledge that there are strong politics on crime here in Victoria, and that is understandable, given the escalation of crime within our community, but it is also something that I think we should have more of a shared vision around.

I note that the statistics tell us that Victoria has had some of the lowest youth crime rates and youth imprisonment rates in the country, and the number of 10 to 17-year-olds committing crime has dropped over the last five years. However, these good statistics have been damaged by recent incidents, and I note of course that the incidents we are hearing about that are perpetrated by youth offenders are of increasing violence and increasing magnitude.

I think it is good too to acknowledge the complexity that the government of the day is faced with in having to address this issue, and it is a good thing that we get to debate and move forward on bills like this. There is fear within the community and public sentiment around 'Do the adult crime, do the adult time', which supports sending youth offenders to adult prison. This is something that we do need to listen to and we do need to address.

I have also heard a number of concerns regarding clause 21 of this bill, the effect of which will limit the circumstances in which young people who commit serious offences are sent to detention, meaning that they will be sent to an adult prison. This is an alternative view, and I respect the views presented by Hugh de Kretser in the *Herald Sun*. He published some really good comments in May this year. 'Treating young offenders harshly serves no purpose' was the title of his article.

> Youth justice in Victoria is at the crossroads —

according to Hugh de Kretser, who also said:

> More evidence is coming to light of the neglect of the youth justice system by successive governments that created the conditions for these problems to arise.

Business interrupted pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

Beechworth Correctional Centre

Mr O'DONOHUE (Eastern Victoria) — My question is to the Minister for Corrections. Minister, between 10.30 p.m. on 25 July and 12.30 a.m. on 26 July three prisoners escaped from the Beechworth prison. They went on to steal a car in Beechworth at around 3.20 a.m. Minister, at what time did prison authorities first become aware that three prisoners had escaped?

Ms TIERNEY (Minister for Corrections) — I thank the member for his question. Of course escapes are not acceptable under any circumstances, and there were three people who escaped from the Beechworth correctional facility on that evening. I do not have that level of detail on me at the moment, Mr O'Donohue, in terms of the time, but I am prepared to provide that to you on notice.

Supplementary question

Mr O'DONOHUE (Eastern Victoria) — I look forward to the answer to that question tomorrow in accordance with standing orders. I ask by way of a supplementary question: Minister, for how long had each of the three escapees — prisoners Sperling, Smith and Pennell — been incarcerated at the Beechworth prison before they escaped on the night of 25 July?

Ms TIERNEY (Minister for Corrections) — Again in terms of that sort of level of information I do not have it on me at this point in time, but what I can say is that they were considered to be low risk, they were all at the end of their terms and they were being prepared for release.

Victorian Training Market Report

Mrs PEULICH (South Eastern Metropolitan) — My question is to the Minister for Training and Skills. In light of the fact that it is now August, why have you still not published the 2016 *Victorian Training Market Report*?

Ms TIERNEY (Minister for Training and Skills) — I thank the member for her question. We do welcome the TAFE audit snapshot report. We do that, but the fact of the matter in terms of the marketing report is that it is tied to the National Centre for Vocational Education Research (NCVER) report, as you well know, and those numbers will be released in October.

Supplementary question

Mrs PEULICH (South Eastern Metropolitan) — Data on the 2015 year was published in May 2016, while the report for the 2014 year was published in March 2015. Former Minister for Training and Skills Steve Herbert was also on the record telling this house that these reports were usually completed within two or three months. Can you detail the exact date the department provided you or your office with a copy of the report?

Ms TIERNEY (Minister for Training and Skills) — We have had this question before in the house. The fact of the matter is that there is an agreement that the data is released in October. The NCVER data is the data that all jurisdictions subscribe to, and we moved to that system some time ago.

Ms Wooldridge interjected.

Ms TIERNEY — In terms of the interjection — I cannot help myself — we have got nothing to hide when it comes to this.

Hopkins Correctional Centre

Mr O'DONOHUE (Eastern Victoria) — My question is to the Minister for Corrections. Minister, six prisoners at the Hopkins prison in Ararat, a prison that houses many convicted sex offenders, were reportedly able to make child pornography from behind bars. Minister, how is it that under your watch convicted sex offenders are free to manufacture their own child pornography?

Ms TIERNEY (Minister for Corrections) — The fact of the matter is that that sort of activity is totally unacceptable and totally unacceptable in the prison context as well. Now, the staff did detect this activity in March. It was a small number of prisoners who had worked out a way to save screenshots from free-to-air television. Of course when this was discovered this function ceased. Corrections Victoria will continue to closely monitor prisoners' use of the system and, as with all Victorian prisons, at the Hopkins correctional facility prisoners do not have access to the internet.

Supplementary question

Mr O'DONOHUE (Eastern Victoria) — Minister, given the seriousness of the sexually explicit images created, why has the Andrews government not taken severe disciplinary action against these offenders or called in police to investigate?

Ms TIERNEY (Minister for Corrections) — I thank the member for his question. This sort of activity, as I said, is totally unacceptable, and actions have been taken by Corrections Victoria.

MyEnvironment

Mr O'SULLIVAN (Northern Victoria) — My question is to the Minister for Agriculture. Minister, why is the Andrews government not pursuing MyEnvironment for the $1.2 million that the forest protection group was ordered to pay VicForests back in 2015 for court costs on a legal suit that MyEnvironment lost?

Ms PULFORD (Minister for Agriculture) — I thank Mr O'Sullivan for his question and for his interest in this matter. The question Mr O'Sullivan asks relates to some legal proceedings that were quite some time ago. As I recall from that time, there is quite a period of time available to the government to make a decision about whether to pursue costs or not, and that time has not yet expired.

Supplementary question

Mr O'SULLIVAN (Northern Victoria) — My supplementary question is: the Andrews government appointed one of MyEnvironment's directors to your Forest Industry Taskforce in December 2015. Can you confirm this appointment was made despite the fact that MyEnvironment had already indicated months earlier it would not willingly pay the outstanding $1.2 million debt to VicForests?

Ms PULFORD (Minister for Agriculture) — I thank Mr O'Sullivan for his interest in the work that has been undertaken by the Forest Industry Taskforce. As members in this place are perhaps aware, the Forest Industry Taskforce was established by the government and includes representatives from the environmental movement, from the timber industry and from the CFMEU, the union that represents people working in the timber industry. They have had some time and on many, many occasions gotten together both as a core group and as a larger group to discuss issues relating to the sustainability of the forest industry. The appointees really were a matter for each of the representative groups that came together in combination with the

government to seek to work on a consensus about the way in which we can provide the most secure and sustainable footing for the forest industry whilst also protecting environmental values.

Parkville Youth Justice Precinct

Ms CROZIER (Southern Metropolitan) — My question is to the Minister for Families and Children. Minister, can you confirm that cells in the Westgate unit and others at Parkville are being used to house young offenders prior to the completion of the official commissioning of these units, which increases safety risks and may allow young offenders to escape?

Ms MIKAKOS (Minister for Families and Children) — I thank the member for her question. I can advise the member that there has been very extensive work that has been undertaken at the Parkville youth justice facility following what occurred in November. That work was urgently undertaken by my department. That work has recently been completed in relation to the four damaged accommodation units at Parkville, as well as the programs area that was damaged. That work has been completed. These units are now able to be utilised to address the needs of the youth justice system.

I make the point also that, as the member would be well aware, the government did in fact inherit a youth justice facility at Parkville that had been identified by former chief commissioner Neil Comrie as not being fit for purpose. We know for a fact that the member's leader, who is sitting next to her, shelved a secret plan for the Parkville youth justice facility. The previous government, including Matthew Guy in the Assembly, who might be the leader for another 20 minutes of the Liberal Party —

The PRESIDENT — Minister, I obviously have difficulty controlling interjections with a provocative comment like that. Also I believe you are moving into debating territory. The question was about a specific area, and whilst I think you have given a fairly solid answer to most of that question, the particular facility, Westgate, was the focus of the question, and I think it would be more appropriate for you to focus on that in your answer without trying to provoke by making gratuitous comments. Thank you.

Ms Crozier — Just name the four units.

The PRESIDENT — I have asked for that, and I think I have done enough.

Ms MIKAKOS — Thank you, President. Right at the outset of my response I did in fact address the question. I have referred to the completion of the fortification works at the four accommodation units, but I do think it is important to see this in the broader context, and that is that despite all that Matthew Guy and the Liberal Party have had to say about crime issues and youth crime issues, they did fail to take action in relation to Parkville. We did put in place steps to fortify the Parkville facility. I in fact commissioned a business case in the middle of last year, ahead of what happened in November, that led to a fully funded youth justice facility in the budget this year, and we have supplemented that with further funding in the budget this year to undertake extensive fortification works at the entire youth justice facility. So whilst we have completed the work that needed to happen in relation to those accommodation units that were damaged in November, we are now proceeding to undertake strengthening and fortification works at the entire Parkville site and, further to that, to also undertake the necessary works at Malmsbury as well.

So we are taking a range of measures to address the needs of our youth justice system. We have responded also to recommendations given to the government from former Chief Commissioner of Police Neil Comrie. That particular part of the Parkville facility actually looks very different to what it did in the past. Additional fencing works have been put in place to ensure that if there are future incidents young offenders can be properly contained, in particular in more isolated locations at that facility. So we have got on with what is required in so many respects, including also undertaking the most comprehensive review of the youth justice system, a report that I publicly released on Saturday — more than 700 pages of an extensive review of the system.

Supplementary question

Ms CROZIER (Southern Metropolitan) — I thank the minister for her answer to the question. My supplementary is: Minister, given your previous comments on the fortification of the Parkville youth justice centre and your previous commitment that all cells would be safe prior to housing young offenders, how were two young offenders able to escape from their Parkville cells into the roof cavities on Saturday, 29 July?

Ms MIKAKOS (Minister for Families and Children) — I am aware of course that we have a bill before the house as we speak in relation to these matters. I have not raised issues in relation to anticipation. So I take it from Ms Crozier's questions that she is therefore not intending to address issues around specific incidents in relation to the bill debate that we have before us.

The PRESIDENT — Can I just comment on that. I actually accept the minister's position on that. I should advise the house, because I did note it, that in that debate there was significant debate outside the legislation — in other words, there was commentary on a broader range of youth justice issues and facilities that was outside the specific legislation we are dealing with. So from that point of view, in regard to anticipation, some other matters have been opened up. I am mindful of that in the context that the minister has raised today.

Ms MIKAKOS — So the view that I am taking from the line of questioning I am getting from Ms Crozier is that the bill debate that we will be returning to shortly after question time will be focused purely on the bill that we have before the house and will not relate to these broader matters that I am now happy to take questions on during the course of today's question time.

The point that I make to the member is to refer her back to my substantive answer, and that is to explain to her and to the house that the initial fortification works that have now been completed at Parkville related to those units that were extensively damaged in November, and the department is now undertaking further fortification works. The intention is to complete further fortification works at the entire Parkville site. That means that there are still some issues in relation to other units at Parkville. It was not built to modern custodial standards, but we will ensure that the entire site is brought up to scratch and is fit for purpose, as is required to meet modern needs.

Parkville Youth Justice Precinct

Ms CROZIER (Southern Metropolitan) — My question is again to the Minister for Families and Children. Minister, on Saturday, 29 July, two young offenders in Parkville escaped from their cells and got into the roof cavities. How long did it take for authorities to realise that the two offenders were missing, from the time they entered their cells to the first warning signal for staff?

Ms MIKAKOS (Minister for Families and Children) — I thank the member for her question, and I again make the point that the member is asking questions about specific incidents, so therefore the view should be that they are not within the scope of the bill before the house at the moment.

I make the point to the member, as I just did in relation to the previous question in relation to the work that the government has asked the department to undertake in ensuring that the entire Parkville site is fit for standard, that my understanding of the specific incident that the member is referring to is that it was addressed by staff very, very quickly. We have additional staff that have been put in place in the youth justice system that were funded by our government late last year. Just on Saturday, as part of a further $50 million investment, our government made a commitment to funding a further 21 safety and emergency response team (SERT) positions, which are the critical response staff that respond to these particular types of incidents.

We have also brought in Corrections Victoria security and emergency services group staff as well, who have additional equipment available to them. These might be matters that some members in the community or some lawyers in particular are unhappy about, but they have been equipped with things like capsicum spray and other tools so that they can quickly respond to issues and nip incidents in the bud quickly before they become bigger issues for the system.

I can obviously provide further details, but I do make the point to the member that, where these incidents occur and there are criminal offences that have been committed, there obviously is a process that is undertaken in relation to involving Victoria Police in these issues to investigate and potentially lay charges if criminal offences have occurred.

In relation to these types of questions more broadly, it is important of course that we do not pre-empt these processes. It is important that what I say about these matters does not have any impact on any court process that might take place subsequently.

What I would advise the member is that our investment to date is ensuring that our staff are capably equipped and that they are adequately trained. Our funding that I announced on Saturday also goes to providing additional training for staff. They will now be offered training commensurate in duration to what is available to Corrections Victoria staff for the first time, and as well we are putting in place the additional SERT staff. We have put all the measures in place, including introducing the bill that we have before us to ensure increased penalties for those offenders who commit property damage in youth justice facilities or who assault our staff. I make the point to the member that in fact the reasoned amendment that the opposition have moved seeks to threaten that bill. You are seeking to defeat a bill that is seeking to put in place tougher penalties for young offenders who commit offences whilst in custody.

Supplementary question

Ms CROZIER (Southern Metropolitan) — Minister, is it not a fact that the two offenders who escaped from their cells and got into the roof cavities actually stuffed their beds to make it look like they were asleep and had several cell checks on them before it was realised by authorities that they were actually not in bed and were in fact missing?

Ms MIKAKOS (Minister for Families and Children) — In fact, President, what we have seen from this member time and time again is her coming in here and putting false information — fake news — out there into the community in relation to these issues. On the contrary, the advice that I have is that this matter was responded to and dealt with very quickly and that the young people involved were asked to remove themselves and that they immediately agreed.

We have got Ms Crozier coming in here and putting her fake news out there, but I am far more interested in the events that might take place in approximately 5 minutes, because we know that there is a lot of explaining to do about Mr Guy's links to organised crime —

The PRESIDENT — Order! Thank you, Minister. Consider yourself sat down, because I previously ruled on those sorts of comments. I asked you not to, and you have raised it again. It is not on.

Police retirement benefits

Dr CARLING-JENKINS (Western Metropolitan) — My question is for the Minister for Police, represented by Minister Tierney, and relates to the granting of retirement benefits to police under criminal investigation. Minister Tierney, it has come to my attention that serving police officers under serious criminal investigation have been enabled to retire early with full retirement benefits, even when pleading guilty to serious charges against them.

Let me give you one example to illustrate. A senior Victorian policeman was under investigation for online identity theft where he posted explicit adult website profiles of his ex-partner. While under investigation for this crime, which he subsequently pleaded guilty to, he was able to successfully apply for retirement benefits without the need to declare these circumstances. This has enabled him to further harass, traumatise, intimidate and stalk his ex-partner without financial impediment while she struggles to deal with ongoing and related financial, legal and psychological issues.

Minister, this is one of several examples brought to my attention recently. Will the Minister for Police take responsibility to address why retirement benefits are being awarded to police who retire under criminal investigation, including ones who plead guilty to such charges?

Ms TIERNEY (Minister for Training and Skills) — I thank Dr Carling-Jenkins for her question. I will obviously refer this matter to the Minister for Police for clarification and a response.

Supplementary question

Dr CARLING-JENKINS (Western Metropolitan) — Thank you for taking the issue seriously, Minister Tierney. Now that this has been brought to your attention and will soon be brought to the attention of the Minister for Police, what action will the minister take to ensure that the retirement benefits scheme does not continue to be misused in the way I described in my substantive question?

Ms TIERNEY (Minister for Training and Skills) — I thank Dr Carling-Jenkins for her question. Obviously, consistent with my answer to the substantive question, I will seek clarification and a response.

Environment Protection Authority Victoria

Ms HARTLAND (Western Metropolitan) — My question is for Mr Jennings on behalf of the Minister for Energy, Environment and Climate Change. It is in regard to the Coolaroo fire that started on 12 July. At 2.30 a.m. on 13 July the Metropolitan Fire Brigade (MFB) were concerned about air quality but needed this to be confirmed by sensitive Environment Protection Authority Victoria (EPA) equipment as to whether they needed to evacuate a further 800 residents. The EPA were unable to provide staff who could read or move the equipment, putting the community at risk. The EPA member on duty informed the MFB that he would be leaving at 3.00 a.m. because of long hours worked. There was no replacement supplied until 6.50 a.m. What action will the minister take to make sure that this is not repeated at other major industrial fires?

The PRESIDENT — Minister?

Mr Jennings — I did not realise I was that minister, President. I thought she was asking that question of somebody else, because she was talking about the EPA and she was talking about things in the middle of the night. I did not realise it was for me; I thought it was for a different minister. Thank you so much. I can either make up an answer or take it on notice. I am in the hands of the house.

The PRESIDENT — Do you want to repeat the question? Do we want to do it that way?

Ms HARTLAND — My question is to Mr Jennings on behalf of the Minister for Energy, Environment and Climate Change. It is in regard to the Coolaroo fire that started on 12 July. At 2.30 a.m. on 13 July the MFB were concerned about air quality but needed this to be confirmed by sensitive EPA equipment before they evacuated a further 800 residents. The EPA was unable to provide staff who could read or move the equipment, putting the community at risk. The EPA member on duty informed the MFB that he would be leaving at 3.00 a.m. because of the long hours already worked. There was no replacement of this staff member until 6.50 a.m. What action will the minister take to ensure that there are adequate EPA staff at future industrial fires?

Mr JENNINGS (Special Minister of State) — The real benefit of the member asking the question again and my opportunity to respond is for me to apologise to the house for actually not hearing the question in the first instance, not realising it went to me, because this is a very serious matter, and the member has every right to a decent response and a fulsome response from the government on the performance of its agencies in relation to this matter. As this government understands, it is very important for the EPA to be supported, and that is the reason we have introduced significant legislative reform in relation to powers of the EPA. We actually have learnt lessons that should have been learnt in relation to the Hazelwood fire and in relation to air quality technology and its application being a standard procedure of the EPA.

The incident that the member referred to may have been an incident where the overnight human resources to support the technology in that response may have been caught short in relation to the expectation that the member has outlined. It is incumbent upon the EPA to make sure that it acquits its statutory obligations. I am certain that my ministerial colleagues will take these questions seriously, whether they be the Minister for Energy, Environment and Climate Change, who is responsible for the EPA, or the Minister for Emergency Services in relation to the timely and appropriate response of the firefighting service in rising up to this challenge of not only keeping our community safe through putting out the fire but in fact acquitting in an efficient fashion the work required to evacuate the local community. It is absolutely a priority for this government to make sure that we have the appropriate systems in place and the personnel in place to acquit our obligations.

I know my colleagues will take these questions very seriously. I hope that they will be able to provide a more detailed and comprehensive answer in relation to the specifics that the member has raised within the information that is available to them. I understand that my ministerial colleagues will be undertaking an extensive review, supported by their agencies, in relation to the effectiveness of the response at that time. If that information is at hand at this point in time, I am certain it will be provided. Otherwise I am certain also that a more fulsome investigation will be undertaken by the relevant ministers.

Recycling industry

Ms SPRINGLE (South Eastern Metropolitan) — My question is also for the minister representing the Minister for Energy, Environment and Climate Change. *Four Corners* last night was a shocking exposé of a broken and exploited recycling industry in Australia, driven by a slump in commodities and a failure of government at all levels. Substantial investigation focused on New South Wales and Queensland, but the Australian Council of Recycling president says Victoria has serious problems too. Witnesses said this includes underspend and inappropriate use of the landfill levy, which has raised sufficient concern to warrant an audit by the Victorian Auditor-General's Office in 2017–18. My question is: what action will this government be taking to investigate in a thorough and accountable manner the extent to which our recycling system is broken and in need of urgent repair?

Mr JENNINGS (Special Minister of State) — I thank Ms Springle for her question. Whilst I similarly lament the situation in relation to the viability of the recycling industry or investment that has been made into the appropriate re-use of the waste stream in the Australian community, I am also mindful of the difficulties that are sometimes created because of different state-based regulatory environments, which have meant that there have been adverse effects in the migration of waste from one state to another. Indeed recently there was a challenge to Victorian regulation in relation to the restrictions on the exporting of our waste to another jurisdiction. I certainly was very disappointed that the legal advice, based upon federal harmonisation and restrictions of trade, was that the Victorian regulatory environment in effect was read down to not be able to prevent waste travelling out of Victoria into another jurisdiction. Environmental protection and the ability to reclaim and re-use that waste may be diminished by this inappropriate transfer of waste from one jurisdiction to the other.

Similarly, because of the concern that the member raised in her question in relation to the commodity price structure of the industry, in fact it has been very difficult to generate private investment in this level of activity. When I was minister for the environment I was very keen to support industrial-scale re-use and recycling and other forms of dealing with this waste stream in a more efficient way rather than it going into landfill. Those opportunities have not been taken up by the private sector.

I also lament the fact that from my vantage point — and I share this view — there has not been sufficient support provided up until now to leverage that investment with money that has been generated by the landfill levy, so I volunteer that to you. The government recognises that we have a need to support industrial-scale recycling and re-use across Victoria. In fact my colleague the Minister for Energy, Environment and Climate Change in the most recent budget has identified a number of projects that will be designed to achieve greater use on an industrial scale and support industrial-scale alternatives to landfill. That is actually something that is a feature of this budget and hopefully will be a feature of programs and opportunities that are actually taken up.

So I have given you a fairly detailed response, even though my ministerial colleague will actually provide you with some more specific details, but in terms of national harmonisation the regulatory environment is not well harmonised to protect across borders in relation to the transfer of industrial waste. There is a lack of investment in relation to the recycling industry based upon difficulties in the commodity market. Primarily that has led to a lack of investment from the private sector, but our government does recognise that in terms of investment attraction and in terms of the regulatory environment there is much work to do, and we are determined to do it.

Supplementary question

Ms SPRINGLE (South Eastern Metropolitan) — I thank the minister for his answer, and I do acknowledge that my supplementary has been partly answered already, but I might ask it anyway in case there is something that he would like to add. How is the government ensuring that current Environment Protection Authority Victoria audits and interim measures to limit stockpiling will not result in the diversion of recyclables to landfill or export interstate or overseas?

Mr JENNINGS (Special Minister of State) — I thank Ms Springle for recognising that I actually tried to cover the field generally, but I will ask my colleague for any specific examples by which she can identify how that in practice will be given effect to.

QUESTIONS ON NOTICE

Answers

Mr JENNINGS (Special Minister of State) — I have answers to the following 144 questions on notice: 7707, 7712, 10 190, 10 587, 10 593–5, 10 959–63, 10 971, 10 985–8, 10 993–6, 11 023–6, 11 030, 11 032, 11 034–7, 11 042, 11 074, 11 077, 11 100, 11 105–18, 11 145–61, 11 163, 11 224–7, 11 236, 11 240–1, 11 243, 11 248–9, 11 251, 11 258, 11 262–3, 11 265, 11 269, 11 271–3, 11 276–90, 11 296–301, 11 303–4, 11 306–9, 11 315, 11 318, 11 330–45, 11 354–5, 11 357–8, 11 360, 11 383, 11 385, 11 387–8, 11 392–4, 11 398.

QUESTIONS WITHOUT NOTICE

Written responses

The PRESIDENT — In respect of today's questions, Mr O'Donohue's first question to Ms Tierney, both the substantive and supplementary questions, one day. Mrs Peulich's question to Ms Tierney, just the supplementary question, one day. Mr O'Sullivan's question to Ms Pulford, just the supplementary question, one day. That is in regard to a time frame issue. It is around the timing of the advice of MyEnvironment, the suggestion that they were not going to pay and the appointment of the person — so just clarification around that time frame. Ms Crozier's first question to Ms Mikakos, just the supplementary question, one day. Ms Crozier's second question to Ms Mikakos, the substantive question, one day. Dr Carling-Jenkins's question to Ms Tierney, both the substantive and supplementary question, two days. Ms Hartland's question to Mr Jennings, the substantive question, which was the only one, two days. Ms Springle's question to Mr Jennings, whilst substantive answers were provided, Mr Jennings has undertaken to also refer the matter to the minister in another place for any matters of detail to be provided, and that is two days.

Mrs Peulich — On a point of order, President, notwithstanding your ruling, I ask that the minister also review her answer to the substantive question. I think she referred to a different report to the one that I asked about. The report that I asked about draws on data published by the National Centre for Vocational

Education Research. It uses quarterly data produced by that organisation, and that June 2016 data was actually published in December 2016, within six months. The minister actually referred to a different report to the one that I was asking about, so in view of that could you also ask that perhaps she answer the substantive question as well?

The PRESIDENT — The minister will have an opportunity to actually look at the question in *Hansard*. Her understanding was that it was the same report she was responding to. I will not give a direction on that, but I will ask her to just check that matter.

Ms Crozier — On a point of order, President, in relation to my first question you reinstated the supplementary, but in terms of the substantive question I do not believe the minister actually answered that in relation to what I was asking, which was around the completion of the official commissioning of these units. I do not believe the minister actually answered that question at all in her answer, and I would ask that it be reinstated as well.

The PRESIDENT — Can I have a look at the question, please? The minister is entitled to answer as she sees fit. My view is that the minister answered that question.

Mr O'Donohue — On a point of order, President, I note your ruling in relation to the first question I posed to Ms Tierney. I raise for your consideration the supplementary of my third question. I asked the minister why disciplinary action was not taken and why the police were not called in to investigate. Now, the minister in her response said that corrections, without verballing her, took action. She failed to make any reference to Victoria Police or to any actions of Victoria Police.

The PRESIDENT — Nor does she have to. The point is your question was, 'What action has been taken?'. You provided her with a range of people that might have been called in. She did not need to take up those. She simply had to say that she had taken action, and she explained the actions she has taken. It is her choice and her department's choice as to who actually provides that action. It was your suggestion that the police should be brought in, but it does not have to be the minister's response that that is the agency she calls in. The question was discharged properly.

CONSTITUENCY QUESTIONS

Eastern Metropolitan Region

Ms DUNN (Eastern Metropolitan) — My constituency question is on behalf of a constituent in Nunawading and is directed to the Minister for Public Transport. The question pertains to the new shared path between Blackburn and Nunawading stations, part of the Blackburn Road level crossing removal project. In November 2016 residents on the northern side of Laughlin Avenue were advised that they would have their boundary fence replaced with a 2.1-metre-high fence to provide privacy from the new shared path. On 5 April 2017 residents received a letter advising that the design for the shared path had been finalised and they would no longer need to remove and rebuild their fence. On 6 July 2017 residents received a letter stating that a $500 voucher towards timber screening or planting would be offered on a confidential and goodwill basis. However, now that the path has been built it is possible to see into the backyards of those residences on Laughlin Avenue. Will the minister replace the existing fences with a new 2.1-metre-high fence with lattice or louvre panels for the Nunawading end of the shared pathway to ensure privacy for residents per the original commitment?

Eastern Victoria Region

Mr MULINO (Eastern Victoria) — My constituency question is to the Minister for Public Transport, and it relates to car parking at train stations. It is obviously an issue of great importance in an area with such rapid growth as exists in my electorate out in the Pakenham, Officer and Beaconsfield area. There is some extension of the car park in the area of Officer scheduled. I would like to ask the minister to clarify whether any other car parks at stations in that area are due for extension in the near future.

Northern Victoria Region

Ms LOVELL (Northern Victoria) — My question is to the Minister for Health. On 30 June the terms of four board members at Goulburn Valley Health expired. One member, Roslyn Knaggs, chose not to apply for reappointment, and three applied to be reappointed. I know of other high-quality applicants who also applied to be appointed to the board. So far, more than a month into the new board year, only one appointment has been made to fill the four positions, leaving three vacant positions on the board.

Goulburn Valley Health is at a critical juncture in its history with the appointment of a new chief executive officer and a major redevelopment about to commence. As such, it defies logic that the minister would fail to extend the terms of experienced board members Stephen Merrylees, Peter Ryan and Bill Parsons, the latter two the immediate past chair and deputy chair respectively. All three former directors brought various areas of expertise to their roles, including engineering, legal and corporate governance. Can the minister explain her reasons for effectively sacking three experienced board members, leaving the Goulburn Valley Health board operating well below capacity at this critical time?

Southern Metropolitan Region

Mr DAVIS (Southern Metropolitan) — My matter is for the attention of the Minister for Public Transport, and it relates to the sky rail within my electorate. Around Carnegie, Hughesdale and Murrumbeena there have been around 30 voluntary house purchases made in recent months, but there is a hit-and-miss approach, a divisive approach, being adopted by government. Inexplicably some people are refused a voluntary purchase and others who appear not to qualify for the scheme are provided with voluntary purchase. I am asking the minister directly: will she release a stocktake, an audit, of those voluntary purchases — the ones that have been accepted and the ones that have been rejected — and a de-identified explanation as to why they have been rejected and accepted? It is very clear that this is being done to divide and conquer many in the community. It is nasty; it is vicious. I seek the assistance of the minister on that point. Will she release that information?

Western Victoria Region

Mr RAMSAY (Western Victoria) — My consistency question this afternoon is for the Minister for Roads and Road Safety, the Honourable Luke Donnellan, and it is in relation to the proposed Drysdale bypass. The Drysdale-Clifton Springs Community Association came to see me in my office and raised a number of concerns about one of the options under consideration by VicRoads. One of these options is to replace the roundabouts from Portarlington Road to Drysdale with three traffic light intersections, which will create significant traffic jams for those who use the new Portarlington-Drysdale bypass.

The question I am posing to the Minister for Roads and Road Safety is: has he considered if this is indeed a preferred option by VicRoads, using new technology where lights would actually turn on and off, like they do in other countries, depending on the peak volumes of traffic, rather than having traffic stopped and started within 500 metres three times, which would create a significant logjam?

Western Metropolitan Region

Mr FINN (Western Metropolitan) — My constituency question is to the Minister for Public Transport. I refer the minister to the ongoing public outrage about the government's flawed plan to dig a dirty, great ditch under the railway line at Buckley Street in Essendon. On 6 June this year the member for Essendon in the Assembly told the other place that John Holland and KBR had been awarded the contract to remove the Buckley Street level crossing. Revelations since then indicate that that might not be strictly correct. Will the minister clarify the contractual position for this level crossing removal?

Western Metropolitan Region

Ms HARTLAND (Western Metropolitan) — My question is for the Minister for Public Transport. I have been hearing from a number of my constituents about the Essendon railway station, and I have been there myself. This question is not about the level crossing removal. I have a constituent who is nearly 80 years old who says she is not able to access the station with her husband, who is in a wheelchair, due to the steep ramps, the gap between the platform and the train and unsuitable toilets. She relies on the train for transport and worries that soon she will be too old to navigate these hurdles on her own, even without having to deal with her husband in the wheelchair. What is the government going to do in regard to disability access at Essendon station?

Western Victoria Region

Mr MORRIS (Western Victoria) — My constituency question is for the Minister for Regional Development, and it relates to the railway station precinct in Ballarat. I must say the view of the Ballarat community is clear, and that is that the government is trying to sell the community a pup, but the community is not buying it. The railway station precinct redevelopment has been shown up to be an absolute dog's breakfast. Will the government now admit that the current plan is now untenable and go back to the drawing board, genuinely consult the community and actually come up with a plan for the site that the community will support?

Eastern Victoria Region

Mr O'DONOHUE (Eastern Victoria) — My constituency question is for the Minister for Roads and Road Safety. I have been contacted by a small business owner on the Mornington Peninsula who is concerned about Clyde Road, Berwick, between Thompsons Road and Lindsell Boulevard, being shut for roadworks for 17 days. He advises that a 15-minute trip is now taking at least 1 hour. My constituent does a lot of work in the new estates in that vicinity, and he advises that the road carries a lot of school traffic and queries why school holidays would not be a more logical time to shut the road down for roadworks. He goes on to say:

> We realise that some time these things are unavoidable. However, with all the new estates they need workmen and materials to keep working, which this closure is making a very challenging task.

The question I have for the minister is: why has VicRoads chosen to shut down Clyde Road between Thompsons Road and Lindsell Boulevard for 17 days, without taking into consideration shutting the road during school holiday time or working around other times to allow contractors like my constituent to continue to have access to worksites?

Southern Metropolitan Region

Ms FITZHERBERT (Southern Metropolitan) — My question is also to the Minister for Public Transport, and it relates to Domain station. Earlier this year I asked the minister a question regarding residents who had received works notifications telling them that major works were scheduled to take place on a continuous 24-hour cycle for a period of time and that there was going to be some significant noise as part of this work. The minister has advised that there are a range of protection measures, which comes down to earplugs, which I must say locals are not impressed about. The minister has also advised that residents who had special circumstances were assessed on a case-by-case basis and offered alternative accommodation accordingly. My question to the minister is: how many people have had or have been offered alternative accommodation as a consequence of the works at Domain station?

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

Second reading

Debate resumed.

Dr CARLING-JENKINS (Western Metropolitan) — I will now attempt to finish my contribution. I was speaking before question time about the politics of crime and the fear within the community and the public sentiment around youth justice. I was talking to the points raised by Hugh de Kretser in May this year around youth justice in Victoria being at a crossroads and his criticism of all successive governments that the youth justice system has come to this point of crisis. He said this:

> Children in custody will be released at some point. The question we have to ask ourselves is, what do we want to focus on while they are detained? Do we want them coming out hardened and on the path to a life of crime or do we want to focus on giving them the best possible chance of living a productive life in the community?

We see successful models in the US where they have moved from mass incarceration to more community-based models for addressing offending. I certainly do promote such alternative models for youth offenders. Community-based alternatives to adult prisons are favoured over there and in other jurisdictions across the world simply because we do not want to be creating adult criminals. Hugh de Kretser said:

> Children in custody have their whole lives ahead of them. Inhumane conditions in youth jails are in no-one's interests.

I would have to agree with that.

I understand that a lot of the youth justice policy here is coming from the *A Balanced Approach to Juvenile Justice in Victoria* report. That cites *R. v Mills* as a guide to the government's direction for youth justice. I think it is worth recording this. It says:

> In the case of a youthful offender, rehabilitation is usually far more important than general deterrence. This is because punishment may in fact lead to further offending. Thus, for example, individualised treatment focusing on rehabilitation is to be preferred. Rehabilitation benefits the community as well as the offender.

I think it is really worth putting these thoughts down while we discuss such a bill. We do need to focus on the fact that these are youths, and when they are perpetrating such horrific crimes within our community we need to take this seriously. We also need to be looking at the underlying causes and looking at

rehabilitation. This of course means more money and more investment. And when the new detention centre is built these things should be taken into account so the systemic issues of the old centres are not simply brought into the new centres.

In conclusion, I think that overall this bill is a step in the right direction for protecting our community, and it is certainly necessary within our current climate. However, I do believe that a truly successful and evidence-based reform approach needs to be taken where we can learn from jurisdictions across the world, including the US, and use their experiences to our advantage. I believe that we need to present a comprehensive suite of reforms, not just a stopgap reform. This is the only way to provide a better way for Victoria and for Victorians.

Ms PATTEN (Northern Metropolitan) — I rise to speak briefly on the Children and Justice Legislation Amendment (Youth Justice Reform) Bill 2017. As my colleagues are aware, I sit on the Legal and Social Issues Committee which is holding an inquiry into youth justice in Victoria. We have received over 65 submissions and gathered days of expert evidence via public hearings. That inquiry is now in its drafting stage; we are due to report in less than a month. It has been a very insightful process and we have heard a really interesting and productive range of evidence-based solutions. That is why I find it so frustrating that we are debating this bill now while we have got an inquiry going on. Instead of waiting for the conclusions of that inquiry and listening to the expert material that we gathered, we are steaming ahead with this bill. My frustration is absolutely compounded when we see the report that this government commissioned on youth justice being brought down on the weekend. It is a very good report. Penny Armytage and Professor James Ogloff, who also gave evidence to our committee and really outlined the significant issues within our youth justice system, made a series of 162 recommendations which this government has supported.

We have a backlog of over 24 bills in this house that we are trying to get through, so why are we bringing this bill on now? If we are going to support the recommendations made by this report, we will be seeing a whole new youth justice act being introduced into this Parliament soon. I personally support the recommendation that we need a completely new and separate youth justice act. I think this is a very significant report. I am disappointed that we are debating this bill when these significant recommendations have been made and when we have a committee doing an inquiry into this area and being ignored. We are sitting here going through this bill, and I would expect that we will be debating a new piece of legislation on youth justice in the early part of next year. As such I am quite ambivalent about this bill.

Despite what we have heard and despite what much of the media may tell us, youth crime is actually decreasing in Victoria. It has been doing that since 2010. This is also noted in the Armytage-Ogloff report. But as Dr Carling-Jenkins mentioned, this is complex. This is a complex area. Despite the fact that the number of children sentenced in the Children's Court has halved over the last eight years, we are seeing troubling trends of certain offence types. But what we know is that cohort is a very small group, in fact as small as 180 young people. That is 1.6 per cent of youth offenders, and very sadly they are committing 25 per cent of crimes.

As I articulated just a few weeks before the break, in my budget reply speech — and I am pleased that Ogloff and Armytage agree — this cohort is so small that these children could be reached really proactively. Our focus should also be on the criminogenic factors that drive offending. Let us look at the reasons children are offending. That is how we will reduce offending. That is how we will reduce recidivism. It is obviously in the ultimate best interest of our community, of the public safety of our community and of the wellbeing of young people in our community.

There are so many tangible successes in other jurisdictions that we should be learning from. I mean the Netherlands is closing prisons down. They are incarcerating 69 per 100 000 people compared to 138 per 100 000 people in Victoria. We spend $2000 per day to hold a child in youth detention. I think we could be spending that money far more intelligently to reduce youth offending in this state, but this bill does not chart that path, and I note from the Armytage and Ogloff report that 58 per cent of the budget is spent on incarceration yet only 3 per cent is spent on court diversion and other schemes to keep children out of incarceration. As we have said, incarceration of young people should be the very last option.

Just turning quickly to the key elements of the bill, the bill creates a new children's sentencing disposition — the youth control order. I must say I am somewhat supportive of a further non-custodial sentencing option for children, but I am concerned that an exceptional circumstances threshold upon breach will work against any prospects of rehabilitation and will see children in my opinion unnecessarily put back into incarceration. I am very supportive of changes that introduce a legislative basis for youth diversion, and certainly I

think this is one of the better elements of this bill. We know that youth diversion programs such as ROPES have been hugely successful — so successful that 88 per cent of the participants in ROPES do not reoffend. That is a much higher proportion than low-level recorded outcomes when we incarcerate children. It is this type of evidence-based policy that we should be adopting in Victoria, and I do commend the government for putting this into the legislation. It goes to Mr Morris's concerns about the recidivism and the ongoing recidivism of our children, so supporting youth diversion programs such as ROPES is great.

The dual-track system prevents young and vulnerable offenders with good prospects of rehabilitation from entering the adult system at a young age, and this is abundantly sensible. I have been out to Malmsbury and I have seen how that dual-track system can be effective in giving those young people the tools they need, the education they need and the skills they need to enter back into society and certainly into the workforce or into higher education. To limit the availability of the dual-track system as this bill does, to limit it via offence type rather than the prospects of reform, which the dual-track system was always based on — the prospects of rehabilitation — and now to deny that in this bill and limit it to sentencing via offence will ultimately burden our community more in the long run. It works directly against the recommendations from Armytage and Ogloff that the government has stated it will support. So on one hand they are supporting the recommendations of Armytage and Ogloff but on the other hand we are introducing a bill that absolutely contradicts those recommendations. As I have stated, detention must remain an option of last resort. Depriving a child of their liberty is detrimental to adolescent development and dislocates young people from protective factors.

There is no evidence and we have not seen any evidence in our committee that custodial orders reduce offending. Elevating the short-term protection of the community as a sentencing consideration in some cases is again less protective of the community in the long run. Youth sentencing should focus, as I said, on the reasons for offending — the criminogenic needs. This change to youth sentencing considerations in this bill does the opposite.

The mandatory parole charges in this bill are quite curious; in fact I would have to say they are poorly drafted. The new subsections 458A(1) and (3) insert what conditions the Youth Parole Board must impose, and then subsection (2) provides an exception so broad that they will not need to impose those conditions. I really think this is knee-jerk legislation, and I think we could have done better. I think we should have waited for the parliamentary inquiry to report and waited to consider the excellent report from Penny Armytage and Professor James Ogloff. I commend the youth diversion changes to the house, but I must say I am fairly ambivalent about the rest. I look forward to hearing more about this bill in the committee process.

Ms FITZHERBERT (Southern Metropolitan) — I follow of course Ms Patten and I have listened with interest to some of the comments she has made about the process that has brought us to this point, and she has summed it up quite well I think. We have a tandem process going in some ways. We have a committee which is considering issues to do with youth justice and the sad predicament we find ourselves in, we have this legislation and then over the weekend we had the report that has been prepared by Ogloff and Armytage, which we have been waiting for for some time, and these things are happening together in a way that I think is obviously not well-planned. It is not streamlined. As Ms Patten says, we have a big backlog of legislation in this chamber, and yet we are being asked to deal with this bill when — given that the government has said that it will implement all recommendations of the most recent report — we are going to be back here pretty soon.

I also listened to Mr Morris's contribution, and he made a number of comments that accorded with my thoughts. If you are going to look at legislation as a legacy of a minister, this is a pretty sad legacy. I do not know if we are going to know this as Jenny's law in the future, but a couple of parts of it in particular have been made necessary simply because of the prevalence of attempts at escape from youth justice centres, the number of riots we have had over the last year or two, which are a product of the current government and not what went before, and also the incidence of attacks on staff who are working within youth justice centres. The sheer prevalence of this sort of highly undesirable behaviour — to use a very mild term — means that we are confronted with this legislation, and I think that is an appalling legacy of this minister, who has overseen a system in crisis and a markedly different standard and trend of behaviour under her leadership.

There are a couple of parts of this bill that I would like to speak to. There is of course the creation of a new offence that applies to an adult who arranges for a child to commit a crime on their behalf. This is an almost Dickensian type of behaviour and clearly something that should be strongly condemned, and adults should pay a penalty for behaving in this sort of appalling fashion, but I look also at some of the later stages of the bill — for example, there are provisions about what is

called euphemistically 'information sharing' between the secretary, the Youth Parole Board and Victoria Police. I think we probably see the origins of this in some of the most recent escapes from youth justice centres in Victoria.

The bill will allow the secretary to grant permission for the publication of limited identifying information when a child escapes from a youth justice facility. I think this has its origins in the escape that we had a few months ago where there was, as I understand it, a bit of a stand-off, a breakdown in communication, between police and the people who were running the youth justice centres about who exactly had the right to make that decision and how it should be communicated publicly. There was evidence given on this publicly at the current inquiry on youth justice, and it would almost be laughable if it were not so serious, because what we were seeing at the time was youth justice workers, Department of Health and Human Services (DHHS) staff and police trying to work out who could make this decision and how, while we had young people engaged in a rampage of criminal activity across the state, which started in the north and moved across the state and saw some random and very, very serious crimes, including carjacking, assault and theft. It took some time for those 15 or 16 young offenders to be captured. It surely would have been easier to do so if they could have been identified. I understand that there are sensitivities around this because they are minors — I get that — but it is highly undesirable that we found ourselves in these circumstances.

It is not the first time that there has been this sort of dislocation between the police and DHHS staff, who have been repeatedly called into youth justice centres. I understand that on 7 March 2016, for example, there was a breakdown in the police command control structures during the riot at Parkville, and it has been reported that there was little or no apparent communication or coordination with staff at the front line. That is not a desirable set of circumstances at all. We see also that there are new provisions for increased consequences for offences that are committed in a youth justice facility, including increased penalties and accumulation of sentence.

Again, something that has come up repeatedly — it has come up through the current inquiry, it has been raised directly by staff who have gone to the media and it has been seen, as I understand it, in a range of previous reports — is that we keep being told that staff are fearful of actually, first of all, sometimes engaging with young people in these circumstances and they are fearful of the consequences if they make a report of behaviour that they have been subject to. It is all very useful to enshrine in legislation some new crimes and misdemeanours, but they will be of absolutely no use if people are too scared to use them, and that is the evidence that we have been given. That points to a much deeper cultural problem, and there are aspects of this cultural problem that have been warned of in numerous reports.

What I do not see in this legislation is a response for how those behaviours are going to be dealt with. I think that one reason for that is that some of the problems and some of the causal factors simply are not part of this legislation. For example, there is the impact of the numbers of casual staff, and there have been reports on this going back for several years. It has been the subject of evidence at the committee, and it was included as a causal factor in reports that have been largely kept secret but have been the result of inquiries into the youth justice system. Yet the proportion of agency staff, in particular at Malmsbury, remains very, very high. It would be useful, actually, as part of this debate to have confirmation of the current figures on the proportion of agency staff in places like Malmsbury and Parkville. I think that would go some way to enabling us to assess whether this legislation is actually getting at the core issues that we need to be dealing with.

The information in here about privacy is something that we respect. It is important, as I said earlier, given that minors are involved that issues of privacy are dealt with very, very carefully. That is why one of the pieces of unfinished business in this portfolio to me is the Muir report. The Muir report has not been made public, but a copy of it was given to the Community and Public Sector Union (CPSU), there were a number of witnesses who came before the parliamentary inquiry who indicated that they had it and of course it was leaked to Fairfax and we have seen extracts from it in the *Age*. The circumstances of this have not been the subject of significant comment by the minister, who has not been very clear on how we find ourselves with a report that has got such currency in the community and in the sector and yet cannot be given to the Parliament in accordance with the direction that has been provided.

That report, as I understand it, includes confidential client information. It includes the names of youth justice staff, and it includes the names of clients. I am very curious as to whether the CPSU received a clean copy of that report and, if so, whether that was a breach of the secrecy provisions of the Children, Youth and Families Act 2005. I am curious about whether the minister gave permission for the department to actually give that document to the union or whether she found out about it after the fact. I am curious about whether there has been any sort of investigation into what, on

any view, is a very, very serious breach of confidentiality requirements. If something is ending up in the hands of the *Age* and is being published, there has clearly been a serious breach. I would love to know whether there has been any investigation into that and, if so, what the outcomes are.

The Minister for Families and Children is here, so perhaps when she is summing up she might like to fill us in on what efforts she has taken to ensure that there has not been a breach of those secrecy provisions and what, if any, consequences there have been. Whether anyone has been found to be responsible for the leaking and whether due policy was followed in that regard, we simply do not know. So while we are considering a bill that has to do with privacy and young people who are in youth justice centres, we have a largely unexplained major breach, in my view, of the existing secrecy provisions and no understanding that that is not going to happen again.

There have been a range of reports that have been made into youth justice, and we have seen parts of some of them, we have seen some recommendations and we have seen references to the content, but generally we have not seen them in their entirety. But what we have seen is a consistency of themes across those reports.

I spoke earlier of the use of agency staff and how this is something that has been problematic in terms of the effective running of youth justice centres. We have no real assurance that this is not continuing to happen at an unacceptable level. What I do not have is any sense that the themes that have occurred yet again in this latest report will be ably dealt with by the minister, because a lot of it is not news. It is things like agency staff. It is things like the mix of children and young people who are sentenced versus those who are not. It is cultural issues about DHHS staff being afraid to actually press ahead and complain when they have been badly treated. It is cultural issues like staff believing that they cannot raise complaints because they will not be dealt with properly. I know this latest report is intended to be very much the circuit-breaker that sets things afresh and enables the government to move on, though I fail to see how that can be the case.

I will give one further example of an unanswered issue in all of this. Neil Comrie's report on youth justice and youth justice riots included a recommendation which was made public that we should comply with policies on responding to clients' demands during negotiations. I am paraphrasing there; that is not a quote from anything. This looked quite unusual; it was quite different to the other recommendations made by Mr Comrie within the report. I understand that it harks back to an issue when there was, as I said earlier, a breakdown in the police command control structures during the riot at Parkville. What happened, as I understand it, is that staff who were on the front line agreed to provide tobacco and a radio to the clients. Mr Comrie — who apparently did not comment on the specifics of this at all, judging from the recommendation he made in that report — did not think this was an appropriate thing to do. The provision of the radio is I think particularly serious given the media involvement in that event. This is referenced in a number of reports of the circumstances which talk about the effect that the media coverage of that ongoing event likely had.

If I could sum it up, I would say that I agree with the comments that Ms Patten made — again I am paraphrasing — about the shambolic backdrop to this in terms of process. It is unsatisfying. We have a new report that says in many instances things that have been said before by a variety of different people and in a variety of different ways. We are yet to see the conclusion of the committee inquiry into juvenile justice, and it is pretty clear that we will find ourselves back here again dealing with further issues.

This bill truly is unfinished business. As I started off by saying, it is a sad indictment of the minister. If her legacy is going to be the introduction of new provisions that have to do with escapes from youth justice facilities and increasing consequences for offences committed in youth justice facilities, then that shows what the record is under her watch, and it is one that is totally unacceptable.

Ms BATH (Eastern Victoria) — I am pleased to rise today to speak on behalf of The Nationals on the Children and Justice Legislation Amendment (Youth Justice Reform) Bill 2017. As I do so I would like to state that The Nationals will be holding a 'Not opposed' position on this bill. While the bill covers off on the Crimes Act 1958, the Children, Youth and Families Act 2005, the Sentencing Act 1991, the Corrections Act 2006 and a whole range of other acts and makes some incremental steps in the right direction, it does not go far enough in many other ways. It also contains particular clauses in relation to youth control orders (YCOs), and Ms Crozier has put up a reasoned amendment on this. I wholeheartedly endorse Ms Crozier's sentiments in that reasoned amendment.

Often the bills that are debated in this house have wideranging ramifications for the legal system, the criminal system, for victims, for mums and dads, and also for police within our community. I would like to give some examples of people who have talked to me

about issues in relation to crime and youth crime, the lack of services and the overstretched resources that we face, particularly in rural Victoria and my eastern Victoria electorate.

We have a government that is totally out of control in relation to youth detention. We have seen in the last two years up to 40 riots at youth detention centres. Rather than facing the problems and getting down to resolving them the government is just bandaiding them. When you look at the footage of the riots that occurred at Parkville and Malmsbury, you see joints that have been trashed. It is just so disappointing and frightening for staff within those detention centres to have to front up to work each and every day not knowing if their personal safety will be at risk. I have spoken with former Corrections employees — I have spoken about this in Parliament before — who told me that under the previous government there were parameters and support for them to be able to implement programs for youth in detention centres that enabled them to take responsibility for their actions. There were ramifications and consequences of their actions. What we have seen over the last two years is pizza, Coke and Tim Tams being handed out, and that is very concerning.

While tougher sentences are needed for serious offenders, we also need to empower our staff to feel safe in their day-to-day management. Only last week the *Herald Sun* came out with a report that said that the tradies who are rebuilding the Parkville and Malmsbury centres, at a cost of millions of dollars, are being threatened. I would not say these people are faint-hearted people. These are people who know how to do a hard day's work. They are certainly able to take care of themselves. But in the course of repairing the damage at the centres they have been held up by young thugs. It was reported that these thugs stole tools, physically intimidated the workmen and were preparing to use furniture as weapons against the contractors. Not only do we have staff who do not feel safe but we also have tradespeople, who have been brought in to fix the system, not feeling safe.

Turning to the bill, I want to specifically go into a couple of clauses in more detail. Clause 4 creates a new offence which applies to adults who groom children to do their dirty work for them. Cracking down on experienced criminals who offload onto young offenders is a good thing and deserves to be commended. This is a sort of *Oliver Twist* situation where you have adults grooming children to steal cars or to break and enter. It is just atrocious, so this is a worthwhile provision within the bill.

Part 3 of the bill, clauses 9 to 19, introduces youth control orders, and I would like to spend a bit of time on this this afternoon. Youth control orders are proposed to give the Children's Court the power to issue more intensive and targeted supervision sentences for young offenders. YCOs can restrict where a person can visit and who they associate with, including curfews. They can also include training and employment plans. Non-compliance is supposed to result in the court placing the young person back into custody. YCOs are intended for offenders who have committed serious crimes but who have the potential for rehabilitation. As I will explain in a moment, this system does not work for community correction orders so I do not know how it is going to work with youth control orders. In effect the government is seeking to allow serious offenders back out onto the streets. The public should rightly be suspicious of the government for weakening the system.

There is an alternative to sentencing. The introduction of youth control orders will only increase the workload for our overstretched police force in regard to arresting youths. If elected, the Liberals and Nationals will come down much harder on crime. We believe that non-custodial orders should be strengthened, not added to with YCOs.

The Andrews Labor government's 2017–18 budget shows a 60 per cent increase in the rate of people who are out on community correction orders. That is a 60 per cent increase from the previous year. Let me give you a case in point. One of my constituents was issued with a community corrections order which he breached and he was never arrested for it. The breach only became apparent when he attended court for a separate incident some 12 months later. The system is struggling to keep up with the paperwork and the provisions to keep community corrections orders under control. My concern therefore is if we are having trouble doing it for corrections orders, then what about the new YCOs?

It is already clear that under the Andrews Labor government Victorians are facing more home invasions, carjackings and aggravated burglaries as a daily occurrence. Only a few days ago we saw a petrol station attacked. The workers within it were harassed and traumatised when people wilfully stole money and cigarettes and trashed the joint. It must be scary working in these places after what has happened. Now, moving forward, they have to put on security guards in order to keep those people safe within, at an additional cost.

I commend Mr O'Donohue for his work on the debate coming up tomorrow on the Crimes Amendment (Ramming of Police Vehicles) Bill 2017. We will be supporting that bill wholeheartedly in order to protect those frontline people, the police, who go out on the beat every day and who more and more are being faced with being rammed, putting their lives in danger.

Recently I had communications with a metropolitan-based criminal lawyer — a legal aid lawyer — who suggested that if we looked at a YCO, it could only work if there was accountability by the young offender, and there must also be understanding and commitment by the offender's family to the conditions of the YCO if it is to have a successful outcome. Sadly, the people whom this would be capturing are not generally those who would find accountability a tasty treat to work under. We are releasing young people who have offended again and again, so I cannot see how this would happen. Furthermore, my contact, who works daily in the profession, stressed the importance of allowing the youth in these institutions to gain a perspective of the adult world and to be responsible for their own actions, and this is not a way to do it. In terms of the system being overstretched, our courts are overstretched, the legal system is overstretched and so are the professionals and our police.

Let me give you another example of how the system is facing a great deal of pressure in time frames and bodies moving through. Early last week a constituent of mine had a relative scheduled to appear in the Magistrates Court for a plea hearing. At the time the young bloke was on remand in the Metropolitan Remand Centre. He was due to be transported to the court at 9.30 a.m. What happened? He did not get collected. Why would that have been? Either the court's adjacent room was full or the transport system was full. What also happened was that the magistrate and the courts were still billed as if he had attended. Finally, after much scrambling, the barrister and the magistrate ended up having a telephone court appearance, but this serves to highlight the fact that this happens on a regular basis — transportation does not occur and costs are still potentially incurred by Corrections Victoria. I am sure magistrates and barristers are incredibly frustrated.

I am frustrated with the government's failure to address the underlying cause of youth crime. We have disengagement. We have a lack of employment, particularly in the Latrobe Valley where youth unemployment is 15.8 per cent. That is 15.8 per cent, and we wonder why, when we do not give our kids an opportunity to have full-time or part-time employment, they turn to crime and they turn to drugs, particularly ice.

Again I stipulate that youth offenders need to be educated at a young age as to how the system works. Often if they are smart, sneaky and wanting to work the system, they learn that if they plead guilty, they might gain leniency and receive a lesser sentence. This is not teaching them the consequences of their actions and how their crime sprees can affect the community.

While waiting in the Melbourne Magistrates Courts for a plea hearing, another one of my constituents had to sit through some serious criminal proceedings involving a 19-year-old who was a member of the Apex gang — that is, while that person was waiting for another court case, they listened to the 19-year-old's court case. The 19-year-old had unlawfully gained entry into a woman's home with the view of stealing her car and whatever else he could lay his hands on. After the forced entry he bashed the victim and left her in a terrible physical state and a traumatised state of being. The accused was seeking bail, not for the first but a fourth time.

Ms Shing — On a point of order, Acting President, just out of an abundance of caution I would seek some assurances that the matters that the member is referring to are not currently the subject of court proceedings.

Ms BATH — On the point of order, there are no names.

The ACTING PRESIDENT (**Mr Elasmar**) — Order! The member to continue.

Ms BATH — Good. Thank you. So my point —

Ms Shing — Further to the point of order, Acting President, I have raised concerns in relation to a potential sub judice issue here, and I would ask that you rule in relation —

Ms Wooldridge interjected.

The ACTING PRESIDENT (**Mr Elasmar**) — Order! I want to hear the member, please.

Ms Shing — I would ask that you rule in relation to this matter, Acting President, given the concerns that I have about the way in which the member has described the incident in detail, which could in fact enable the alleged offender to be identified and could in fact have implications of sub judice. We just need an assurance from the member, that is all. If it has been ruled on, that is fine.

The ACTING PRESIDENT (**Mr Elasmar**) — Thank you for your point of order. I am not in a position to make a judgement on that issue, but I would like to ask the member to be more cautious on the issue.

Ms BATH — This was some time ago. I have been very general in my description. It was there to highlight a point that goes to the fact that the bill before us today looks at a magistrate being able to have carriage of court proceedings. My point is that it is important that the magistrate has some ongoing capture of court proceedings, and that is what this bill encapsulates today. We need consistency, and this bill holds to that. It needs to go further but it also is important in the system. As my time has concluded, I indicate that we will not oppose the bill but totally support Ms Crozier's reasoned amendment to rule out youth control officers.

Ms Lovell — On a point of order, Acting President, there is no minister present in the house.

The ACTING PRESIDENT (**Mr Elasmar**) — There is no point of order. A minister is here. The minister is in the corner.

Ms PENNICUIK (Southern Metropolitan) — I rise to speak briefly on the Children and Justice Legislation Amendment (Youth Justice Reform) Bill 2017. My colleague Ms Springle comprehensively outlined our concerns with the bill in her contribution to debate during the last sitting week. We do agree there are some useful parts in the bill that we would support, such as the youth diversion programs; clause 6, which provides for a consistent magistrate to oversee criminal proceedings against children; and also clause 31, which would require officers to make reports of any incidents involving the use of physical force or isolation.

However, we were never going to vote for the bill, and we had drawn up some amendments to clauses which we thought really did need amending in some way to improve the bill. But after discussions we have decided to not proceed with those amendments and in fact to just not support the bill, because we believe it is fundamentally flawed. Despite there being some aspects of it which we would support, they are outnumbered by the very large number of aspects of it which we cannot support.

I would like to also say that we really cannot understand why the government actually brought this bill forward before the report from the Legal and Social Issues Committee on this particular issue has been finished and tabled, because the whole point of that inquiry was to better inform the legislative framework for this very important area, which impacts on the lives of young people every day.

As I said, I will not go into the points that have been made already by my colleague Ms Springle, but it has been only a day or so since the Ogloff-Armytage report was tabled and nobody has had sufficient time to really consider that either. That report also could have informed the bill. So the bill has been introduced, the inquiry has not been finished and a 700-plus-page report was tabled only recently. No-one has had time to consider that report.

The major issue we have concerns our fundamental problems with the bill. With all I have said up until now, we would like to put on the record that we will support the reasoned amendment put forward by Ms Crozier, that:

> … this bill be withdrawn and part 3 redrafted so that certain of the proposed additional powers in part 3 be instead made available for existing orders for young offenders.

That is how the reasoned amendment reads, but I want to put very clearly on the record that if a bill were to come back with part 3 redrafted so that certain of the proposed additional powers in part 3 were instead made available for existing orders for young offenders, we would not support that. We would not support that part of the reasoned amendment. We do support that part of the reasoned amendment that seeks that the bill be withdrawn, and as I said, we would support that it be informed by the report of the inquiry and by other evidence that is available. This important area of legislation that impacts on young people every day of their lives needs to be based on evidence of best practice and what works for young people. That is not what this bill delivers, and that is why we will support it being withdrawn.

Debate adjourned on motion of Mr MULINO (Eastern Victoria).

Debate adjourned until later this day.

DISABILITY AMENDMENT BILL 2017

Second reading

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

Ms WOOLDRIDGE (Eastern Metropolitan) — I am very pleased to speak on the Disability Amendment Bill 2017, which has come on a bit earlier than we expected because of the terrible management of the previous youth justice bill by the minister with responsibility for it in this chamber. The minister does

need some time to gather herself and deal with the issues, which allows us to talk on the important Disability Amendment Bill in the meantime.

This is a good bill that the coalition will be supporting. The bill strengthens the safeguards for Victorians with a disability by providing the disability services commissioner with greater oversight functions and powers in line with the recommendations from the inquiry into abuse in disability services. There are a few key things this bill actually achieves. It gives the commissioner greater powers to investigate reports of abuse and neglect in disability services, attempting to improve safeguards for people with a disability by establishing an own-motion inquiry power and other new inspection powers. It also allows the commissioner to appoint authorised officers to visit and inspect relevant premises without notice and specify actions that need to be taken as a result of investigations. It allows for greater information-sharing capacity between agencies in line with the transition to the national disability insurance scheme. So there are some very good elements to the bill, which is the reason that we will be supporting it when the debate on the bill concludes, hopefully later on today.

The disability services commissioner, I have to say, has done a very good job in relation to the powers that he has had. I do want to acknowledge the work of Laurie Harkin, AM, who has been the one and only disability services commissioner in all the time that we have had one here in Victoria. I have had the pleasure to work closely with Laurie over many of those years and certainly as minister for four years.

The report of the disability services commissioner talks of the office as being an independent voice promoting rights and resolving complaints about disability services in Victoria. It is fair to say that the issue of complaints has come onto the agenda because of the work of the disability services commissioner. The volume and activity of his office over the years has increased year on year, so much so that in 2015–16 over 1000 inquiries and complaints were handled, 30 complaints were finalised in conciliation, 9 investigations were finalised, and 87 per cent of complaints were partly or fully resolved. There were 348 incident reports reviewed; over 2000 people attended training or information sections; 30 submissions were made to inquiries and consultations; 24 000 promo, info and educational materials were distributed; and 2174 complaints were reported by service providers. It is a substantial work of the office and important work that has been done and continues to be done.

It is fair to say that through the inquiry into abuse in disability services that was undertaken by the Family and Community Development Committee — a very important piece of work — concerns were raised regularly about the office and the work of the disability services commissioner. I think, as the report says, it acknowledges that the expectations of the community in relation to the role were not being matched by the powers that were actually given to the office of the disability services commissioner. That mismatch was leading to a level of dissatisfaction, so while the disability services commissioner was actually fulfilling to the best of his and his office's capability what he had the power and capacity to be able to do, that was not meeting the broader expectations in relation to the disability sector and to families and people with disabilities.

I think what this bill does is start to take the steps to address some of those issues, particularly through things like the power to investigate complaints. It adds to the power to investigate complaints with the capacity to compel attendance, calling for evidence and documents, applying to a magistrate for a warrant to inspect the premises and issuing service providers with actions to remedy any issues substantiated as a result of any inquiry by the commissioner.

The own-motion power is an important one. It is one that organisations — agencies that have the capacity to own-motion — have to balance in terms of what own-motion inquiries are undertaken versus what is requested, because with that volume there is always more that can be done, and the management of that along with the regular, ongoing management of the office and the complaints process generally is one that has to be balanced carefully. It is one that I am confident that the disability services commissioner will be able to manage very competently and will be able to prioritise in the interests of the issues for people with a disability.

In looking at the annual reports for the disability services commissioner from 2016, it does say that in relation to reporting and particularly mandatory reporting:

> Since 2012, my office has been responsible for the oversight of category 1 incident reports for allegations of staff-to-client assault and unexplained injury, and we have provided biannual advice to the Secretary of the Department of Health and Human Services …

He went on to say that this year that scope has been broadened to allow a greater range of category 1 incident reports. I think this goes to my next point, which is that the expansion of the role of the disability

services commissioner and the importance of that role is one that has been supported by all political parties in this Parliament. As minister in 2012 I was very pleased to be able to expand that role to include the oversight of category 1 incident reports. This is something that has obviously been further expanded in recent times.

I was also very pleased as minister to introduce the Disability Amendment Bill 2012, which had a number of actions which were undertaken, one of which was to allow the disability services commissioner, who can consider complaints about services that are provided by an organisation contracted or directly funded under the Disability Act 2006 by the Secretary of the Department of Health and Human Services, to consider complaints about organisations that did not fall within the current definition of a disability service. These might be things such as a disability advocacy service or a financial intermediary service. That change was about increasing the protections that the commissioner is able to provide to people with a disability.

I think the message I am clearly conveying is that the expansion of the role of the disability services commissioner is something that we were committed to in government, and we undertook legislation and actions to enable that to happen — and in many ways the work that continues to happen continues to expand that role — and that this legislation we have today continues that work as well, which is why we support the legislation and why we think it is important that this is allowed to happen and can continue.

The work of the inquiry was very important. I know they worked very hard across the state talking to people with a disability, had many submissions in relation to it and made many recommendations. There is further work to be done to enable the realisation of those recommendations. One of the things that as minister I was very pleased to introduce and work hard on was the introduction of what was called the disability worker exclusion scheme. While I have not said so publicly before, I say now that we actually fought really hard for this scheme. A number of options were presented, including a legislated option right through to this option which covered residential services and was put in place through management by the then Department of Human Services. What we wanted to make sure in response to some incidents of abuse was that we had the capacity to examine the workforce, track the workforce and identify for the benefit of potential employers individuals who may pose a risk to people with a disability. It is not an easy process, and I was very pleased on 5 August 2014 to announce that we were establishing this scheme.

What we know is that the vast majority of the disability workforce do an incredible job. They are highly committed. They work extended hours. The support they provide for people with a disability is substantial, and they actually have great pride in their work, but there are a very small number of workers who do endanger the safety and wellbeing of clients. What we had found was that these individuals were able to move from employer to employer before any allegation had been formally investigated, and in some instances that inappropriate behaviour continued, so we brought in the disability worker exclusion scheme to ensure that workers who endanger the safety and wellbeing of people with a disability are excluded from further employment within the sector.

The department maintained a register of disability service workers who had put their clients at risk of harm or abuse and who were under investigation for doing so. So the issue there was that if the investigation had not been concluded, because there was no resolution there was no ability for that to be recorded on their record going forward. So this was actually quite a fundamental shift, and what we thought was an important one, to ensure the safety and wellbeing of people with a disability. It is never acceptable when workers or an environment puts people with a disability at risk in terms of their wellbeing. I was very pleased that we were able to formulate, develop, put in place and implement this scheme in late September 2015.

In the inquiry into abuse in disability services there was actually some commentary in relation to this. We knew, for the fact of getting the scheme up and running in the first place, that we had gone with the most straightforward mechanism to implement the scheme — not the legislated option, which would not have been put in place in the short time frame. I quote from page 125 of the inquiry report:

> While the disability worker exclusion scheme (DWES) in its current form has shortcomings, and has had its critics, evidence suggests it has been a useful instrument for excluding from the sector those workers found to be unfit to continue to work with people with disability.

I have got to say that I was very pleased that while it was not the be-all and end-all — the comprehensive option that was legislated and put in place — the fact that we were able to get a scheme in place in the first place meant that there were protections afforded to people with disability through the disability worker exclusion scheme that had not been afforded to them previously, and the inquiry recognised that had a benefit and was now recommending further expansion of the scheme. I think that is a very positive step. We could have sat back, it could have been years, nothing

could have happened and some of those people could have continued to be employed in the sector to the detriment of people with disabilities. Once again there has been some good progress, and there are some recommendations for and commitments to further progress that build on the work of the Liberal-Nationals government back in 2014.

While talking on the bill I want to take the opportunity to mention a few other things that we are proud of in terms of having made progress on while in government. We continue to support much of the work that continues to benefit people with a disability in this state. One thing that was very much our focus was closing outdated residential institutions. When I was minister three institutions remained where there were sometimes up to 100 clients that resided together in the one facility. This was in contrast to the model that had been evolving over many years of closure of residential institutions to be replaced by much more personalised and home-like four or five-person residential accommodation.

Over the course of the last couple of years of the Liberal government we made commitments to, planned for, funded and started to deliver the closure of the residential disability institution in Oakleigh and committed $14.1 million in order to build new accommodation and relocate residents. I have been pleased to recently see the minister opening and enjoying with residents the new disability accommodation now that the Oakleigh Centre has closed and the residents have been relocated successfully out in the community.

There was also the closure of the Sandhurst Centre, outside Bendigo. Once again we committed a significant amount of money in 2013 to build new disability accommodation to transition those residents out. I have to put on the record how disappointing it is that despite our having announced and supported both Melba Support Services and the Karden Disability Support Foundation to be the operators of those new Sandhurst supported accommodation units, this government overturned and cancelled the agreement with those two organisations and arranged for the units to be run by DHHS. That was certainly not the commitment that had been made or the agreement that had been signed.

Interestingly, however, I think the Labor government is now experiencing quite a bit of feedback from their union masters in relation to the fact that they have made commitments for DHHS-run disability accommodation, now through the NDIS, to be put out to the community sector, or the non-profit sector, once again. It is a very strange set-up at Sandhurst where there were two community sector partners that were going to run it, those agreements were cancelled, it was drawn back into the department and now there is a process to put it back out again.

The third remaining residential institution was the Colanda Centre, down in Colac. I was very pleased to make funding commitments to move 20 residents out, understanding that there were still some further steps for the final group of residents to be concluded there. We made a very strong commitment to the closure of residential institutions, and the benefits of that are being realised now.

One of the big achievements of the Liberal-Nationals government under both Ted Baillieu and Denis Napthine was the agreement in relation to the NDIS, the trial that happened down in Barwon and of course the attraction of the headquarters of the National Disability Insurance Agency (NDIA) to Geelong. There was a significant amount of work, and this bill relates to the capacity to manage the transition to and the ultimate operation of the NDIS. That work was in the making really from a commitment we made in opposition to support the NDIS. We were the first major political party in Australia to commit to that and then to realise that. We are seeing through the media some of the outcomes of the very pushed and rushed negotiations that were driven by the then federal Labor government, including then Minister for Disability Reform, Jenny Macklin, bringing forward the time frame for implementation by a year, ahead of the time frame that had been laid out by the Productivity Commission. We are seeing the ramifications of the rollout of the NDIS in terms of the very rushed time frame that the Labor government set.

Nonetheless, there is no doubt that for most of those who have transitioned from individual support packages, individually run in states, to the NDIS, with much more choice, much more control and often significant additional funding, the NDIS is making a very big difference in their lives. I am very proud that we supported Victoria to be a participant in the signing of the agreement with the federal government to the launch of the Barwon site as a trial and of course to the opening of the headquarters of the NDIA in Geelong, which has brought hundreds of jobs to Geelong and continues to ensure Geelong's rightful place as a hub for insurance in its broad form in Australia. It was very important work.

In terms of the context of the disability services commissioner I have to say that Laurie Harkin is a national leader in relation to quality and safeguards and

has in many ways been leading much of the debate, certainly while I was minister. I am sure that has continued in relation to the safeguards that need to be in place through the NDIS.

We have always said — and I am very pleased to see the words of the current minister — that we do not want a lowest common denominator approach in terms of quality and safety. We have always said that the quality and safety regime in Victoria, which was and is held up across the nation, needs to translate to the NDIS as well. The bill that we are debating today and the changes recommended by the inquiry and those being put in place by the government will continue to further enhance the capacity of Victoria to ensure those safeguards are there for people with a disability.

I just want to touch on a few other things in relation to the work that has been happening for disability services, oversighted by the disability services commissioner. One of my favourite things that we did when I was minister — and I would like to acknowledge a former member of this house, Andrea Coote, who was a catalyst in making this happen — was the introduction of Changing Places Transforming Lives, affording people with a disability the dignity of being able to use toilet and bathroom facilities in public locations. We promised $750 000 to bring these toilet and bathroom facilities to six locations, including the MCG and Melbourne Zoo, also making sure that there were facilities as part of the Rod Laver Arena redevelopment and stage 2 of the Melbourne Park redevelopment. We went on to commit to them in Ballarat and in other locations, including a mobile location through a bus out at Maroondah. It is very important work, and once again it is good to see that concluding and actually being realised for people with a disability.

The other important recognition is of course for carers, and they do an amazing job. I was very pleased in 2012 to introduce the Carers Recognition Bill 2012. The legislation requires government-funded agencies to reflect the care relationship principles in the operation of their business and to report in relation to them. There were a number of other things, and of course with carers that included some funding for the Gippsland Carers Association. I think it is very disappointing that that support for the work that is happening across the board has not continued under this government.

There has been, I think, very significant work done, but there is always the opportunity to improve. I think the issue of abuse of people with disability, whether it is in residential services, in day services, in any employment context or wherever it might be, is something that the Parliament and all political parties and all governments must remain ever vigilant to. The work of the Family and Community Development Committee is important in highlighting that. What we do see is that there are far too many examples of this continuing to happen, and there is an opportunity through a number of the recommendations to take further steps to ensure that people with a disability are safe, have their wellbeing ensured and can actively participate to the full extent of their interests and capacity in all aspects of life.

On the issue of abuse there is zero tolerance. That is supported across the board. It is important work. There are further recommendations and things this government has committed to implement that are not reflected in this legislation and that do need to be dealt with and need to be worked on and implemented, but as a step this legislation today warrants the support of this chamber and of this Parliament to take a further step forward in relation to the valuable and important work that the disability services commissioner does and in relation to ensuring that the transition to the NDIS is as smooth as it can possibly be through, in this case, sharing of the information. I commend the bill to the house.

Ms HARTLAND (Western Metropolitan) — This is a bill that the Greens can wholeheartedly support. It is really pleasing that a comprehensive inquiry occurred, really looking at those issues around abuse of people with disabilities, and out of it has come this piece of legislation. I have several friends who have adult children who have disabilities and who live in various accommodations run by a whole range of different organisations, and the thing that has always struck me is the fact that someone who is not of good character can easily move from place to place — that there is not enough regulation about the way people work and the way they deal with people with disabilities. So it is very pleasing that the heart of this legislation is around own-motions inquiries so that the commissioner can do those investigations that are really needed.

In this day and age people with disabilities should not be subjected to abuse. They should be able to live in the community in a way that suits their skills and what they want to do, and they should never be subjected to any kind of abuse. Clearly and unfortunately, though, the parliamentary inquiry showed that that happens all too often.

As I said, I am only going to speak briefly on this, and it is not because I do not think the issue is important but because I think the legislation is clear. It is good. It is actually going to do good work, and we should all

support and encourage this government to look at other inquiries that have brought forth really important information and to act on those inquiries as well. With those few words, the Greens will be supporting this legislation.

Mr GEPP (Northern Victoria) — I too rise to speak on this bill and speak in support of it. When I first rose in this place a few weeks ago I spoke about inequality, and it is interesting to look at the public debate and discourse that is going on at the moment around that terminology. Much of the discussion has been around finances and taxation et cetera, but of course we know that inequality can manifest itself in so many different ways. One of the ways of course that it does is when we have the most vulnerable in our community, who rely on the support of others to live day to day and to get the care that they need just in order to get through each and every day, being abused. When that trust is abused — however it is abused, however they are let down — inevitably that adds to inequality, so I am very pleased to be able to make my first contribution on a bill on one that I think is going very much to the heart of inequality and trying to do some excellent work, as previous speakers have said.

I think from the outset we need to recognise the efforts of the Minister for Housing, Disability and Ageing. If it was not his first act as a minister in this Parliament, then certainly it was one of the first few things that he did when he called for this inquiry. He could see that there had been systemic abuse across the disability sector for a long, long period of time, and he was determined as the minister to do something about it — and he did. He initiated the inquiry, and he ought to be commended for it because the Andrews government does not tolerate abuse or neglect of people in any circumstances, but least of all people with a disability.

We are committed to improving the safeguards for people with a disability and importantly working with people with a disability and other stakeholders to ensure that higher standards for safety exist in our system. Of course once the inquiry got underway it started to uncover some things that I think made everybody, rightly so, very uncomfortable. When we started to hear some of the stories through the inquiry it started to make everybody shift a little bit in their seat and wonder how such a system could be around in this day and age.

I know from being a person who was a layperson at that point in time that if looking at the media reports, listening in to some of the inquiry hearings and reading some of the submissions did not move you, then you did not have a heart — you simply did not have a heart. To listen to some of the mothers stand up publicly and talk about the abuse and neglect that their children had suffered over a long period of time was very moving. What did not exist was the environment for them to be able to pursue those things to give their child the support and the relief that that child needed and deserved from our system.

In preparing for today I went back and actually had a look at a couple of those media reports. I will not mention names even though they are in the public domain; I do not want to rip the bandaid off for some of those people. But there was the woman who spoke from the heart about three of her four children having a disability, a couple of them having multiple and severe disabilities and mental illness, and how she had become concerned about the behaviour of one of her son's carers. She reported it to the facility where her son was residing, but by the time the police were alerted all of the forensic evidence had gone — it had disappeared into the ether — and we had the duckshoving and the blame game going on, with this complaint being shuffled around from desk to desk but never actioned. And of course the loser out of all of that as well as the child was the mother having to watch, knowing that there was something significantly wrong but not being able to do anything about it.

And there was the other mother who talked about — again in a public way, and I will not mention her name — her son, a non-verbal man with autism, who was sharing a state-funded emergency facility, Autism Plus, with four young people. He had been attacked several times. He was 20 when his parents had to move him into the group house, and four months into his stay they were told that their child had been sexually assaulted by another resident. Despite numerous attempts by this woman to have this complaint investigated within the facility, within the system and by police, it just did not occur. And again, this young person was subjected to the same abuse again and again for a number of years. So watching and listening to those stories long before I got into this place certainly was for me a real eye-opener. I could not quite understand, and I am sure many people could not, how it got to that point.

When we turn to the inquiry — and I have talked about some of the things that the inquiry uncovered — what did it say? Well, at the end of the day it said that there cannot be any tolerance for abuse; that we must have a new guiding principle in relation to service providers that they promote a culture that upholds the rights, the dignity, the wellbeing and the safety of people with a disability; and that we do not tolerate or normalise

abuse, neglect or exploitation. This was not 20 years ago; this was last year.

The inquiry handed down some 49 recommendations, and this bill that the government presents today we believe substantially implements the key elements and aspects of those 49 recommendations. I think as previous speakers have said you could always argue that these things can go further, and I am sure over time that they will. But we have got a starting point; we move forward from today, and we hope that this gives families who operate within the disability sector a way forward and comfort that things are on the improve for them.

The bill also, as well as having that new guiding principle in relation to service providers and the promotion of the culture, strengthens the disability services commissioner's oversight of service providers. In particular the bill provides the commissioner with a new function to undertake own-motion investigations into abuse and neglect of people with a disability. That is very important. That is very, very important. It means that for the first time the commissioner can themselves initiate their own investigation into these very serious matters. To support that new function — that new power of the commissioner — the bill also provides the commissioner with a power to appoint authorised officers to visit and inspect the premises of service providers that they believe are not providing a level of service that they ought to.

The bill also, importantly, has a range of other provisions to streamline and strengthen the powers, obligations and functions of the commissioner, and some of those provisions include providing evidence-gathering powers to conduct investigations, including expanding the commissioner's power to seek a warrant for investigations referred by the minister or the secretary of the department, and a new offence for unreasonably obstructing or hindering the commissioner or the commissioner's authorised officer when exercising inspection and search powers. Again, it is a much-needed reform which allows for further action to take place and is obviously designed to end the paper shuffling and get some real work done.

The bill also enables the commissioner to share information with other bodies — a very important aspect of the legislation — including the coroner, Victoria Police, the Office of the Public Advocate and the Department of Health and Human Services (DHHS). This provision particularly is designed to reduce duplication and ensure that the most appropriate body takes action to better safeguard people with a disability. The bill also enables disability service providers to disclose relevant and appropriate information to support people transitioning to the national disability insurance scheme and to the relevant commonwealth department with responsibility for continuity of support arrangements for older persons.

I want to just, very briefly if I might, talk about the new powers of the commissioner. Currently their functions include assisting the resolution of complaints in a variety of ways, including conciliation; undertaking inquiries requested by the minister or the secretary of DHHS; and education, training and research to improve the complaints culture and systems in disability service providers. The legislation gives the commissioner some new powers and some important powers.

I have talked briefly about own-motion investigations, but the commission will also have the capacity to refer investigations. The bill strengthens the commissioner's role regarding matters referred by the minister or the secretary by specifying what matters may be referred for investigation and clarifying that the purpose of the referral is to identify service improvements or to understand service issues. The bill provides for investigative powers through the appointment of new authorised officers, information sharing powers and, lastly, expansion of reporting powers and obligations. They include the discretion for the commissioner to name a service provider in his annual report if the service provider has unreasonably failed to take the actions to remedy an issue following an investigation by the commission.

This government is serious about these reforms. That was evidenced in the budget earlier this year where we committed $8.7 million over the next three years to assist with the implementation of these new powers. It will enable the commissioner to equip his office to undertake the enhanced safeguarding functions, including the recruitment of approximately 12 new staff to assist, providing some additional training to community visitors to support them to refer cases of abuse and neglect of the commissioner, supporting the coroner to refer information about deaths of people with a disability to the commissioner and supporting DHHS to respond to requests from the commissioner resulting from his enhanced oversight functions.

In summary, the Andrews Labor government does not have any tolerance for abuse and neglect of people with disabilities. We want to provide the support to people with disabilities that they deserve, that their families deserve and that we believe the Victorian community expects from us. We are going to do that through the greater investigative and reporting powers and the sharing of information with relevant bodies that I have

spoken about. I understand that this bill does have broad support in this place, and I commend everybody. I commend those who conducted the inquiry. It must have been a very, very difficult process hearing those stories that did make us all very uncomfortable learning about them. Notwithstanding that, we are clearly as one on this bill, and it is a tremendous privilege that I have today to commend the bill to the house.

Mr FINN (Western Metropolitan) — In rising to speak on the Disability Amendment Bill 2017 I have to tell the house that I was one of those members of the Family and Community Development Committee who sat through the hearings, held predominantly last year, that led to this bill today. That was pretty harrowing, I have to say. It shocked me to my very core. I had absolutely no idea that such dreadful things were happening to the most vulnerable people in our state. It shocked me, it disgusted me, it appalled me and a lot of times it deeply, deeply distressed me, so I am very, very pleased to see this bill here today. We have to say to the community as a Parliament — not just as a government, not just as an opposition — that we have zero tolerance for abuse.

It is beyond my comprehension how anybody could do some of the things that we heard about during the course of the inquiry, how somebody could treat largely defenceless people in the way that they were treated. It was and it is — you would like to think it is not happening anymore, but I doubt it — bullying to the nth degree as to what is happening and what has happened. I cannot fathom how we can treat anybody in this situation as a second-class citizen, and that is what has happened over the years far, far too often. Just because somebody has a disability does not take away any of their humanity. Just because somebody has a disability does not mean they are any less important than anybody else.

I have spent a fair bit of time with the disability sector, if I could use that term — it sounds a bit impersonal — and certainly with people with disabilities in my own family and in other families that are close to me and, more recently, with families across the state that I have gone to meet as shadow parliamentary secretary for autism spectrum disorder. It is both uplifting and distressing, because you see the distress that can be caused by the disability involved but at the same time you see the extraordinary courage, the extraordinary strength and the inspiration that parents and family members show in looking after children, and sometimes adults, with disabilities.

I know in my own family — and they will hate me for saying this — my three girls are just the most extraordinary people that I think God ever put breath into for what they do with their brother, who can be extremely difficult at times. They love him nonetheless. Irrespective of what he does to them and irrespective of how he acts, they love him nonetheless. In fact I think sometimes the more he acts up, the more they love him. I am not sure how that works, because it is a challenge to me at times, I have to tell you. Certainly they meet the challenge that they face on a daily basis almost with a degree of joy.

I cannot begin to tell you how proud I am of them. A 19-year-old, who should be out having the time of her life, is totally and absolutely committed to her 16-year-old brother with severe autism — totally and absolutely committed. God help anybody who even suggests that institutionalisation might be some solution to the problems that we face, because that is when the Finn would really fire up. That is not a pretty sight, as I am sure some in this house might attest to. His younger sisters are just as committed to him. When I consider some of the injuries that he has caused to each of them at some stage, it makes it even more extraordinary.

I use my family not to blow up my own tyres but to hold them up as an example of families right across the state. I see them all the time, and they amaze me. As I have said in this house before, I leave some places and I am almost skipping with joy, which again is not a pleasant sight. It is gives me such heart that there are such wonderful people around who do such tremendous work not just with their own families but with others as well.

One group that I visited recently was Spectrum Journeys out in Chirnside Park. I had never been to Chirnside Park before; it was a new experience for me. But I went out there, and I visited them with Kate Johnson and a group of young women, most of whom are parents of children with autism themselves. They were working their tails off to help others, giving up their time and giving up their resources. Everything that they do they fund themselves. It is just amazing. They are just typical of so many people across this state that I am so proud to say I have met and seen in action. There is a lot of plus side to the disability sector. I hate that word 'sector', but I will use it.

Ms Shing — Community.

Mr FINN — The community, thank you. I knew Ms Shing would come in handy one day, and she has. She has come up with a good word, so I thank her for that.

As I say, there are so many good things happening, but I know there are also so many bad things that are happening. It is sad. As I read this legislation and pick it up — you know, we have got 60 pages in this bill — it is sad that we actually need it. It is sad that we would have to have a disability services commissioner to protect those who need protection. Unfortunately there are some people around who — I nearly used a word which would have had me rebuked most severely — are not very pleasant and are not very fair. They do show the side of humanity that we all wish did not exist. This might be the basis of another speech that I make on another bill later this year.

I absolutely support this bill. It might not go as far, as has been said, as I would like, but it is a damn good start. Certainly it gives me enormous satisfaction. Having spent most of last year working on this report for the Family and Community Development Committee, it is great to know that it has not been taken and used as a doorstop somewhere as so many committee reports are prone to do. I am sure there is a room somewhere. I am not sure whether it is in this building or in 1 Treasury Place, or it might even happen to have its own building — it might need its own building in fact — where there are parliamentary reports upon parliamentary reports just piled up. They were put in there, have never been seen since and will never be seen again. But I am very pleased that the report we put together last year has gone a significant way to contributing to this legislation here today.

I commend this bill, and I sincerely hope that it sends a message to every person with a disability in this state and to every carer in this state. The carers, let us face it, are just critical. Without the carers we would have no hope of looking after the numbers of people that are looked after. I am hoping that this legislation and the fact that both sides are supporting the legislation — all sides in fact — will send a —

Dr Carling-Jenkins — Thank you.

Mr FINN — I see Dr Carling-Jenkins from the Australian Conservatives is supporting the bill. I think that is a marvellous thing in her first vote as an Australian Conservatives MP. I think that is a marvellous message to send — that she too supports those people with disabilities — to the carers, to the families and to those who do really, really care about people with a disability. As I said before, we can concentrate a little bit too much sometimes on people who possibly should be strangled but we do not highlight the extraordinary work, the amazing spirit, the stamina — call it what you will — of so many people across Victoria and across Australia who spend their lives, commit their lives to, helping others with disability.

We saw just this week with the death of Betty Cuthbert — an extraordinary woman who spent most of her latter years in a wheelchair because of multiple sclerosis — that she had a friend over in Perth who was just committed to looking after her the whole time. That is going on everywhere, and if there is one thing more I would like to see than this legislation, it is perhaps more support for carers, who are largely selfless. I have seen so many of them who give up any personal aspirations, who give up their own social life, who sometimes give up their own personal space to help somebody else. That is probably the ultimate thing that anyone can do, and I really think that we as a Parliament and whoever is in government should provide more support for those carers. I am not just talking about throwing bags of money at people, although that is handy; I think we need to tell them that they are appreciated and in various ways show them that that appreciation is very, very real and that we encourage them in the work that they do.

I take this opportunity to publicly pay tribute to them today and to give them a huge thankyou for the work that they do, because without them, as I said earlier, there is no way that those people with disabilities could be properly looked after or looked after anywhere near as well as they are. So I pay tribute to those carers and those families who do put in so much hard work and effort to ensure that their family members or those in their care are well looked after. Acting President, I support the bill and I wish it a speedy passage.

Ms Shing — Hear, hear, Mr Finn!

Mr FINN — Can we get that in *Hansard*?

Ms Shing — On a point of order, Acting President, can I put on the record my gratitude for Mr Finn's acknowledgement that I have in fact managed to contribute something positive to the chamber and endorse the views that Mr Finn has expressed today in his contribution — another first, perhaps, for this place.

The ACTING PRESIDENT (**Ms Dunn**) — Thank you, Ms Shing. You would be well aware that is not a point of order, but probably Hansard has picked up every single word you have just said.

Dr CARLING-JENKINS (Western Metropolitan) — I rise to speak very briefly today on the Disability Amendment Bill 2017. I will be supporting this bill. As people in the chamber would be aware, I worked in the disability field for many years. In fact for almost two decades I worked in the disability

field, prior to what I describe as the midlife crisis that brought me to politics. I did my PhD in disability rights in Australia and our history in this country is nothing to be proud of in regard to the way we have treated people with disability, but we are a long way from that now and we still have a long way to go. This bill is part of that long way to go.

Near the end of my career I worked in the area of best practice. I focused particularly on group homes for people with intellectual disability. I worked with people with behaviours of concern, and I worked with disability services around the dual disability of intellectual disability and dementia. This was only a few short years ago, and I observed terrible incidences of abuse during my time. I also observed more often conditions within disability services which were just one step away from abuse.

It was not all bleak of course. Where person-centred approaches were genuinely implemented, or even better where rights-based approaches were implemented, conditions within disability services were significantly improved and those abuse conditions were not present. So I come to this bill pleased with the attempt by this government to implement the recommendations of the Family and Community Development Committee's inquiry into abuse in disability services. This was an inquiry which heard of horrific examples of abuse and of the conditions leading to this abuse, and I do empathise with members of that committee on the tough job that they had. I appreciate and acknowledge their work and their dedication to the cause, and I appreciate the fact that this is now being acted on — rather quickly for a Parliament, to be honest.

This bill adds a new principal to the act that disability services should not tolerate or normalise abuse, neglect or exploitation of people with a disability. That should be a given in our society, but we know that it is not. It also enables the disability services commissioner to initiate inquiries at their discretion into complaints relating to disability services, from allegations of individual cases of abuse and neglect to systemic and recurrent issues of abuse and neglect. Because of the long history of vulnerability to abuse of people with disabilities, particularly at the hands of people who are supposed to be caring for them or supposed to be supporting them, this is a necessary power for the commissioner to have. It is a power that is independent of governments and independent of the influence of funding bodies or disability services.

Quite simply we must do better to protect the vulnerable in our community, and we must do more to protect people with disabilities from being open to abuse in our communities and in the services that are there supposedly to protect them. Furthermore, the commissioner is provided through this legislation with relevant powers so that authorised officers can be appointed to visit and inspect relevant premises without notice in relation to its own-motion inquiry and complaints function. I mention this because I think it is a very important part of the bill. I understand that if entry is refused, authorised officers cannot enter by force; however, a new offence is established around hindering or obstructing an authorised officer exercising their powers without reasonable excuse. I can absolutely see the benefit to this after the conditions of abuse that I have observed. This is quite simply about transparency and it is about accountability.

These services receive public funding and must be accountable and transparent about their practices and about the living conditions within the services that they run. Essentially authorised officers under this legislation must obtain the consent of people with disabilities or their guardian prior to entering private rooms and before they interview them. I think this is a really significant part of the bill. This is a necessary protection for people who have often had no control — absolutely no control — over who enters their very own private space.

I do believe there is a lot of work we have to do, but this is a really great start. I do commend Minister Foley for his advocacy, for his determination to get this right and, as Mr Finn said, for not using the report as a doorstop. I thought that was a really good description. So I commend this bill to the house. It provides a better way for Victorians with a disability.

Ms FITZHERBERT (Southern Metropolitan) — I am pleased to be able to speak and say a few brief words on the Disability Amendment Bill 2017. I think much of it has been said already by those who have gone before. It of course implements recommendations of the Family and Community Development Committee's inquiry into abuse in disability services, and some of the recommendations made by the committee have found their way into this bill.

I know Mr Finn was part of this inquiry, and he and I often spoke of it while it was ongoing, and I know that he, like others who were part of it, was greatly affected by it. The issues that it raised were of course of no surprise to Mr Finn nor indeed to others, but it is very confronting to sit through the sort of evidence that the committee heard about a range of serious forms of abuse against very vulnerable people.

While it is uncomfortable to listen to and painful at times, I think it is important that people are heard, and I say that for a couple of reasons. The first is that there needs to be acknowledgement of what are often quite dreadful crimes, and there needs to be some kind of attempt to redress these, but also there is a history, as the committee of inquiry heard, of people on occasion making complaints about abuse of different forms and not being believed, which is all too common an occurrence and a horrendous thing. It is a dreadful thing for someone who needs additional support — for someone who is, as I said, vulnerable — to be harmed, sometimes by someone who is in their proximity to look after them. It is someone who has a greater duty of care and they are abusing the person who is within their care, which is a horrendous thing. It is important that this is recognised and that we work together on having some practical ways of trying to ensure that this does not happen.

The committee heard extensive evidence of widespread abuse and neglect within the disability sector over a long period of time, but I think it is also important to make the point that there are many people who work within the sector and volunteer as well to assist people who have disabilities who perform their tasks with love and care and with enormous dedication to duty. I do not in any way want to smear the reputation of people who are giving to all of us when they give to people who are exceedingly vulnerable in our community.

I note that the disability services commissioner will have an inspection power that enables them to investigate to an appropriate level with greater support, and it will also provide them with additional powers to undertake more timely site visits as well. The abuse that was reported to members of the inquiry took many forms: there was physical and sexual assault, there was verbal and emotional abuse, there was financial abuse and there were also levels of general neglect, some of which were very severe and potentially endangered lives. This happened in services that were operated by government, which is something that we all need to take responsibility for, as well as by non-government providers.

When I was speaking with Mr Finn over time about this and also when I considered this bill it reminded me of part of my own professional history. I have mentioned before that I worked in industrial relations, and I worked in the public health sector for some period of time. One of the things that I was responsible for was defending unfair dismissal claims, and there was a period when I worked with a number of public sector health employers who had dismissed staff for abuse of disabled clients. Some of these were quite horrendous cases of abuse. A number of them involved serious sexual assault. I vividly recall my boss at the time handing a file over and saying, 'You need to immerse yourself in this. I know it's unpleasant, but you need to know it backwards'. These were incidents that in some cases lead to criminal charges, very serious criminal charges, but at the same time there was a parallel civil procedure in relation to employment, because these employers were adamant that, whatever happened, they did not want these staff back on their premises.

There is one case that sticks particularly strongly in my mind, and it involved a very seriously disabled woman who was unable to speak and who had very limited mobility. She was subjected to more than one serious sexual assault. It was a horrendous case, and I remember being horrified by many aspects of this case but in particular the fact that the woman in question could not cry out — she literally could not speak for herself. To be attacked in the night when she was alone — I cannot begin to imagine the fear that that woman must have felt. It is people like her who I think of when I look at the measures and the powers that are introduced through this bill.

I should say that one aspect of that case that was particularly concerning is that one of the acting managers in that area did not understand that this woman had been, one, subjected to sexual assault, and secondly, that she had been raped. When I read the case notes it was pretty clear to me that it was likely that the assailant would be charged with the rape, and indeed he was. I was horrified at the time that she did not understand that, but I would like to think that it shows how far we have come. These events were many years ago now, in the 1990s. I am hopeful that today we do not find ourselves in that kind of situation where someone could look at case notes, could look at witness statements and could look at what the police are saying and not recognise a rape for what it is. I would like to think that we do not find ourselves in that situation. We are kidding ourselves, however, if we believe that there is no longer widespread neglect and at times abuse, and it is combatting that that makes this bill so important. It has my strong support.

Ms MIKAKOS (Minister for Families and Children) — I just wanted to make some very brief remarks. I think it has been a very respectful debate that we have had on this very important bill. I do want to begin by commending Minister Foley for, firstly, putting in place the parliamentary inquiry that led to a number of these safeguarding reforms that have been put in place through this bill. I do recall very well these issues coming to light very close to the last state election, and in fact I had the task of addressing these

issues as the shadow minister at the time and did in fact commit Labor to implementing a parliamentary inquiry, so I am very pleased that Minister Foley moved very quickly to ensure that that parliamentary inquiry was in place and that Victoria is in fact leading the way when it comes to improving safeguards for people with a disability.

The parliamentary inquiry did some very important work, and I also want to commend members of that committee, particularly the chair, Maree Edwards, for the work that they did do. It did shine the spotlight on the incidence of abuse and neglect within disability services. It is very important that we do continue to shine a light on these matters in relation to any person facing vulnerability, whether they be a child or a person with a disability.

I am very pleased that the bill implements the government's commitment to legislate a response to the parliamentary inquiry, but I am also pleased that Minister Foley has put in place additional resources through the budget this year to facilitate the new powers of the disability services commissioner and also provide training for community visitors. We all know that they perform a very important role in terms of ensuring that there is an independent person that can go and visit accommodation where people with disabilities live, and I want to acknowledge the important role that they play in ensuring that there are proper checks and balances in the system.

Finally, I also just wanted to make the point that it is important as we move to the national disability insurance scheme (NDIS) that there continue to be adequate safeguards for people with disabilities. I want to commend Minister Foley for his strong advocacy to the federal government on these issues and the need for a strong national quality and safety framework to ensure that people with a disability have the same level of quality assurance and safeguards under the NDIS. With those words I am happy to commend the bill to the house and thank members for their contributions.

Motion agreed to.

Read second time; by leave, proceeded to third reading.

Third reading

Motion agreed to.

Read third time.

COMMERCIAL PASSENGER VEHICLE INDUSTRY BILL 2017

Assembly's amendments

Returned from Assembly with message agreeing to Council's suggested amendments.

Ordered to be referred to committee.

SENTENCING AMENDMENT (SENTENCING STANDARDS) BILL 2017

Second reading

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

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I am pleased to make some brief remarks this afternoon on the Sentencing Amendment (Sentencing Standards) Bill 2017. This bill at its essence proposes amendments to the Sentencing Act 1991 and the Crimes Act 1958 to repeal the baseline sentencing regime, to establish a new standard sentence scheme for certain indictable offences, to require the fixing of a non-parole period in relation to certain substantive sentences and to amend the guideline judgement scheme.

The opposition is not proposing to oppose this bill, but it does have some concerns over a number of provisions and indeed particular concerns around part 4 of the bill that relate to guideline judgements. Part 2 of the bill seeks to repeal the baseline sentencing regime. This was a model that was introduced by the previous coalition government in an effort to establish a framework by which our courts would standardise the sentences they had put in place on serious offences and have those sentences reflect community expectations. The intention was that a baseline sentence would be just that — it would be a default sentence. It would be a guideline that a court was expected to adhere to unless there were exceptional circumstances which required a court to vary from that baseline sentence and to obviously give reasons accordingly.

It was not long after the introduction of that baseline sentencing scheme that we saw the courts move away from it. The courts made judgements in a way that did not uphold the intention of the baseline sentencing scheme and effectively invalidated that scheme. As a consequence of the decision of the Court of Appeal that brought about this outcome, we are seeing the government today seek to repeal the baseline sentencing scheme and replace it with what it has

described as a standard sentence scheme which is targeted at establishing a standard regime of sentencing from which courts can then have discretion around individual judgements.

What this scheme does not do, though, is raise the threshold, or raise the sentences that are likely to flow for serious indictable offences, and particularly offences involving violence. This is something that continues to be of concern to the Victorian community. We have seen over the last two years, as this house has heard time and time again, an unprecedented increase in violent crime in Victoria and an unprecedented growth in crimes such as home invasions, carjackings, violence against the person, assaults and the like — things that have not been prevalent in the Victorian community until very recently. Melbourne was not known as the home of carjackings until recently; it was not known as the home of home invasions until recently. This is something that has unsettled the Victorian community, and it is something that the Victorian community expects the government, the Parliament and the courts to take action on.

The community has made it very clear that they are sick of the revolving door justice system where Victoria Police apprehend offenders and if they get to prosecution — that is, if they have not already been let out on bail — when they come to court on substantive charges they then receive a sentence which is not reflective of the community's expectations. What we have today with the standard sentencing mechanism that the government proposes to put in place of baseline sentencing is a regime that will not see the sentences for those serious offences increase.

We have seen time and time again examples of where the judiciary does not act in a way that reflects the views of the Parliament around sentencing. We saw that with the baseline sentencing scheme. We saw that when the Parliament increased maximum sentences for particular violent offences in the statute. We do not see the commensurate increase in sentences reflected in the decisions of the judiciary, and this is something that is of concern to the Victorian community. We do not have any confidence that the standard sentencing scheme which is being introduced with this bill is actually going to change that or that we will see those increased sentences that the community expects for serious violent offences. We will see this new framework and this new standard sentence in place of a baseline sentence, but what we are not going to see is actually an increase in the sentences which are handed out for particular violent offences. To that extent this legislation is not going to meet the expectations of the Victorian community.

Then there is that ongoing tension between the legislature and the judiciary in the area of sentencing, but ultimately it is for the legislature to reflect the community's expectations in the sentencing framework. Increasingly I think we will see criticism of the judiciary where they hand down sentences which do not reflect the community's expectations, and increasingly we will see interventions from the legislature which put more constraints around the judiciary in the way in which they hand down sentences. If we continue to see the judiciary not reflecting community expectations, inevitably we will see in the future legislation which puts more constraints around the discretion that the judiciary have.

The next item of the bill in clause 22 relates to the fixing of non-parole periods for certain standard sentences — for example, a 30 years non-parole period for a life sentence; at least 70 per cent of the term of imprisonment where a term is 20 years or more; and at least 60 per cent of the term where a term of imprisonment is less than 20 years — to establish a framework which establishes a nexus between standard sentence period and the maximum that is available.

The other area of the bill which is of concern to the coalition is part 4 of the bill, and the coalition will seek in the committee stage to remove that from the bill. I ask, Acting President, that the coalition's amendments be circulated.

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

Mr RICH-PHILLIPS — The amendments the coalition is proposing in relation to part 4 seek to omit that part of the bill. Part 4 of the bill is in relation to the guideline judgement scheme, which is where the Court of Appeal, not sitting in trial on a particular matter, may make a guideline judgement as to how parts of the sentencing regime should be applied by the court and by the lower courts.

The one guideline judgement which has come to this house's attention in the past is the guideline judgement which was made in respect of the matter of Boulton and Others in relation to the application of community correction orders (CCOs). The house will recall that the previous coalition government, in removing the option of suspended custodial sentences, created the framework of community correction orders in recognition that there are some offences where incarceration was not appropriate but nonetheless a penalty should be applied and the previous concept of a suspended sentence — a custodial sentence that is

suspended — was also not deemed appropriate, so the framework of community correction orders was put in place. Not long after that was put in place we had a guideline judgement from the Court of Appeal which sought to state that CCOs could be applied to 'relatively serious offences', which were the words used by the Court of Appeal. It went on to talk about examples such as rape, child incest and a range of other serious offences.

It was never the government of the day's intention and it was never the Parliament's intention that CCOs be applied to those sorts of offences. The effect of the Court of Appeal in its wisdom determining that in some circumstances those types of offences could be the subject of a sentence using a CCO was to then open it up to people who were charged with those offences to say that because, under the guideline judgement, the sentence for such an offence may only be a CCO, it was a charge for which the person should be granted bail, for example. That then became a problem and the Parliament had to intervene, and it did so last year in amending the CCO scheme to basically avoid the problems that had been created by that guideline judgement.

What part 4 of the bill does is actually seek to open the guideline judgement scheme to give the Attorney-General the ability to apply to the Court of Appeal to give a guideline judgement or to review a guideline judgement and to allow a guideline judgement to include an indication of the appropriate level or range of sentences for particular offences or classes of offences. Our concern with this is that it is effectively saying the Attorney-General will have a mechanism where they can go to the Court of Appeal and have the court make the law to determine, by way of a guideline judgement, what is an appropriate level or range of sentences for various offences. That is the role of the Parliament. It is not the role of the judiciary, or the Court of Appeal specifically. Frankly, we have seen, where the Court of Appeal stray into the area of creating law around sentencing, that they have not done a very good job. They certainly have not reflected the expectations of the community. So we believe that this provision, which would allow the Attorney-General to apply to the Court of Appeal to do just that — to get involved even more than they are now in making law, in making decisions around the appropriateness, range and levels of sentences — is not a positive step. The amendments that the coalition will move when the bill gets to committee in fact seek to omit provisions contained in part 4 of the bill.

The coalition, as I said, do not oppose this bill. We do not believe that replacing the baseline sentencing regime with a standard sentencing regime is going to advance sentencing in the state in the way that the community expects. We are concerned that we are seeing, as I said, time and time again the judiciary not reflecting community expectations around sentencing. I note that the coalition have made a number of announcements over the last 12 months in relation to sentencing and other penalties in relation to 11 serious violence offences now. We do believe this is a significant concern to the Victorian community. We do believe there needs to be further legislative intervention to ensure that we are seeing the will of the Victorian people reflected in sentencing decisions. We do not believe that this regime of standard sentences is going to do that and we certainly do not believe that the guideline judgement model is going to act in the best interests of Victorians, and we will be looking to omit that from the bill.

Ms PENNICUIK (Southern Metropolitan) — The Sentencing Amendment (Sentencing Standards) Bill 2017 does the following major things. It repeals the baseline sentencing scheme which was introduced by the previous government and in its stead establishes a new scheme called the standard sentencing scheme for certain indictable offences. It also enhances the guideline judgement scheme and makes an amendment to the definition of 'arson offence'. Amendments are made to the Sentencing Act 1991, the Crimes Act 1958 and the Drugs, Poisons and Controlled Substances Act 1981 to give effect to these amendments.

The Greens are very supportive of part 2 of the bill, which repeals the baseline sentencing provisions in the Sentencing Act, Crimes Act and Drugs, Poisons and Controlled Substances Act. The Greens always opposed the introduction of the baseline sentencing regime. When it was introduced by the previous government I argued that it would not be workable and it would make the sentencing regime too complex. The Court of Appeal in the case of the Director of Public Prosecutions versus Walters, a pseudonym, in 2015 held that baseline sentencing provisions were incapable of being given any practical operation. The government announced that it would repeal baseline sentencing some time ago, and now with this bill that is occurring.

However, we are concerned with part 3 of the bill, which establishes the standard sentence scheme instead of baseline sentencing. While it is not as complicated and unwieldy as baseline sentencing, we believe it is also unwarranted and will unnecessarily complicate sentencing in Victoria. I have also had some amendments drawn up to remove that part of the bill, which I understand in some ways is the main part of the bill. I am happy to have those amendments circulated.

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

Ms PENNICUIK — With regard to baseline sentencing, by a strong majority the court held that the legislation was incurably defective. That was because the legislation did not provide any mechanism for the achievement of the intended future median. Further, the act erroneously conflated the idea of a median sentence with a sentence of mid-range seriousness. It was held that there was no way to properly overcome those defects without the judiciary exceeding the limits of its interpretive power in order to try to fill a gap in the legislation. Further, the Court of Appeal observed that the baseline sentences act was plainly contemplated to create a two-stage sentencing methodology in practice. That was notwithstanding the claim in the explanatory memorandum that baseline sentencing was not a starting point for judges and did not require two-stage sentencing.

The Court of Appeal observed that it is a tenet of sentencing law that the sentence imposed in a particular case reflects the judge's evaluation of the full range of factors bearing on the nature and circumstances of the offending and the personal circumstances and past history of the offender. The mere fact that two offenders receive the same sentence for the same offence provides little or no information as to whether the cases are in any way comparable.

By pursuing a standard sentence scheme, however, the government has missed the opportunity to take the advice of the Sentencing Advisory Council in its sentencing report whereby, after identifying some offences for which sentencing guidance is required, the council recommended that guideline judgements are the most effective, influential and persuasive form of providing sentencing guidance. The council made it clear that guideline judgements have the best capacity to address the issues identified in its analysis of offences with sentencing problems. It also said that guideline judgements can address sentencing concerns that are broader than concerns relating to a particular offence, such as sentencing for family violence offences.

In my opinion the government should be giving guideline judgements the chance to be utilised first to address the problem identified of sentencing for certain offences. The Sentencing Advisory Council, while it identified a number of identifiable offences, said in its preface that:

> The council believes that there is no evidence to suggest that there are broad or systemic problems with the sentencing of all offences in Victoria. The vast majority of all sentences imposed are not subject to an appeal, and their imposition is both appropriate and unremarkable. However, the system is not perfect, and there are valid concerns regarding some aspects of sentencing, such as the sentencing standards for sexual offences, particularly sexual offences against children.

The Sentencing Advisory Council also went on to say:

> The council's preferred model is an enhanced guideline judgement scheme that will create an evolving, inclusive, evidence-based, and judge-led process that can respond to changing community attitudes and legislative reforms. If a standard sentence scheme is adopted, the council recommends that it should be targeted at those offences for which there is evidence of significant problems that can be addressed by sentencing guidance, and that such a scheme should be combined …

However, I am of the view that enhanced guideline judgements would be the first way to go.

Liberty Victoria reiterates this, referring also to the Court of Appeal providing authority and guidance in matters such as family violence offending whereby in *DPP v. Meyers* the court stated:

> Violence of this kind is alarmingly widespread, and extremely harmful. The statistics about the incidence of women being killed or seriously injured by vengeful former partners are truly shocking. Although the cases under consideration do not fall into that worst category —

that is, the cases they were considering at the time —

> they are symptomatic of what can fairly be described as an epidemic of domestic violence.
>
> General deterrence is, accordingly, a sentencing principle of great importance in cases such as these.

The Greens are supportive of the general thrust of the report of the Sentencing Advisory Council, which was commissioned by the Attorney-General in 2015. It was a very comprehensive report that was produced by the Sentencing Advisory Council of some 400 pages, and the upshot of it was to recommend the increased use of enhanced guideline judgements and not go down the road of sentencing standards, which are similar to if not the same as baseline sentencing.

Liberty Victoria went on to say that the 'sentencing scheme is unlikely to be found to be incurably defective', and that:

> The bill attempts to address some of the above criticisms from the Court of Appeal and is modelled on the New South Wales model of standard non-parole periods, except it applies to head sentences.

Liberty Victoria said it:

> … strongly opposes the introduction of a NSW-style standard non-parole period scheme. The problem with such a system is

> that it leads to a distortion of the judicial task and results in cases such as *Muldrock v. The Queen* ('Muldrock'), where judicial officers fail to give appropriate weight to matters in mitigation (in that case intellectual disability) because of giving too much weight to the standard period. Further, as the High Court made plain in Muldrock, such a system still does not permit the court to take a two-stage approach to sentencing, and the standard non-parole period only concerns a hypothetical case in the mid-range offence of objective seriousness, and says nothing about the personal circumstances of an individual offender.

Or surrounding the offence that occurred, I would add.

Liberty Victoria's submission goes on to state:

> While the bill is expressed in a manner that does not bind judges, and purports to preserve the 'intuitive synthesis', there is a real issue as to whether it will result in two-stage sentencing … It leads to an artificial compression in sentencing towards the standard sentence.

I would agree with that.

By introducing this standard sentence and making that a factor that the court must take into account it would seem that over time it will lead courts towards the standard sentence rather than applying the principles of the Sentencing Act 1991, which look at mitigating and aggravating circumstances and at the maximum sentences that can be applied. There are particular circumstances in each case.

In so many instances in the last few parliaments I have stood up here to defend judicial discretion and the separation of powers. The principles, as outlined in the Sentencing Act, have served us well over a very long time — 25 years now, a quarter of a century. There is no need to introduce standard sentencing. The advisory council itself mentioned that in its opinion there was really only that very narrow range of sentences and that they were of the view that sentences were in need of review. But that could be done by the use of guideline judgements. We do support that aspect of the bill.

Liberty Victoria also made the point that:

> The … mechanism can easily be ratcheted up over time to cover more offences, and to make exceptions more difficult to satisfy. For example, the 'interests of justice' exception with regard to standard non-parole periods could easily become a 'compelling reasons' or 'exceptional circumstances' test.

We have already seen this very recently inserted into legislation. This marks a further erosion of the principle of the separation of powers. It is a product of, and it will make the whole sentencing regime more prone to, the law and order auctions that we continue to see taken by the major parties day after day, year after year, and which has resulted in so many additions and ad hoc changes to the Sentencing Act, the Crimes Act 1958 and the Summary Offences Act 1966, such that, really, we have ended up with a hotchpotch of offences, sentences, non-parole periods and minimum sentences inserted into these various acts that do not make it easy for the courts to be consistent and to apply consistency in sentencing. That is not what has occurred through these additions, and this act, as well as introducing a sentencing standard, is introducing minimum non-parole periods of percentages of standards. So again we are getting into applying numerical formulae to sentencing. That is not the way we should be going with sentencing. I am concerned about all of that.

I would like to go to Mr Rich-Phillips's points, which he always mentions in these types of debates: he says that sentencing is out of step with community standards and community expectations. He never provides any evidence that that is the case. In fact the only evidence that does exist about this particular factor is that that is not the case. And as I have mentioned before, there are empirical studies that have been done with regard to taking ordinary citizens through particular cases with judges and presenting the evidence to them, and what happens is that in the majority of cases the community members agree with the sentence that was handed down by the judge or in fact in many cases feel that the judge has been too harsh. It is when the community are only presented with some of the facts — headline facts, as they read them in the tabloid press — that their views are skewed. The cases that get covered are not the vast majority of cases that go through the courts; they are of course the more, let us say, sensational, controversial or serious matters that come before the courts.

In 2006 a Sentencing Advisory Council paper found that when people are given more information their level of punitiveness drops dramatically and that, despite apparent punitiveness, public sentencing preferences are similar to those expressed by the judiciary. This is not a phenomenon peculiar to Victoria. When provided with the information of the kind provided to the judge in court, the public come to a view very similar to the judge's as to what sentence is appropriate. An informed community does not demand lengthy sentences. The research provides an empirical foundation for the view that an informed and objective public does not consider sentences imposed by judges in particular cases to be too lenient. I have mentioned the Austin Lovegrove public opinion, sentencing and lenience study involving judges consulting the community and *Public Judgement on Sentencing: Final Results from the Tasmanian Jury Sentencing Study* previously in this Parliament as evidence that that is the case.

It is very easy to stand up in here and say, 'Sentences are not in line with community expectations', but the empirical evidence that is available on this subject does not support that statement. The empirical evidence is that when people are presented with all the facts in a particular case — the same as those that are presented in a court — they actually come to the same or a very similar view as the judicial officers. That is the empirical evidence.

Mr Dalidakis — Which studies?

Ms PENNICUIK — I just read some out, Mr Dalidakis, and you can apprise yourself of them.

The bill we have before us establishes a standard sentencing scheme for 12 offences, some of which the Sentencing Advisory Council specifically said should not have a standard sentencing scheme applied to them. It provides for a methodology for prescribing a standard sentence, which is a percentage of the maximum penalty.

Honourable members interjecting.

Ms PENNICUIK — Acting President, throughout my whole contribution I have had a very loud conversation going on over there, and now one is going on here. It is very, very difficult to concentrate on my contribution. I ask you to call other members into line.

The ACTING PRESIDENT (**Mr Ramsay**) — Order! I think Ms Pennicuik has a point. Mr Dalidakis, you are giving running commentary, which I think Ms Pennicuik is finding very distracting, as am I. I am sure Mr Davis and Mr Dalla-Riva will desist from their session up on the back bench. Continue without assistance, thank you, Ms Pennicuik.

Ms PENNICUIK — You are very kind. Thank you, Acting President. As I was saying, the mechanism will be a percentage of the maximum sentence for a particular offence and will be the non-parole period, which is in effect a mandatory sentence. That is another reason why the Greens will not be supporting the standard sentencing regime. Under new section 11A(4):

> Unless the court considers that it is in the interests of justice … the court must fix a non-parole period of at least—
>
> (a) 30 years if the relevant term is the term of the offender's natural life; or
>
> (b) 70% of the relevant term if that term is a term of 20 years or more; or
>
> (c) 60% of the relevant term if that term is a term of less than 20 years …

which is also higher than was recommended by the Sentencing Advisory Council in its report to the Attorney-General.

Again I will say that a better bill would have been a bill that came here putting in the part about enhanced guideline judgements. That would have been repealing baseline sentencing and enhancing guideline judgements, and it would have been a very good bill. Unfortunately, while we support those parts of the bill, we do not support the introduction of the standard sentencing regime into the Sentencing Act. In fact the Sentencing Advisory Council made in its report a recommendation to the government along the lines of what I was saying before — that so many changes have been made to the Sentencing Act that it should be reviewed in terms of the ability of the courts to follow it and apply consistent sentences, as well as being able to maintain that judicial discretion and being able to impose the sentence that the judicial officer feels fits the particular circumstances of that offence. This bill continues to make that more difficult.

Mr ELASMAR (Northern Metropolitan) — I rise to contribute to the debate before the house on the Sentencing Amendment (Sentencing Standards) Bill 2017. This bill introduces significant and appropriate reforms to the Victorian sentencing system for some of our state's most serious offences so that sentences will be consistent, transparent and in line with community expectations. In November 2015 the Victorian state government requested that the Sentencing Advisory Council deliver advice on the most effective legislative mechanism and provide sentencing guidance to the courts in a way that promotes consistency of approach in sentencing offenders and promotes public confidence in the criminal justice system. This request was made after the Court of Appeal ruled in 2015 that the previous government's baseline sentencing provisions were deemed unworkable. The practical application of this bill is to repeal the baseline sentencing scheme and introduce the standard sentence scheme.

By way of explanation, the baseline sentencing scheme will become the standard sentence scheme. The standard sentence scheme sets standard sentences for 12 of the state's most serious crimes, including murder, rape and sexual offences involving children. For example, the standard sentence for rape is 10 years, but the offence has a maximum penalty of 25 years. For offences with a maximum penalty of life imprisonment, an offence-specific approach has been adopted, with the standard sentence for murder being 25 years.

An important tranche of the bill is its capacity to promote consistency in sentencing. People are

mystified as to the method of judicial sentencing currently in operation. Understandably they scratch their heads and are unable to fathom the rationale of a judge who allows a dangerous criminal to re-enter the community after committing appalling crimes. The introduction of the standard sentence scheme will lead to increased sentences for the most serious crimes, and the bill will make Victorian sentencing more transparent.

The civil libertarians will go on about institutionalisation and recidivism, but the reality is that Victorians need to feel confidence in the justice system's ability to protect them. Put simply, they need to feel safe on the streets and especially in their own homes. The bill provides a positive strategy that is able to be understood by the community and is transparent in its application. This bill demonstrates our commitment to ensuring that sentencing outcomes are consistent with community expectations and that serious criminal behaviour is appropriately dealt with by the courts. It provides the mechanism to apply the 'Let the punishment fit the crime' adage and sends a tough message to criminals that they will incur longer terms of imprisonment if they commit serious offences. That is as it should be. I commend the bill to the house.

Mr ONDARCHIE (Northern Metropolitan) — I rise to speak to the Sentencing Amendment (Sentencing Standards) Bill 2017. I start by acknowledging the contribution of Mr Rich-Phillips in outlining the coalition's position in relation to this legislation that comes before us today. We will not be opposing the whole bill, but there are some amendments that will be dealt with through the course of this discussion today.

There is no doubt the people of Victoria want us to be tougher in sentencing. There is no doubt that people are just sick and tired of the crimes happening in this state, so much so that crimes in this state are falling back to page 9, 11 or 13 of the *Herald Sun* because they are starting to become a way of life, and that, frankly, is not good enough. People who accept that as a premise in this state need to have a good, hard look at themselves. This is not the Victoria I grew up in. This is not the Victoria I raised my family in. This is not the Victoria that I love. We need to send a very strong message that we are going to be tough on crime and therefore tough in sentencing.

I acknowledge the bill that is before us today, but I do say to you that I am just not sure it goes far enough. I cannot see over time how this is going to effect any real change. In fact I think it waters down some of the positions that the coalition government brought in in their term in office. I think we need to be tougher in the way that we approach sentencing of our criminals. I think we need to be tougher in the message that we send to those who are thinking about committing crimes in this state — that we are just not going to take it any longer. That is why Matthew Guy has talked about zero tolerance for crime in Victoria. Just in recent days he has talked about how the policy of treating fuel drive-offs as a civil rather than a criminal matter has not worked. Over $60 million per annum, and our small businesses are hurting because of fuel drive-offs.

We need to be tougher on crime. We want a safer Victoria and to adopt what we are calling a zero-tolerance approach to crime. I have heard my colleague Mr Finn talk about this in this place on a number of occasions. Victorians who do the right thing and live by the law have had enough of excuses from criminals. Victorians have a real choice at the next election: this softly, softly approach to crime or the tougher approach, protecting Victorians and ensuring a safer community with a Matthew Guy coalition government.

Mr Finn — Crims will be voting Labor — no doubt about that.

Mr ONDARCHIE — As Mr Finn interjects — as members of the government find this an amusing subject today — the criminals will vote Labor because they know they are going to get a soft deal. I am very proud of the fact that the coalition parties have made a very strong statement in relation to being tougher on crime in this state. I am very proud of the fact that at least the Matthew Guy coalition is standing up for Victorians whilst the government of the day is taking a softly, softly, soft-handed approach to crime in this state. It is about time the government saw an opportunity for change, and they see it now. From stealing dictaphones to rorting electoral officers, this government have got form, and when it comes to being held accountable they dodge and weave, just like the criminals we seek to sentence. Frankly, Victorians have had enough.

I commend Mr Rich-Phillips's amendments to the house. As members of the government find this to be an excuse to be flippant about this matter — it is their whole approach to law and order, quite frankly; they just see it as something funny and something to make jokes about — we take it seriously, and so do the Victorian community. They have had enough. The issue of sentencing is one that dominates thinking, and I have had personal family experience where someone who committed a serious — the most serious — crime against a member of my family simply was not sentenced for long enough, and I find it unacceptable.

Mr Rich-Phillips's amendments are worthy of this house's consideration and support. I commend Mr Rich-Phillips's amendments and the balance of the bill to the house.

Mr EIDEH (Western Metropolitan) — I rise to speak on the Sentencing Amendment (Sentencing Standards) Bill 2017. This is a very important bill containing reforms that are expected to increase sentences for 12 of the most serious crimes in Victoria, and it will increase confidence and promote consistency in our approach to sentencing more broadly. The Sentencing Amendment (Sentencing Standards) Bill 2017 will abolish the Napthine Liberal government's failed baseline sentencing scheme and will introduce a standard sentence scheme and enhance the current guideline judgement scheme.

The reforms to our sentencing laws were demanded by the people of Victoria. The Andrews Labor government has listened to Victorians and to experts in this field of activity and is acting on what is a very serious aspect of community confidence and community safety. This bill will create a new standard sentence scheme that will increase consistency and public confidence in sentencing. It is based on a successful scheme that has operated in New South Wales. It will provide a legislative guidepost at the midpoint of objective seriousness for 12 serious offences. This guidepost will be set at 40 per cent of the maximum penalty for the included offences, consistent with the Sentencing Advisory Council recommendations. An offence-specific approach is taken to offences with a maximum penalty of life imprisonment, such as murder.

The standard sentence will be an additional matter to be taken into account by a court and will override current sentencing practices. Courts will be able to deviate from the standard sentence due to aggravating or mitigating factors but will need to provide reasons if they do so. The standard sentencing scheme also includes a requirement for courts to impose non-parole periods consistent with certain prescribed periods. A court must impose a non-parole period of 30 years if the offender is sentenced to life imprisonment, of at least 70 per cent for terms of imprisonment longer than 20 years and of at least 60 per cent for terms of imprisonment less than 20 years. If it is in the interests of justice, courts will be able to depart from these prescribed ratios but they will need to justify their doing so in detailed reasons.

Unlike baseline sentencing, we are confident that this scheme will work. The standard sentence scheme is modelled on provisions in New South Wales which have been in operation for about 14 years, and it reflects a High Court decision which affirmed the New South Wales scheme. The government consulted with courts and legal stakeholders during the development of this legislation and is confident that the standard sentence scheme will be operational and will develop practical meaning in Victoria.

This bill is about bringing Victoria's sentencing laws and practices into line with both community expectations and what can reasonably be described as effective justice. As I have previously pointed out in this place, my electorate of Western Metropolitan Region is not immune to the ravages of crime, and my constituents deserve to know that the people who commit these crimes are not being given unreasonable or seemingly insufficient sentences.

This bill is the first stage of significant changes to sentencing in Victoria. In addition to the reforms included in this bill, the government has also announced that it will move to create a Sentencing Guidelines Council to engage with the community and provide guidance to the courts on sentencing. The Victorian model will be based on the highly successful sentencing councils in the United Kingdom and is likely to be made up of judges and magistrates, victims of crime representatives, the Director of Public Prosecutions, Victoria Police, legal stakeholders and academics. It is intended that the Victorian Sentencing Guidelines Council will develop sentencing guidance for the courts after engaging in wide consultation with the community.

The government will undertake further work to determine exactly how the Victorian Sentencing Guidelines Council will operate in practice. We intend to introduce legislation to establish the council in 2018. This bill is necessary and is most certainly warranted. If only one violent crime or serious offence is prevented because of the deterrent effect of this bill, then it has achieved what the government and community expect of it. I commend this bill to the house.

Mr FINN (Western Metropolitan) — The Sentencing Amendment (Sentencing Standards) Bill 2017 is I suppose an attempt by the government to do something about a real problem that we have in this state, and that problem is a lack of confidence among the general community in our legal system. I say advisedly the legal system, because there has not been in this state for many years a justice system. And the bloke who destroyed the justice system in this state is a former Labor Attorney-General, Rob Hulls, who for 11 years appointed his mates, his cronies and civil

libertarian types to the benches of the various courts throughout Victoria.

That has given us a system in which we can say with absolute confidence that justice is just about dead in this state. People talk about the pub test. If you go into any pub anywhere across Victoria and raise the issue of our court system, of our 'justice system', then people will laugh you out of the place. The people out on the ground know that the last place they ever want to go near is a court, because they know that justice is such a rarity in one of those places. It is usually a result of the fact that Rob Hulls was the Attorney-General for those 11 years and made appointments which may have perplexed some, but given that they were made very much in his image, it is not surprising that we have the result that we do today.

We have this bill before the house and we also have some amendments from Mr Rich-Phillips. I have to say the amendments that he has put forward will strengthen this bill, and this bill does need strengthening. It significantly needs strengthening because this bill is coming from a government that is soft on crime. Soft on crime, soft on criminals — that is what we have come to expect from the Labor Party, and not just this government but Labor governments over the years. They have shown themselves to be soft on crime in so many ways, and that has led to what we see in this state at the moment as a crime tsunami, where people are being bashed in their own homes, are being robbed, are having their homes invaded, where people cannot even get public transport without fear of being bashed and robbed.

Victoria at the moment is not a safe place to be, and that is the sad fact of the matter. The government finally accepted that we have a problem and they decided that they were going to put some police on the streets, but it is going to be some three or four years before we get the full number of police that the government has promised. So what is going to happen on our streets in the next three or four years? You fear to think given what has happened over the past two and a half years, given what has happened to people who cannot even drive their own cars. Two and a half, three years ago who ever heard of carjackings in this state? They were as rare as hen's teeth, to use an old term. The fact of the matter is now they are very much on the books for consideration by anybody who is driving through any toffy suburb.

I recall earlier this year I was invited to speak at the Toorak branch of the Liberal Party. This was not something that happened every day, it has to be said, and I would suggest it probably will not happen again either. When I got into my car afterwards and I was driving home through Malvern, I made the point of actually locking my doors because it is places like Malvern where some of these groups gather who like to pinch cars. Whilst I was only driving a humble Ford, it is a relatively late model Ford, which many of us in this house have. I thought to myself, 'You can't take any chances in the state anymore'. You cannot take any chances in Melbourne, and you certainly cannot take any chances in a place like Malvern, where the socially unfortunate may gather to pinch your car, to actually drive you off the road or to bump you as you are driving along and allow you to become disarmed so they can actually take your car. Can you believe that is happening in Victoria in 2017? But it is; it is a fact of life. It is happening all too regularly, and it is happening directly as a result of the policies of a government which is soft on crime and soft on criminals.

As I said, Mr Rich-Phillips has circulated a number of proposed amendments, and those amendments will make the bill substantially stronger. There are also some proposed amendments from our friends the Greens — from Ms Pennicuik. I do not wish to labour the point here, if I can use that term, but we have to point out, and I am sure most people in this house and most people in the state would accept this, that if there is one group of people who are even softer and weaker on crime than the Labor Party, it would be the Greens. We have a set of amendments — 14 amendments from the Greens — and those amendments would largely make the bill useless. If you are going to pass these amendments, why you would even bother putting the bill up? The Greens proposed amendments would make the bill next to useless. It is not great now, but it would be next to useless if the Greens amendments were carried. I can assure you that is not something we on the side of the house are keen to see happen.

A little earlier Mr Ondarchie was talking about Mr Guy's policy of a zero tolerance approach to crime. I have been banging on about this for how long now? How long have I been in here? It is a bit more than 12 years.

Mr Ondarchie interjected.

Mr FINN — He was; indeed. For a long time now I have been talking about zero tolerance. In fact I think in my maiden speech to this house — sorry if I am being un-PC in referring to a maiden speech — I spoke about a zero tolerance approach to crime then. From my perspective it is wonderful to see the next Premier of Victoria talking about what his government is going to do after the election next year to ensure that we do have a zero tolerance approach to crime, because that is what

the Victorian people want. Wherever you go — and I travel around a fair bit talking to a lot of people — the biggest issue for many people is crime. It does not matter whether you are in the city or the regional towns in the country, it is something that people are deeply concerned about.

I can fully understand that because I hear about people being bashed in their own homes. Can you imagine what it would be like being in bed at 4.30 in the morning, dead to the world, and the next thing you know your front door is being kicked in and you have a mob of hooligans running through your house screaming at the top of their voices, threatening you with assorted weapons — with knives, with axes, maybe with guns? The next thing you know they have beaten you up and they have taken your car keys and your car. Can anybody imagine what that would do to the average person? What would that do to members if that happened to them in their own homes?

Very recently I spoke to people in my own electorate who have actually sold up and moved to get away from the house where this had happened to them, because they could not be there anymore. It would have such a devastating psychological impact that really it would take some considerable time to recover from. I note that whilst there is some support available for victims of crime, it would go nowhere near what is needed to recover from such a traumatic and horrific experience.

One incident that I have raised in the house before, and one that haunts me continually, is the story of a young lad, a 16-year-old, who has autism. He was catching the bus in Tarneit; he had gained a degree of independence for himself. I know for a fact that for a kid with autism, gaining independence is a pretty exciting thing; it is something to celebrate. But on this occasion he was attacked by a gang on the bus. He was bashed and he was robbed. Not only was he robbed of his phone and his money, but he was robbed of his independence as well. He was robbed of his self-esteem, he was robbed of his confidence, and since that occasion he has not been able to do the sorts of things that he had been building up to.

When we talk about these heinous crimes, it is not just a matter of a car being pinched or a phone being stolen or a television or whatever. We are talking about real and devastating impacts on people. We are talking about incidents that people do not recover from for a very long time — if they ever recover at all. That is what we need to stomp on. We need to stomp on these criminals who are committing these acts. The situation that we have in this state at the moment is desperate. We need to send a message to criminals in this state that we will not put up with them anymore. We need to send a message to criminals, whether they are thieves — whatever they might be — that they will not be tolerated; firstly, they will be caught by the police, and secondly, they will be dealt with by the courts in a severe manner.

At this moment what we have seen far too often is the police doing their job and catching these crims. The police take the crim to court, and the next thing you know they are out on bail and are committing the same crime again that night. I know what it does to the police. It devastates them. I spoke to a number of police who just feel like giving up because, as they have said to me, 'We're doing our job, we're holding up our end, but we get it to court and they just let them go'. If I hear once more about a criminal who has committed some sort of heinous act who is out on bail, I think I am going to scream.

You can almost put the house on it that when you are driving around listening to the radio, the news will come on and somebody will have done something dreadful, and the next line is, 'And they were out on bail'. What is going on in this state when that happens? We had a situation last week where a bloke who was out on bail committed an act, and he was actually on bail because he had committed a breach against his bail. That is just extraordinary stuff — just amazing. Is it any wonder that in desperation people have just given up on our legal system? I think that is a major challenge that faces the next government.

We must restore the faith of the public in our legal system, and we must make our legal system a justice system. We must make it a system where people go and they get justice, whether they be criminals or whether they be victims. Whoever goes to those courts must expect and must get justice. At the moment that is not happening. I do not think this bill will do too much to assist that, but I am hoping that the amendments put forward by Mr Rich-Phillips will pass and we will indeed be able to make this bill a little bit stronger. I sincerely hope that we can change the situation in Victoria, and I know that Matthew Guy will do that when he is Premier.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1

Ms PENNICUIK (Southern Metropolitan) — I move:

1. Clause 1, page 2, lines 1 and 2, omit all words and expressions on these lines.

I move amendment 1 standing in my name, an amendment to the purposes clause, which takes out the part of the clause which refers to the introduction of a standard sentencing regime in the Sentencing Act 1991. It removes clause 1(a)(ii) — 'to provide for standard sentences for indictable offences'. In discussions with the Clerk we have agreed that this amendment, which is to remove that part of the purposes clause, is actually a test for the following 13 amendments, which could be regarded as consequential amendments and which omit clauses that give effect to the clause just mentioned, which is the one that introduces the standard sentencing scheme. This is the bulk of the bill in some ways.

If I could just explain our reasoning behind this, the Greens do support the repeal of baseline sentencing. We never supported the introduction of baseline sentencing. It was never going to work, and on its first outing in the courts it did not work. The Court of Appeal made it very clear why it could not possibly work. We are very supportive of that part of the bill, which is the first part of the purposes clause. However, the government has gone on to introduce baseline sentencing lite, which is called standard sentencing. It has introduced for about 12 indictable offences what is called a standard sentencing scheme, whereby the court has to take into account the standard sentence for those indictable offences when imposing a sentence. A minimum non-parole period must also be applied according to a percentage formula. We do not support that. We support the courts, being made up of experienced judicial officers, applying the Sentencing Act and its principles and applying those according to the circumstances of every particular case.

As I said in my contribution to the second-reading debate, Mr Rich-Phillips in his contribution talked about community expectations. Mr Finn talked about community expectations. The Deputy President talked about community expectations. I think every speaker talked about community expectations and that the community expects certain things when they go to a court either as an offender — a person charged with an offence — or, because there has been an offence committed, as the victim of an offence. What they do expect is that their matter will be taken seriously and adjudged fairly.

There is no evidence that the community expects standard sentencing, because I am sure most people in the community would not know what it is. So to say that is what the community expects is just erroneous. What I think the community expects is that the judicial officer they are appearing before will take account of all the circumstances and when coming to impose a sentence will have taken into account all the relevant facts, be they mitigating or aggravating circumstances. That is what they expect. That is what the offender expects and should expect, and that is what the victims expect and should expect. Standard sentencing as outlined in this bill will not make sentences more consistent or more fair and in fact may lead to unfair outcomes.

As I mentioned in my earlier contribution, there have been so many changes, including the introduction of minimum sentences, that the act has in fact become more complicated. The Sentencing Advisory Council requested that the Attorney-General consider reviewing or requesting that it, the Sentencing Advisory Council, review the various sentencing schemes within the Sentencing Act with the aim of ensuring that there is a coherent and transparent sentencing framework in Victoria.

I believe that this standard sentencing regime will not provide that and will only make it less transparent, less coherent, more complicated and more unfair. The council itself noted that limitations exist with standard sentencing in that it can be problematic. For example, when the court is considering offending by an offender other than the principal offender in the first degree, such as offending by a co-offender who was involved in the commission of an offence and is still subject to the standard sentence. Similarly, having regard to the standard sentence is problematic when sentencing charges such as rolled-up, representative or course of conduct charges that represent multiple incidents of offending rather than a single event. Finally, a standard sentence may be of limited guidance when a court is considering the imposition of an aggregate sentence which encompasses multiple instances of offending across different charges, although aggregate sentences are less common in the higher courts.

Deputy President, they are the reasons the Greens have moved this amendment to remove that section of the bill that replaces baseline sentencing with standard sentencing schemes. We are in favour of repeal of baseline sentencing but not in favour of putting standard sentencing in in its stead. Lastly, another main reason for it is the Greens do not support minimum non-parole periods or minimum sentences or mandatory sentencing, as again that means the court

can be in a position of imposing unjust sentences. Really if the court is going to impose a sentence which is around hypothetically what a minimum sentence would be, then there is no need for them. The only time they come into play is when the court is forced by the existence of a minimum sentence to apply a sentence which actually is higher than the court would otherwise impose due to mitigating circumstances. That is one reason we do not support them, but we also do not support them because of the principle of judicial discretion and leaving it to the courts, who have the experience, to use their discretion and follow the Sentencing Act.

Because I am not going to move all the amendments I am going to speak to them all in one go. The other part of this is we do support the other part of the bill, which is the introduction of the enhanced guideline judgements. The Sentencing Advisory Council in its report did say that in some areas there may be, particularly with sexual offences against children, which were the offences it singled out — some sexual offences and sexual offences against children — some case for more guideline judgement on sentencing. Their words I think in the preface are very much worth repeating — that is, that:

> … an enhanced guideline judgement scheme that will create an evolving, inclusive, evidence-based, and judge-led process that can respond to changing community attitudes and legislative reforms …

is the best way to go.

Where it is seen a mistake has been made in sentencing or in certain offences, such as child sexual offences, there need to be some judgement guidelines given to the judicial officers that that is the way to go. That is why I am proposing these amendments to take out the standard sentencing scheme. If that were the case, that would leave the bill with a repeal of baseline sentencing and the enhanced guideline judgements, and that to me is not a bad bill. That is a good bill, and that is why we are proposing these amendments.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — The coalition will not support Ms Pennicuik's amendment. Ms Pennicuik described the sentencing scheme as baseline sentencing lite, and I would say to Ms Pennicuik that even if it is the case that this is baseline sentencing lite, it is better than no framework at all.

We are obviously disappointed with the way the court dealt with the baseline sentencing regime. It was put in place to give a baseline framework from which the court could then make variations based on the circumstances. It is very much our view that the court is not reflecting community expectations in many instances with sentencing. Ms Pennicuik raised the point of sentencing becoming more complicated in Victoria, and she is right, but that will continue to be the case while the court fails to reflect community expectations. As I said in my second-reading contribution, we can expect increasingly to see the court handcuffed in terms of sentencing decisions when it continues to ignore community expectations. Sentencing will become more complex. There will be more restrictions around what the courts can and cannot do with sentencing while it is the community's view that the courts are not reflecting community expectations.

So the coalition will not support Ms Pennicuik's amendment to basically omit baseline sentencing but also then subsequently to omit standard sentencing. If baseline sentencing is to be omitted under this legislation, we believe that the standard sentencing framework should proceed.

Ms TIERNEY (Minister for Training and Skills) — In response to the amendment moved by the Greens, the government does not support the amendment. We believe the Sentencing Advisory Council's recommendation to the government was that, if the government was minded to introduce new legislative guideposts, they should take the form of a standard sentence scheme and should be accompanied by an enhanced guideline judgements scheme. Essentially I hear what the Greens are saying; they are putting a certain proposition. On the other side we have the coalition taking the opposite position, and indeed the government is taking on board what the Sentencing Advisory Council suggested but is going a little bit further to enhance the guideline judgements scheme.

The council acknowledged that there are valid concerns regarding some aspects of sentencing, such as the sentencing standards for sexual offenders, particularly child sex offences. The government considers that in light of sentencing problems identified in the Sentencing Advisory Council's report and current sentencing practices of certain offences it is important to provide a legislative guidepost for courts to use when sentencing for certain serious offences. A new legislative guidepost is also a more effective method of changing sentencing practices for a number of offences as issuing a guideline judgement is a time-consuming process. We believe the introduction of the standard sentence scheme and reforms to the guideline judgement scheme will ensure that sentences are consistent with community and indeed government expectations. Again I reconfirm that the government

will not be supporting the amendment moved by Ms Pennicuik.

Committee divided on amendment:

Ayes, 5

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

Noes, 35

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

Amendment negatived.

Business interrupted pursuant to sessional orders.

Sitting extended pursuant to standing orders.

Mr RICH-PHILLIPS — I move:

1. Clause 1, page 2, lines 3 and 4, omit all words and expressions on these lines.

The effect of this amendment is to amend clause 1 of the bill. This is the amendment through which the coalition is seeking to exclude part 4 of the bill. Part 4 is the section of the bill which allows the Attorney-General to apply to the Court of Appeal for the court to make a guideline judgement or to vary an existing guideline judgement. As I indicated, the example we saw in the second-reading speech related to the court's guideline judgement with respect to the application of community correction orders (CCOs). This had the effect of determining that CCOs, which were only ever intended by the Parliament to be applied to low-level offences, could in the view of the court be applied to quite serious offences such as rape and other violent offences. That, of course, was never the intention of the Parliament, and as a consequence of that guideline judgement from the Court of Appeal the Parliament had to intervene and legislate to correct the framework around CCOs to ensure that the original intention — that they only be applied to low-level offences — was upheld by the court.

That initial guideline judgement was, to be frank, unhelpful, and we do not see any merit in opening up via this mechanism an opportunity for the Attorney-General to apply to the court for them to make more guideline judgements, so it is the coalition's intention that we will move to omit part 4 of the bill.

It is my intention not to pursue this amendment to a division. However, when we get to the relevant clauses — I note that they are clauses 38 through to 41 consecutively — I would like to test those clauses at the relevant point in time.

Ms PENNICUIK — The Greens will not be supporting the amendment put forward by Mr Rich-Phillips to delete part 4 of the bill. As I expressed in my contribution and in my remarks on the amendments that I moved earlier, the reason is that we support the further use of guideline judgements. In fact the Sentencing Advisory Council said it considers that:

> … sentencing guidance is best provided by the courts, and that guideline judgements are the most influential and persuasive form of sentencing guidance. The council is of the view that guideline judgements have the best capacity to address the issues identified in its analysis of offences with sentencing problems …

That was part of its third recommendation. It continued:

> The council also considers that guideline judgements can address sentencing concerns that are broader than concerns regarding a particular offence —

or a particular case —

> such as sentencing for family violence offences —

which I mentioned in my contribution.

The council also made the point that it believes sentencing guidance is currently underutilised and also recommended that there be provision for the application of guideline judgements by the Attorney-General particularly for systemic issues. We are of the view that this would be the best way to go to repeal baseline sentences and rely more on guideline judgements. We do not agree with Mr Rich-Phillips's assessment of them, so we do not support the amendment.

Ms TIERNEY — Consistent with the previous amendment, the government will not be supporting Mr Rich-Phillips's proposed amendment. The government believes that guideline judgements are valuable tools for providing sentencing guidance to the courts. The Sentencing Advisory Council

recommended that the existing guideline judgements scheme be enhanced to provide the most appropriate form of sentencing guidance to the courts in order to promote consistency in sentencing and promote public confidence in the sentencing process.

In addition to Parliament setting sentencing policy, the Court of Appeal has an important role to play in providing guidance to lower courts about how to apply sentencing laws and in influencing the sentencing decisions of lower courts. The preparation of guideline judgements which include numerical guidance does not require the court to act in a quasi-legislative capacity. Further, this does not impinge on the role of Parliament in setting statutory penalties and sentencing policy.

As outlined in the council's report, guideline judgements have the capacity to address sentencing problems, respond to changing community attitudes and support legislative reform. The introduction of a standard sentence scheme and reforms to the guideline judgements scheme will ensure, we believe, that sentences are consistent with community and government expectations.

Amendment negatived; clause agreed to; clauses 2 to 37 agreed to.

Clauses 38 to 41

Committee divided on clauses:

Ayes, 21

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

Noes, 19

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

Clauses agreed to.

Clauses 42 to 44 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

Motion agreed to.

Read third time.

ADJOURNMENT

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

That the house do now adjourn.

Goulburn Valley Health radiotherapy services

Ms LOVELL (Northern Victoria) — My adjournment matter is for the Minister for Health, and it is regarding the urgent need for funding for radiotherapy services at Goulburn Valley Health. My request of the minister is that she give a commitment to establish and fund appropriate radiotherapy services at Goulburn Valley Health. The Garvan Research Foundation report *A Rural Perspective: Cancer and Medical Research 2016*, a study of the nation's cancer rates, found that people living in inner regional areas — a classification that includes Shepparton — have the highest incidence of five of the selected cancers: prostate cancer in males, breast cancer in females, colorectal cancer, non-Hodgkin's lymphoma and kidney cancer.

The finding of this report has been corroborated by research from Cancer Council Victoria, which found that Shepparton has amongst the highest rates of cancer incidence in Victoria. Its 2014 statistics reveal that 344 people were diagnosed with cancer in Shepparton, compared to 175 diagnosed in Wodonga.

This is not about one town deserving radiotherapy over another. Of course every Victorian, no matter where they live, has the right to be able to access any medical treatment they require, and where they reside should have no bearing on this. But when it comes to Shepparton, I think the term 'able to access' is one that members of the Andrews Labor government fail to comprehend. In one reply to my previous calls in this place for funding for radiotherapy services in Shepparton, the Minister for Health made it clear that in her opinion Shepparton did not need radiotherapy services built at Goulburn Valley Health because her government had already taken care of the needs of cancer patients from the Goulburn Valley.

She said:

> The Andrews Labor government has provided significant investment … in the new cancer centres in both Bendigo and Albury-Wodonga, both of which support patients from the Shepparton region …
>
> Our investment is evidence of the commitment of the state government to meeting the health needs of … the citizens of the Goulburn Valley …

What a disgraceful answer for the hundreds of cancer sufferers living in Shepparton — an absolute disgrace. Do those hundreds of patients take this answer from the minister to mean, 'It's okay. We have given you the treatment you need — just drive 2 hours to receive it'? And they will need to drive, because public transport between Shepparton and Bendigo or Albury-Wodonga is almost non-existent.

In its 2016 report the Garvan Research Foundation identified the five biggest challenges to health in rural Australia as being access, standards of care, socio-economic disadvantage, Indigenous population, and environmental and lifestyle risk factors. Shepparton ticks all of these boxes, highlighting the challenges our medical professionals face to ensure a healthy, happy community.

It is time the community of Shepparton gets the radiotherapy services that it deserves. More importantly, it is time the hundreds of cancer sufferers in Shepparton get the radiotherapy services they both need and deserve. I ask the minister to give a commitment to establish and fund appropriate radiotherapy services at Goulburn Valley Health.

Gippsland rail services

Ms SHING (Eastern Victoria) — I rise this evening to draw a matter to the attention of the Minister for Public Transport in the other place. It concerns the development of the Gippsland rail line and the announcements that were made in April at Warragul train station by the Premier and the minister, which I was pleased to be part of, around a total investment of $535 million of infrastructure upgrades. It has been really fantastic to see that at long last, after an awful lot of pressure and being dragged kicking and screaming, the commonwealth has at last recognised that it was required to give money to Victoria under the asset recycling scheme and that now we are in fact able to proceed with those long-awaited improvements to the Gippsland line.

In this regard, I note that there is money within this particular package to duplicate vast sections of the line, to upgrade and add additional platforms to stations, including Morwell and Traralgon, and to make sure that we are duplicating the Avon River bridge to improve the way in which services can be delivered on this particular line, where the poor man's alternative presented by the federal government, the current federal coalition, was in fact not going to provide one single additional service. In this sense these will be welcome improvements.

I ask the minister to provide information to the community in a real-time way that assists people with understanding the way in which these projects will be divvied up and the way in which the project office in the Latrobe Valley will be auspiced to oversee a seamless rollout of these infrastructure improvements; to provide information on how trainees, apprentices, cadets and retrained employees can become part of this infrastructure work; and to make sure that people are aware of the time frames involved in such large projects so that they can make alternative arrangements or understand the need for greater planning in the way in which they undertake their journeys as the projects are developed and delivered. I look forward to getting that information into the public domain and making sure not only that we can provide those additional services that people have so long waited for on the Gippsland line but that people are aware of the progress of delivering these projects as they occur.

Dandenong South public transport

Ms SPRINGLE (South Eastern Metropolitan) — My adjournment matter is for the Minister for Public Transport. Dandenong South is a major industrial manufacturing, warehousing and distribution and employment powerhouse in Victoria. It is home to 12 500 businesses providing jobs for 38 000 people, and growth plans project substantial growth in the local employment market. A report by the City of Greater Dandenong on federal election issues for 2016 states:

> This area is a key destination for workers in Melbourne's south-east growth corridor, particularly the adjoining City of Casey, which has a net shortage of jobs. Its industries are of critical importance to regional employment and implementation of the '20-minute city' concept in *Plan Melbourne*.

Despite this, much of the west of Dandenong South is still inaccessible without a car, as are the surrounding suburbs of Bangholme and Keysborough south, despite the recent addition of the 890 bus route. Limits to accessibility are effectively locking out a proportion of the potential workforce. The action I am seeking is the development of a transport plan for the industrial parts of Dandenong South, Bangholme and Keysborough south, considering new railway stations, reopening

railway stations and creating new bus routes to support access and an inclusive local job market.

Caulfield–Dandenong line elevated rail

Mr DAVIS (Southern Metropolitan) — My matter for the adjournment tonight is for the attention of the Minister for Public Transport, and it concerns the sky rail between Caulfield and Dandenong. In particular what I seek from the minister is the release of sound and acoustic data that is held by the Level Crossing Removal Authority (LXRA). I hasten to add that that data was sought by this chamber last year, in the first half of last year, and has never been provided, in an appalling decision to deny the community and the people access to data that they should rightfully have had. Those people along that corridor, who are facing the terrible impact of this sky rail and are being forced to make decisions as to whether they sell their homes at depressed values and whether they are forced to move, have not been provided with the government's own estimates of the sound impacts. That is I think bitterly unfair in every respect, and it is also discourteous to the Parliament in the sense that the data ought to have been provided here too.

That data has in fact been held by the LXRA, and I have now sighted documents from the LXRA to a firm, Octave Acoustics, that provided information to a VCAT hearing that dealt with an application at 8 Egan Street, Carnegie, a 16-level apartment building. VCAT used that data to refuse a planning permit to that particular development, saying:

> … the acoustic evidence indicates the elevated rail structure will give rise to higher noise emissions as relevant to the proposed development compared with the at-grade railway.

It made very clear findings, and it has indicated that no matter what the developer did to try and block the sound of the sky rail from level 2 to level 15 and 16, there would be a very significant impact. Even with double glazing, there were concerns that the occupants of such apartments would not be able to use their balconies or indeed to open their windows because of the noise from the sky rail. This information ought to be in the public domain. There is no question that it ought to be in the public domain. What I am seeking from the minister is that she finally releases this data.

The tribunal said:

> We expect that there are ways in which windows can be physically attenuated to limit noise intrusion from sky rail, particularly relating to the southern facade. There remain, however, consequential impacts. One is with respect to the usability of … south-facing living rooms and balconies …

The tribunal went on to say:

> Another is with respect to natural ventilation when the windows must be closed to meet the design standards …

This shows you that a stinking sky rail with shocking, booming noise will impact on families along that corridor, and VCAT has said no to development because of that. And the government will not release that data.

Pharmaceutical industry

Mr ELASMAR (Northern Metropolitan) — My adjournment matter is directed to the Minister for Small Business, Innovation and Trade and refers to export growth in my Northern Metropolitan Region in the pharmaceutical sector. The pharmaceutical sector in Victoria is experiencing significant growth. It has been identified by the Andrews Labor government as a priority sector to drive Victoria's economy due to its potential for growth and ability to create jobs. It employs more than 23 000 people and has hundreds of firms, ranging from small start-ups to established success stories. One of these successful businesses is CSL Limited, based in Broadmeadows. CSL is a global speciality biotherapeutics company that develops and delivers innovative biotherapies that save lives and help people with life-threatening medical conditions to live full lives. I understand it also has a very successful export program. The action I seek from the minister is that he advise me of the growth in the pharmaceutical export industry in Northern Metropolitan Region supported by the Andrews Labor government and propelled by companies like CSL.

Greater Geelong City Council

Mr RAMSAY (Western Victoria) — My adjournment is for the Minister for Local Government, the Honourable Natalie Hutchins. In October the Geelong council returns to councillor control after 18 months of imposed administration. In 2014 and early 2015 the council faced ongoing allegations of bullying and harassment by council staff against some councillors and council officers. These allegations were investigated by an independent report into the council by a former commissioner of the Australian Human Rights Commission, Susan Halliday. A workplace survey was also conducted by Ernst & Young. Following these, this government also undertook a commission of inquiry into the council's governance, which then led to the council's sacking and the appointment of commissioners in April 2016. However, it is the Susan Halliday cultural review of 2015–16 that I draw your attention to. While the report discusses cultural problems and allegations, it fails to publicly

name names. The consequence of this is that everyone involved in the council during that period of review is now under suspicion of being a bully.

The member for Geelong in the Assembly, Christine Couzens, has slurred all previous councillors from that time as being bullies. In doing so she has inferred that all of them could be subject to further investigation if they re-stand for council. In fact it is only the mayor of the time, Darryn Lyons, who has actually been named at all, whether it is in the media or through council communications. In fairness to all councillors the bullies need to be named. Some of these councillors are now wanting to represent their communities again and stand for election later this year, but how can they when doubt is cast over their innocence and these bullying claims? On page 5 of her report of October 2015 Ms Halliday said, 'Some councillors engage unprofessionally, inappropriately and bully people'. I quote:

> A number of councillors were repeatedly identified as people who caused certain employees and external parties concern due to their conduct.

Yet on page 3 of her overview Ms Halliday said:

> … there were a number of councillors held in high regard about whom no issues of concern were raised.

The action I seek from the minister is to release the names of those listed in the Halliday report or the commission of inquiry as the bullies. I ask this to protect the good name and reputation of those councillors not implicated as bullies. They have a right to be judged fairly during the democratic elections. A spokeswoman for the minister was quoted in the *Geelong Advertiser* of Monday, 7 August 2017, suggesting that it was up to the council to name names, but again I ask the minister to do so given the government's role in the council review, the administration process, the realignment of electoral boundaries and the establishment of a new council structure, all born out of the bullying allegations.

Buckley Street, Essendon, level crossing

Mr FINN (Western Metropolitan) — I wish to raise a matter for the attention of the Minister for Public Transport, and it concerns her plan to basically destroy the centre of Essendon with a dirty great ditch which her government is preparing to build under the railway line at Buckley Street in Essendon. There is a great deal of public outrage about this, and I may have expressed this in this house from time to time.

Mr Jennings interjected.

Mr FINN — Well, Minister, it is going under. It will destroy the centre of Essendon. It will destroy Rose Street as a shopping precinct, and it will cause no end of traffic congestion and problems to the nearby education precinct as well with a number of very prominent schools there. Confusion has been added to the outrage.

Mr Jennings — Insult to injury?

Mr FINN — It is insult to injury indeed.

Mr Jennings — I thought I'd help you.

Mr FINN — I need a bit of help just at the minute; it has been a long day. The member for Essendon in the other place, Mr Danny Pearson, on 6 June told the other place that the contract for this particular project had been signed. We all assumed that was the case, given that we assume Mr Pearson is a man of high honour. Unfortunately it appears, given that there has been some study and FOI process looking at this since, that that is not actually the case. It would seem to not be the case. This is where the confusion comes in: we have a member of Parliament who was saying that the contract has been signed, but we have FOI information and other information coming from the minister's office that tells us that the contract has not been signed. So you can understand why people in the Essendon area are totally confused. They are not just confused, they are totally bamboozled, to tell you the truth.

I think it is only fair to them, given that this project will have such a huge impact on their daily lives — it will wreck the centre of Essendon as we know it — that they be given a straight answer. So I am asking the minister to provide information on the status of the contract and, if it has not been signed, to provide information on when she expects that signing to occur.

Ballarat GovHub

Mr MORRIS (Western Victoria) — My adjournment matter this evening is for the attention of the Minister for Regional Development, and it concerns the GovHub, which has been announced by the government and which will take its form on the Civic Hall site in Ballarat. During the winter recess it was revealed that some 300 jobs that are presently at the State Revenue Office in Mount Helen are going to be relocated to the GovHub in Ballarat. Many questions have arisen from this because there are concerns that this is going to be just a shuffling of the deckchairs and that rather than bringing new jobs to Ballarat this is going to be the government just relocating jobs within Ballarat and saying, 'Here you go. Here are some new

jobs'. This would not serve the interests of the Ballarat community, which is in need of new jobs —

Mr Finn — It would be bad for football, wouldn't it?

Mr MORRIS — It would not be good for football at all, Mr Finn. It would be bad for football. New jobs are required in Ballarat, and they are what the government have said they are going to provide. However, I am less than sure that it will occur.

The government have said that there are going to be jobs from departments including education and training; justice and regulation; economic development, jobs, transport and resources; Consumer Affairs Victoria; environment, land, water and planning; VicRoads; and Service Victoria — all located at the GovHub in Ballarat. But what we have failed to see is the detail surrounding what these jobs actually are. To give the titles of government departments and say 'There you go. There are the jobs' is not giving the Ballarat community certainty around the exact jobs that are going to be relocated to the GovHub at the Civic Hall site.

The action that I seek from the minister is that she detail to the community the exact jobs that are going to be relocated to the GovHub so that the community have certainty around the exact economic benefit that these jobs will provide for the Ballarat community.

Boroondara police stations

Mr O'DONOHUE (Eastern Victoria) — I raise a matter for the attention of the Minister for Police, and it comes from correspondence that Mr Watt, the member for Burwood in the other place, has received from the chief of staff to the police minister. In this correspondence — and I am happy to provide a copy to the minister if required — the chief of staff refers to the two police stations in the Boroondara area. As I am sure the police minister and her chief of staff are well aware, there are currently three operational police stations in the Boroondara municipality: the Boroondara police complex on Harp Road in Kew, the Ashburton police station and the Camberwell police station.

The action I am seeking from the minister is that she clarify whether this was an inadvertent error or whether there is a plan to close one of these three police stations. My natural inclination is to believe that this is an error from the chief of staff to the police minister, but there is history which I think needs to be put on the record, and it relates to the Ashburton police station. We know the previous member for Burwood in the Assembly, Mr Stensholt, oversaw the closure of the Ashburton police station. We know that Mr Watt, working with the then police minister, Mr Wells, invested $500 000 in the upgrade of the Ashburton police station, and so it opened again on a daily basis under the previous government. We then saw the Ashburton police station have its opening hours cut again under Labor — this time under the Andrews Labor government. So rather than being open every day — or at least Monday to Friday — as it was under Mr Watt, the Ashburton police station is now open just two days per week.

Given the historical context of cutting the hours of the Ashburton police station, I think it is very important that the minister explain what exactly her chief of staff meant when he referred to the two police stations in the Boroondara area when currently there are three. I would ask her, as part of her response, to rule out any further cuts to the opening hours of the Ashburton police station.

The George apartments

Ms FITZHERBERT (Southern Metropolitan) — My adjournment matter this evening is for the Minister for Consumer Affairs, Gaming and Liquor Regulation, and it comes after I have been contacted by residents of the George Hotel apartments in St Kilda. They have raised concerns with the member for Albert Park in the Assembly, with the Victorian Commission for Gambling and Liquor Regulation and also with the City of Port Phillip, but they are feeling that their concerns have not been heard.

The issue that they have concern about is the safety and amenity impacts that are arising from bars at the George Hotel apartments, which are in Fitzroy Street, St Kilda. They say that they have no philosophical objection to liquor consumption but that they are just concerned about some of the antisocial behaviour that has escalated year upon year and has recently reached what they say are quite frightening levels. They talk of drunken violence in the street immediately outside the entrance to the building and assaults on neighbours, some of whom are women.

The person who wrote to me most recently said he has been assaulted by someone who was affected by drugs and alcohol when he unknowingly interrupted their activities. He made the point that this building is occupied primarily by female residents, many of whom live on their own. Many are retirees, and the oldest is about 81 years old. They are all active and involved, but they really do not want to see this sort of activity on their doorstep, literally.

He wrote:

> We have done our best to report the safety and amenity impacts arising from the commercial activities at these premises. Countless reports to the VCGLR and the City of Port Phillip have amounted to nothing.

He said, quite worryingly, that over the past couple of years he has been forced to install security cameras at his front door after numerous attempted forced entries by drunken patrons. He said:

> Most recently we have experienced a spate of intoxicated male patrons trespassing into the building. These men have loitered outside residents' doors and engaged in depraved sexual acts that are both disturbing and threatening. I can inform you that among our residents is a rape survivor.

He said that he is concerned about the minister's grasp of this issue, that she has failed to act and that there has been a wave of complaints regarding the issues in this building. He notes that she has been contacted a number of times and also that the member for Albert Park requested her investigation of issues in 2016. He said:

> I unfortunately report that nothing has come of this either because of the minister's inaction or because of the failure of agencies to enact her office's requests.

I therefore ask the minister to ensure that the allegations made by residents regarding the George are investigated by the Victorian Commission for Gambling and Liquor Regulation as appropriate.

Hill End Primary School site

Ms BATH (Eastern Victoria) — My adjournment matter this evening is for the Minister for Education, the Honourable James Merlino in the other place, and it relates to the former Hill End Primary School buildings and site on Paynters Road in Hill End. The action I seek from the minister is for him to halt proceedings of the department of education to rationalise what it deems as surplus property and halt the sell-off of a much-loved, much-utilised and maintained community asset. The Department of Treasury and Finance has been instructed that the Hill End site is surplus and has commissioned not one but two reports, with the final report stating that the Hill End site should be rezoned as a rural living zone and should be zoned to maximise planning certainty and capture the value of the site. Meanwhile the Baw Baw Shire Council has recommended the site be rezoned as a farming zone, like the surrounding environment in the countryside around Hill End.

Through the shire the ownership of the property will be transferred to the Department of Environment, Land, Water and Planning, where a formal agreement could be entered into by Hill End Community Inc., otherwise known as HECI, a group of dedicated locals. This not-for-profit group, HECI, has been maintaining and managing this site since the school closed. For the past 11 years HECI volunteers have upgraded, cared for and safeguarded the buildings and the grounds. HECI are not asking for handouts; in fact they are a viable volunteer group with a healthy bank balance. Moneys raised from their activities help to pay for the upkeep of the property, and indeed members of HECI recently on my visit there last week told me they spent $5000 repainting an original single-room school that had been moved from a location just up the road.

This is a beautiful community with fantastic people that work for the small school zone. They hold art shows, historical groups, playgroups, workshops, book swaps and local movie nights. They bring people together. There is an absolute atmosphere of social inclusion and friendship at that place. It is comprised of old people and young people, nurses, ex-school bus drivers, farmers and power station workers, all working together for the betterment of their small community. In short, HECI is the heart and soul of Hill End. The community is on board, the shire is on board and this project does have bipartisan support. Indeed the member for Narracan in the Assembly, Mr Gary Blackwood, has been advocating for this, as has Ms Shing in this house. So it needs to stop. There is a two-part process, one part involving the Minister for Planning, who has to transfer the land, but the first part involving the Minister for Education, who needs to stop the rezoning and sale, and that is my request. This is fantastic land. It needs to stay in community hands.

Victims of crime financial assistance

Ms CROZIER (Southern Metropolitan) — My adjournment matter this evening is for the attention of the Attorney-General, and it relates to assistance for victims of crime. Too many jewellery businesses in my electorate of Southern Metropolitan Region have been subjected to horrifying crimes. The images of criminals with machetes and guns robbing and destroying legitimate businesses and terrifying and assaulting hardworking owners and staff are becoming far too frequent. These businesses have on occasions had these horrific crimes committed not just on one occasion but on multiple occasions. The impacts have been extensive and ongoing on not only the health and wellbeing of those affected but also the viability of the businesses themselves. Insurance claims are taking weeks to be processed, and rents, staff and bank loans need to be paid.

The action I seek from the minister is that the minister dedicate additional financial resources in his department that will assist those businesses that have been severely and repeatedly subjected to the crime wave that is gripping Victoria.

Responses

Mr JENNINGS (Special Minister of State) — There are 65 responses to adjournment matters — I could detail them, if we so wish, by member, and I will do so on request — that range from 24 November 2016 to 23 June 2017.

This evening Ms Lovell raised a matter for the attention of the Minister for Health, seeking her support for the radiotherapy centre at the Goulburn Valley hospital.

Ms Shing asked the Minister for Public Transport to provide real-time information to the community so that they are aware of the progress of a very important rail line development in Gippsland — the $535 million investment that this government announced and that was subsequently supported by the federal government releasing funds that were quite rightly the domain of the Victorian people.

Ms Springle also raised a matter for the attention of the Minister for Public Transport relating to transport planning matters in relation to Dandenong South, Bangholme and Keysborough south, trying to provide an integrated public transport solution for that community.

Mr Davis raised a matter for the Minister for Public Transport relating also to that community, seeking the release of information relating to the redevelopment of the Cranbourne-Pakenham line between Caulfield and Dandenong in relation to sound data information that is currently in the hands of the Level Crossing Removal Authority.

Mr Elasmar raised a matter for the attention of the Minister for Small Business, Innovation and Trade seeking advice to provide to his local community about the success of the investments in private sector activity within the pharmaceutical industry in the northern suburbs of Melbourne.

Mr Ramsay raised a matter for the Minister for Local Government seeking that she release information that is currently confidential within the review of bullying activities within Greater Geelong City Council. He effectively wants her to go beyond the confidentiality that is contained within that review to name the bullies that were active within the Geelong council.

Mr Finn seeks to remove the bamboozlement in Bomberland and indeed wants some clarification in relation to the status of contracts in relation to a project that the minister is currently running in Buckley Street, Essendon, and he seeks clarification once and for all on whether the contract has been signed and, if not, when that contract is going to be signed.

Mr Morris seeks advice from the Minister for Regional Development in relation to the job profile of public sector activity that is going to take place within the GovHub being undertaken in the civic hall precinct of Ballarat.

Mr O'Donohue wants clarification from the Minister for Police about a piece of correspondence from her chief of staff in relation to the number of police stations that are currently operating within Boroondara, and he wants confirmation that they will continue to be functioning within that municipality.

Ms Fitzherbert wants clarification or support from the Minister for Consumer Affairs, Gaming and Liquor Regulation in relation to the George accommodation within the Assembly electorate of Albert Park, seeking greater scrutiny about the level of public safety and amenity around that facility in the future.

Ms Bath raised a matter for the Minister for Education in relation to the way in which the Department of Education and Training is handling the matter of the land and the development of the Hill End Primary School site, encouraging him to appease community concerns in relation to that matter.

Ms Crozier raised a matter for the Attorney-General seeking additional support for the assistance of victims of crime.

The PRESIDENT — You have already described the written ones, so on that basis the house stands adjourned.

House adjourned 7.20 p.m.