

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT

FIRST SESSION

Wednesday, 18 October 2017

(Extract from book 17)

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 16 October 2017)

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

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The Honourable LINDA DESSAU, AC

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The ministry

(from 13 September 2017)

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

The Governor

The Honourable LINDA DESSAU, AC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC, QC

The ministry

(to 12 September 2017)

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

Legislative Council committees

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

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

Legislative Council standing committees

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

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

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

participating members

Legislative Council select committees

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

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

Joint committees

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

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

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

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

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

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

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

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

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

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

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

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Mr P. Lochert

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

President:

The Hon. B. N. ATKINSON

Deputy President:

Mr K. EIDEH

Acting Presidents:

Ms Dunn, Mr Elasmar, Mr Melhem, Mr Morris, Ms Patten, Mr Purcell, Mr Ramsay

Leader of the Government:

The Hon. G. JENNINGS

Deputy Leader of the Government:

The Hon. J. L. PULFORD

Leader of the Opposition:

The Hon. M. WOOLDRIDGE

Deputy Leader of the Opposition:

The Hon. G. K. RICH-PHILLIPS

Leader of The Nationals:

Mr L. B. O'SULLIVAN

Leader of the Greens:

Dr S. RATNAM

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

¹ Resigned 28 September 2017

² Appointed 15 April 2015

³ DLP until 26 June 2017

⁴ Resigned 27 May 2016

⁵ Appointed 7 June 2017

⁶ Resigned 6 April 2017

⁷ Resigned 25 February 2015

⁸ Appointed 12 October 2016

⁹ Appointed 18 October 2017

PARTY ABBREVIATIONS

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

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Wednesday, 18 October 2017

The PRESIDENT (Hon. B. N. Atkinson) took the chair at 9.34 a.m. and read the prayer.

PETITIONS

Following petitions presented to house:

Kingswood golf course

To the Legislative Council of Victoria:

That the undersigned call on the Legislative Council, the state Labor government and the Minister for Planning to strongly oppose any development and rezoning of the Kingswood golf course in Dingley Village.

Kingswood golf course is an environmental asset and serves as open space of the highest quality, rich in native flora and fauna and must be conserved as such. The proposed rezoning and development, however, will cause traffic havoc on local streets and place an unreasonable burden on local infrastructure and services.

The petitioners therefore request that the site be placed into the green wedge as it directly abuts the south-east green wedge to protect the golf course from development.

By Mrs PEULICH (South Eastern Metropolitan) (419 signatures).

Laid on table.

Ormond railway station development

To the honourable the President and members of the Legislative Council assembled in Parliament:

We, the undersigned citizens of Victoria, call on the Legislative Council of Victoria to note:

planning minister Richard Wynne's decision to grant a planning approval through planning scheme amendment C170 to allow high-rise intense development including a 13-storey tower above the Ormond railway station;

the scale of this development is inappropriate for the Ormond township and is not supported by the local Glen Eira community and therefore calls on the minister and the Andrews Labor government to:

- i. given that the Ormond level crossing was funded in the coalition's 2014–15 state budget in May 2014, calls on the state government to explain where the money collected from Ormond transport-oriented development will be spent;
- ii. release the full contractual details and arrangements struck by the state government and its agencies with the developer of the Ormond tower, including the length of time of the concession granted and all details of agreements struck with developers including payments to be

made to the state government for access to the rail corridor; and

- iii. that the Minister for Planning review his decision to grant planning amendment C170 and revisit this decision with a view to reducing the scale of construction allowed by his planning amendment.

By Ms CROZIER (Southern Metropolitan) (56 signatures).

Laid on table.

Crime prevention

To the Legislative Council of Victoria:

The petition of residents in Victoria calls on the Legislative Council to note that there is a crime tsunami engulfing Victorians. Small businesses are regularly being targeted, residents feel unsafe in their own homes and going to work, and Victorians are losing faith in our justice system.

The petitioners therefore respectfully request that the Legislative Council calls on the Andrews Labor government to match the coalition policy and introduce mandatory sentencing, toughen up the justice system and hold criminals to account.

By Ms CROZIER (Southern Metropolitan) (9 signatures).

Laid on table.

PARLIAMENTARY DEPARTMENTS

Reports 2016–17

Mr ELASMAR (Northern Metropolitan), by leave, presented reports of Department of the Legislative Council and Department of Parliamentary Services.

Laid on table.

The PRESIDENT — I would indicate that both of those reports are worth a read in terms of capturing the work of the Parliament. I think we are actually very fortunate with the staff that we have both in this department and in the Department of Parliamentary Services, so I would commend those reports to members.

PAPERS

Laid on table by Clerk:

Agriculture Victoria Services Pty Ltd — Report, 2016–17.

Architects Registration Board of Victoria — Minister's report of receipt of 2016–17 report.

Auditor-General's Report on Victorian Public Hospital Operating Theatre Efficiency, October 2017 (*Ordered to be published*).

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

Dairy Food Safety Victoria — Report, 2016–17.

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

Greater Sunraysia Pest Free Area Industry Development Committee — Minister's report of receipt of 2016–17 report.

Infrastructure Victoria — Victorian Infrastructure Plan and Technical Report, pursuant to section 42 of the Infrastructure Victoria Act 2015.

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

Melbourne Market Authority — Report, 2016–17.

Murray Valley Wine Grape Industry Development Committee — Minister's report of receipt of 2016–17 report.

Phytogene Pty Ltd — Minister's report of receipt of 2016–17 report.

PrimeSafe — Minister's report of receipt of 2016–17 report.

Regional Development Victoria — Report, 2016–17.

Royal Botanic Gardens Board Victoria — Report, 2016–17.

Statutory Rules under the following Acts of Parliament —

Magistrates' Court Act 1989 — No. 103.

Owner Drivers and Forestry Contractors Act 2005 — No. 101.

Water Act 1989 — No. 102.

Surveyors Registration Board of Victoria — Minister's report of receipt of 2016–17 report.

Sustainability Victoria — Report, 2016–17.

Trust for Nature (Victoria) — Report, 2016–17.

Veterinary Practitioners Registration Board of Victoria — Minister's report of receipt of 2016–17 report.

Victorian Building Authority — Report, 2016–17.

Victorian Environmental Water Holder — Report, 2016–17.

Victorian Small Business Commissioner — Report, 2016–17 (*Ordered to be published*).

Westernport Region Water Corporation — Report, 2016–17.

Zoological Parks and Gardens Board — Report, 2016–17.

PRODUCTION OF DOCUMENTS

The Clerk — I lay on the table 10 documents in full and three documents in part received in response to the resolution of Council of 9 August 2017 relating to the Attorney-General's decision not to refer Jason Roberts's petition for mercy to the Court of Appeal.

I have also received a letter from the Attorney-General relating to the Attorney-General's decision not to refer Jason Roberts's petition for mercy to the Court of Appeal, copies of which can be obtained from the table office. The letter is as follows:

I refer to the Legislative Council's resolution of 9 August 2017, seeking the production of certain documents relating to my decision to deny the petition for mercy made on behalf of Mr Jason Roberts.

Response to the Council's order for production

The government has identified 54 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 of 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 10 documents in full (enclosed);
- (2.) produce 3 documents in part (enclosed); and
- (3.) not produce 41 documents in full.

The government considers that producing the documents referred to in (3.) above, and parts of the documents referred to in (2.) above, would be prejudicial to the public interest. Accordingly, the government, on behalf of the Crown, makes a claim of executive privilege in relation to those parts of those documents, on the grounds set out in the enclosed 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.

Additional information for the benefit of the Council

I have examined the *Hansard* contribution of Mr Rich-Phillips in moving the documents motion and, notwithstanding the claim of executive privilege outlined above, I have determined to provide the Council with additional information.

Mr Rich-Phillips, in his contribution, expressed a desire to be satisfied that political considerations played no part in my decision to deny the petition for mercy made on behalf of Mr Roberts.

I can assure the Council that political considerations played no role in my decision to deny the petition for mercy made on behalf of Mr Roberts. Furthermore, none of the material

subject to the assertion of executive privilege outlined above deals with political considerations in any way.

Mr Rich-Phillips also expressed a desire to be satisfied that my decision was made based on the information before me.

Members must be cognisant of section 327 of the Criminal Procedure Act 2009, which provides that the Attorney-General may refer a petition for mercy to the Court of Appeal and that any such referral is at the sole prerogative of the Attorney-General. The matters to be considered by the Attorney-General in assessing petitions for mercy under section 327 are not specified. Determinations made in response to petitions of mercy are at the sole discretion of the Attorney-General and there is significant authority that such determinations are not reviewable.

Members should also be cognisant of the fact that, in considering the exercise of the prerogative of mercy, an Attorney-General is assessing applications from convicted persons who have, in most circumstances, exhausted their appeal rights. The judicial process should provide finality for victims and, consequently the prerogative of mercy is one which is exercised rarely.

I propose to set out below the process that was adopted in relation to Mr Roberts' petition. I do not propose to canvas the substance of the advice given to me.

In this matter I received advice in early January 2017 from the Department of Justice and Regulation (DJR) accompanied by Mr Roberts' petition and an opinion of counsel.

On balance, the initial recommendation from DJR in that advice was that referral to the Court of Appeal would be an appropriate exercise of my discretion under section 327.

As the Council may appreciate, I gave serious consideration to determining this matter in accordance with the initial recommendation of the department. It would have been open to me to do so without seeking additional information from DJR or from any other source. Equally, it would have been open to me to entirely reject the department's recommendation at first instance. I did neither.

Instead, I formed the view that the information contained in the brief was insufficient to ensure that the correct decision was made. Accordingly, I returned the brief without making a decision and formally sought additional information and legal advice, with a view to having the matter return to me for consideration once further material had been obtained. I invited a submission from the Chief Commissioner of Police. Such a submission had not been obtained by DJR in the preparation of their initial brief. I considered that to be a significant omission from the totality of information I expected to have before me.

A comprehensive submission was received from the Chief Commissioner of Police approximately 3 weeks later and this was forwarded to DJR for consideration. A further 6 weeks later I received a further brief from DJR incorporating that submission and providing me with the additional legal advice I had sought. On the basis of all of the advice and information including the additional material that I had asked for, DJR recommended against referring Mr Roberts' case to the Court of Appeal.

Some members may conclude that in fulfilling his or her responsibilities under section 327, an Attorney-General

should uncritically accept the recommendations of the public service. This is not my view. Responsibility for determinations under section 327 resides with the Attorney-General and I believe it is incumbent on office-holders to seek additional information where they believe it necessary to discharge their responsibilities in a diligent manner. That is the approach I adopted in this matter and the approach I adopt in all such matters.

It would be regrettable if the Council treated the provision of this information as a precedent. It is entirely undesirable for convicted persons to expect that they have an entitlement to the information attorneys-general consider when exercising prerogative powers. Such an expectation will cause untold distress to victims of crime who have a powerful interest in the finality of matters that have been before the courts. However, given the nature of the public commentary on this matter, I consider it necessary to place this information before the Council.

I conclude by repeating comments I have made previously. This is a matter that has previously been dealt with in the Supreme Court, the Court of Appeal and the High Court. Mr Roberts has availed himself of every avenue of appeal available in our legal system. None of the assertions referred to in media reports amount to matters that could not have been adduced at trial. Considering the detailed explanation I have provided to the Council and the ongoing anguish the continued ventilation of this matter is causing to the families of the deceased police officers Sergeant Gary Silk and Senior Constable Rodney Miller, I request that the Council not press for further production of documents.

JOINT SITTING OF PARLIAMENT

Legislative Council vacancy

Message received from Assembly informing Council that they have agreed to joint sitting to choose Legislative Council member.

MINISTERS STATEMENTS

Early childhood education

Ms MIKAKOS (Minister for Early Childhood Education) (09:47) — This week the importance of early childhood education was further recognised with the creation of the early childhood education portfolio. Since our election in 2014 the Andrews Labor government has been investing in the early years to ensure that every Victorian child gets the best start in life. Earlier this year we launched Victoria's first-ever comprehensive plan for the early years, our *Education State Early Childhood Reform Plan*, and it is backed with \$202.1 million, the largest single investment from a state government in early childhood ever.

The creation of this portfolio is an exciting development for all of us who care passionately about early childhood learning and development. I have been contacted by a number of excited educators, parents and

academics since the announcement was made. Like this government, these stakeholders recognise that the establishment of a standalone portfolio reflects the special nature of early childhood as the most important time for emotional and cognitive development and of high-quality early childhood education as the foundation for healthy, happy and fulfilling lives.

It also reflects that tangible commitment of this government to early childhood education. Over the past three years we have introduced landmark reforms to provide more and better support for children, their parents and early childhood professionals. The plan sets out a range of nation-leading reforms and our long-term vision for the early childhood system in Victoria, a high-quality system that is accessible and inclusive. It recognises the importance of providing families with the support they deserve so that their children are ready for kinder, ready for school and ready for life. This includes \$55.3 million in school readiness funding, an Australian first, so that children who need extra support get it.

We are already implementing the initiatives in the plan. We are not wasting a minute, in contrast to the four years of those opposite. I congratulate those in the early childhood sector for this important piece of recognition. The new portfolio is the result of the great partnership that we have with a broad range of early childhood leaders and stakeholders, from local government to early childhood peak bodies, unions, services, professionals and academic researchers.

Victorian Youth Week

Ms MIKAKOS (Minister for Youth Affairs) (09:49) — I rise to update the house on the investment the Andrews Labor government is making to recognise the valuable contributions young people make to Victoria. We all know and understand the importance of empowering young people and connecting them to community and economic life. I had the opportunity to attend Youth Affairs Council Victoria's 'Front + centre: the role and future of youth work' conference this morning and to meet so many passionate youth workers from around the state. I took the opportunity to inform them and I take the opportunity now to advise the house that today I am opening the state's first Victorian Youth Week grants round, which will run next year from 13 until 22 April. It is disappointing that the Turnbull government has cut funding for National Youth Week, which highlighted Australia's young people.

To support young people and celebrate this important week, our government will be almost doubling its own investment for Victorian Youth Week 2018.

Underpinned by \$200 000 in funding, we are acknowledging and celebrating the inspiring and motivated young people across the state. Community organisations, councils and schools working with young people will be able to apply for small grants for activities to engage young people during that week. Applications will open from today, and more information will be available online via the Youth Central website.

This builds on our *Youth Policy: Building Stronger Youth Engagement in Victoria*, which is the centrepiece of our approach to ensuring that young people can be better engaged in the community across our state. We are also implementing a range of programs that support vulnerable young people to strengthen their health and wellbeing and to engage with their communities as well as in education, training and employment.

MEMBERS STATEMENTS

Australian marriage law postal survey

Dr CARLING-JENKINS (Western Metropolitan) (09:51) — I rise today to speak about the current debate surrounding same-sex marriage. Like everyone here, I have been keeping a very close eye on the debate, and although what I have seen has been concerning, it has not been surprising. Mainstream media bias seems to be getting increasingly worse. Reporting has been selective, skewed and far from neutral. Many media outlets have overstepped, and we have seen the consequences of their actions ripple through. Sadly, responsible reporting is becoming a thing of the past.

The mass media is not the only institution we have seen affected. Time and time again we have seen the infiltration of the 'Yes' campaign into spheres of society where it has no place. From the AFL to the chief commissioner of Victoria Police, organisations that we trust to remain impartial have bowed to the pressure of the 'Yes' campaign. It is a campaign that seeks to vilify, shut down, intimidate and accuse anyone with a different opinion. It seeks to make the words 'I disagree with you' synonymous with 'I hate you', leaving no room for respectful discussion.

As Senator Cory Bernardi has highlighted, everyday people are being labelled bigots and homophobes 'for daring to point out that some things are wrong and that marriage is right between a man and a woman'. Quite frankly, people are sick of the political class telling them what they are allowed to do and what they are allowed to think. The 'No' campaign should not be silenced or attacked for valuing the current marriage laws of this country. This is not the Australia we want.

This is not the Australia we are proud of. It is time for us to find a better way, to rise above our differences and to allow 'No' voters to voice their very real concerns without fear or vilification.

International Campaign to Abolish Nuclear Weapons

Ms HARTLAND (Western Metropolitan) (09:53) — ICAN, the International Campaign to Abolish Nuclear Weapons, has taken out the world's most prestigious award, the 2017 Nobel Peace Prize. Many people may not be aware that in fact this campaign started from Melbourne with a number of people such as Professor Tilman Ruff and several close friends of mine who have been very involved in the campaign over the years.

ICAN describes itself as a coalition of non-government organisations in 100 countries promoting adherence to and implementation of the United Nations Nuclear Weapons Ban Treaty. The global agreement was adopted by 122 countries, but not Australia, in New York on 7 July this year. It has been advocated at the United Nations and parliaments around the world, bringing the stories of those impacted by nuclear testing and the survivors of Hiroshima and Nagasaki bombings to the world stage.

I had the opportunity to go to Hiroshima, and it is quite devastating to realise just how many people, especially young people, lost their lives during the bombing of that city. It also needs to be noted that, considering this is an Australian organisation that has had a great deal of involvement in winning the Nobel Peace Prize, Prime Minister Malcolm Turnbull did not bother to congratulate them — because clearly he is in favour of nuclear war.

Ms Lovell — On a point of order, President, I believe the statement made just then actually impugns a member of Parliament in another Parliament. I think the remarks were offensive, and I would ask that the member withdraws them.

The PRESIDENT — There is a difficulty where there are matters attributed to a member of another Parliament. We are really not in a position, I think, to seek the withdrawal of that statement. It is a statement that could well be contested in this place, but I do not believe there is an opportunity for me to request a withdrawal of that statement at this time.

Might I say that I am working on an acknowledgement of ICAN in this place, because irrespective of divergent views that might apply in terms of an organisation such

as this, for any Australian entity or individual to be recognised with a Nobel Peace Prize is an extraordinary achievement, and we do need to acknowledge that achievement in terms of the global community. So I will be organising a small event to acknowledge ICAN and that achievement.

Gas supply

Mr RAMSAY (Western Victoria) (09:57) — Last week the Victorian coalition announced a sensible energy policy that will keep this state operational. It allows for onshore conventional gas exploration. It will keep the lights on and ensure that power in this state remains affordable and reliable. In contrast the Andrews government is forging a contrived, expensive and unreliable outcome that is already hurting this state. Instead of investing in health care, it has left hospitals having to pay \$44 million more for power in this year alone.

The coalition policy provides leadership to other governments. It enables natural pressure gas extraction, determined on a case-by-case basis, and farmers' veto rights in regard to social, environmental and financial outcomes. A landholder will get 10 per cent of the royalties for gas found under their land. The gas will be quarantined for use in Victoria, securing the state's ability to function and attract investment.

This policy is good for the state. It is good for farmers. It is good for business. It is good for every home. It is good for our future. This policy does not support hydraulic fracking, and I do not support fracking. Labor wants Victorians to believe that fracking would proceed. Labor is the only party that has approved fracking permits in Victoria. Baseload power is vital, and this policy provides for that. The closure of Hazelwood power station and the predicted early closure of Yallourn power station will remove 44 per cent of Victoria's baseload power. It is a flippant, ego-fuelled decision that will cripple and demoralise Victoria. Labor cares for headlines; the coalition cares for communities.

Walk the Walk for the Homeless

Mr LEANE (Eastern Metropolitan) (09:58) — In recent days Major Brendan Nottle arrived in Canberra after walking all the way from Melbourne. It took him 40 days. He did this great feat to bring attention to homelessness and particularly to calls for a bipartisan national approach to addressing homelessness. In Victoria — and I am one of those who does it — we make big heroes of sportspeople. I think that is fair enough, because as I said, some sportspeople are heroes

of mine. But I think we need to broaden our scope to people like Brendan Nottle, who is a Victorian hero. He spends most early mornings out looking after the most vulnerable Victorians that we have. He has been frustrated at having to do that every morning. He has walked up to Canberra to call for a strategy from all levels of government to do our best to break as many of the cycles that these people find themselves in, for as many of these people as possible. As I have said, I have no doubt Brendan Nottle is a true Victorian hero.

Veronika Kozeniauskas

Mr O'DONOHUE (Eastern Victoria) (10:00) — I would like to acknowledge the sad passing of Veronika Kozeniauskas, a stalwart of the Liberal Party in Gippsland for many, many years. She came to Australia for a better life, for freedom and the rule of law and was a great advocate of Liberal values. Living in Moe, she was engaged in many activities in the Latrobe Valley and throughout the wider Gippsland region. She was a great advocate and support to me, and she will be sadly missed by many throughout Gippsland, not least the other Liberal Party members in that area.

Crime Stoppers

Mr O'DONOHUE — I would like to acknowledge the 30th anniversary of Crime Stoppers, established under the directive of then Chief Commissioner of Police Mick Miller in 1987. Crime Stoppers has been a great vehicle for the community to provide information to police. This followed former Victoria Police media director, Geoff Wilkinson, in examining the work of crime stoppers in New York in the USA.

We need a multifaceted approach to get on top of crime. Crime Stoppers is a key part of that in the way it empowers the community to relay information which police can then use to solve crime. I want to take this opportunity to congratulate Crime Stoppers on everything they have achieved and wish them all the best for the future.

Battle of Passchendaele anniversary

Ms PENNICUIK (Southern Metropolitan) (10:02) — On the walls of the Caulfield RSL, where my paternal grandfather was a founding member and my dad was also a member for many years, is a series of photos from the First World War. I always look at these photos. It is amazing how clear they are, and you can look into the faces of the people in them. One of those photos has always struck me. It is a famous one of five men walking on wooden planks across a flooded moonscape of mud and leafless tree trunks, taken at

Chateau Wood, Ypres, in October 1917 at the Third Battle of Ypres, otherwise known as the Battle of Passchendaele.

On 18 October 1916 my maternal grandfather, Walter Edward — Ted — Reid passed his medical at Victoria Barracks, Sydney, and enlisted in the Australian Imperial Force (AIF) field engineers. Like thousands of other Australians, he boarded a troop carrier in May 1917, arrived at Plymouth on 23 July 1917 and was deployed to the Western Front where he found himself embroiled in the horrors of the battles of Passchendaele. Who knows what he saw and experienced in those terrible months that stayed with him all his life.

The battle was emblematic of the cruel, pointless and tragic slaughter that characterised World War I. It ran from July 1914 to November 1917, with total casualties estimated at up to half a million; 38 000 of those were Australians, including 12 000 dead. For Australia, 1917 was the worst year of the war, and October 1917 was the worst month, with 6000 Australians killed.

My grandfather died when I was very young, but I remember feeling safe and happy around him. My mother, Margaret, says he was a quiet and loving family man.

The Battle of Passchendaele, 100 years ago, should remind us all in these days of escalating brinkmanship and provocation of the horror and folly of going to war.

Dustin Martin

Mr GEPP (Northern Victoria) (10:04) — I want to make a different contribution to some of the self-indulgent offerings made yesterday by a couple of my friends opposite. I want to talk about a young man from Castlemaine, in my electorate of Northern Victoria, who on 30 September this year capped an extraordinary year in AFL football. I speak, of course, of Dustin Martin. It is not just me who claims that it was one of the greatest years on record; of course that claim is made by none other than Leigh Matthews, widely regarded as actually one of the greats of all time.

Dustin, of course, this year won the Brownlow Medal, the AFL Players Association most valuable player (MVP), the AFL Coaches Association MVP and the Richmond footy club's best and fairest, as well as all reputable media awards, and capped it on 30 September with not only a premiership medallion but a Norm Smith Medal for best on ground, as well as winning Richmond's first flag in 37 years.

Like Mr Finn said in his contribution yesterday, I also had the opportunity to witness and enjoy the game with

one of my children, my son, who has been coming to the football with me for 25 years. That made it all the more special. Congratulations to Richmond and to all in this chamber who support the mighty Tigers. I want to let the Castlemaine community know that whilst I will not support the renaming of Castlemaine to Martintown, anything short of that and I am on board.

Shepparton business awards

Ms LOVELL (Northern Victoria) (10:05) — It was an honour to be in attendance at the Shepparton Chamber of Commerce and Industry business and service excellence awards, held recently at the Eastbank Centre in Shepparton. Sponsored by White King Pentel and 95.3 Triple M Shepparton, the awards have been running for 22 consecutive years and are a chance to celebrate the achievements of local businesses within Greater Shepparton.

A highlight of the night was the induction of the Lynas family, owners of Purdeys Jewellers, into the Shepparton Chamber of Commerce and Industry Hall of Fame. Purdeys Jewellers has been providing exceptional customer service to the local region since 1969 and continues to be a giant within the Shepparton business landscape. Congratulations to Stewart and Pam Lynas, Jo and Michael Kearney and their staff on this most prestigious honour, and congratulations to all award winners.

Eltham Community and Reception Centre

Ms LOVELL — It was great to join the community of Nillumbik shire recently to celebrate the launch of the redeveloped Eltham Community and Reception Centre. A crowd of over 200 people celebrated the redevelopment, with fantastic entertainment from Mahalia Barnes and her band, The Soul Mates, and Miss Lizzy and The Night Owls. The \$3.43 million refurbishment saw upgrades, including water harvesting, solar power, improved lighting, new amplifiers, the installation of a commercial standard kitchen and a new landscaped amphitheatre, all ensuring the centre remains the shire's premiere function venue into the future. I would like to congratulate the Shire of Nillumbik on the refurbishment of what is a wonderful asset for the local community. I would particularly like to thank the mayor, Cr Peter Clarke, and the deputy mayor, Cr Karen Egan, for the invitation to join in the celebrations.

Women in sport

Ms PULFORD (Minister for Agriculture) (10:07) — I rise this morning to speak about women's equality in sport. This week I have a work experience student with me by the name of Maggie Hutchins, who is also a very talented young sportswoman from Ballarat. Maggie told me that she feels that many local sporting clubs can be less focused on their women's teams, which has left her feeling as though her sporting opportunities are less than those of a boy of her age. In saying that, Maggie said that she has seen the many investments made by the government towards levelling the playing field for women in sport. She said that they have not gone unrecognised or unnoticed, while acknowledging that more can always be done. Maggie believes that local sporting clubs and associations need to better focus on changing gender stereotypes throughout clubs, as well as providing adequate support for local clubs to further introduce more all-female sporting teams and leagues.

I was pleased to discuss with Maggie our newly launched \$6.7 million Active Women and Girls for Health and Wellbeing Program, which, alongside a number of other initiatives, is very much a step in the right direction for women's equality in sport; the related work that government is doing, including providing funding for the Changing Our Game — Advancing Gender Equality in Sport for Women and Girls Program, which is backed by female sport stars from the AFL Women's League, the Women's Big Bash League and the Women's National Basketball League; and our \$14 million investment in our program to upgrade and build even more new women's change rooms at all grassroots clubs all over Victoria, as well as the establishment of Victoria's first Office for Women in Sport and Recreation.

These programs combined will ensure that women and girls have access to modern, safe, welcoming and inclusive facilities that will support them to thrive and realise their dreams. I would like to also thank Ms Hutchins for her assistance in the preparation of this members statement.

National Carers Week

Ms SYMES (Northern Victoria) (10:09) — Today I wanted to do a members statement on a lovely event that I attended on Monday, which was the regional launch of National Carers Week. I was fortunate to be in Heathcote and was joined by the CEO of Carers Victoria, Glenn Campbell; the manager of Carers Victoria, Annie Hayward; the wonderful Vicki Forde, coordinator of Heathcote Community House; Dan

Douglass from Heathcote Health; Rose Miles from Bendigo Health; and more importantly the many, many carers from the region who came to tell me their stories about their caring responsibilities for mostly family members.

Each year Carers Week gives an opportunity to celebrate the dedication and hard work of our thousands of unpaid carers. Heathcote is a great place to have a celebration like this — it is a very caring community. They are also very conscious of their elderly population, and they of course have a proposed dementia village that is supported by a feasibility study that is being funded by the Victorian government. It is a great little community that is committed to those in their community that might need a bit of extra help. Many of the carers that were there on Monday have participated in some consultations, and this has led to the government announcing that it will be developing a comprehensive wideranging strategy to support carers and better reflect their needs, particularly in relation to the rollout of the national disability insurance scheme.

FIREARMS AMENDMENT (ADVERTISING) BILL 2017

Statement of compatibility

Mr BOURMAN (Eastern Victoria) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

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

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

Overview

The purpose of the bill is to amend the Firearms Act 1996 (the Firearms Act) to allow persons other than licensed firearms dealers to advertise that a firearm is for sale and for other purposes.

Human rights issues

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

Section 25(1) — A person charged with a criminal offence has the right to be presumed innocent until proven guilty.

Deeming provision

Clause 3 of the bill will amend the Firearms Act to provide that a must not publish or cause to be published an advertisement which advertises that a firearm is offered for

sale unless the advertisement contains the serial number of the firearm and the firearm licence number of a person whether or not they are a licensed firearms dealer.

Currently, section 101 provides that a person must not publish or cause to be published an advertisement which offers a firearm for sale unless the advertisement is placed by a licensed firearms dealer and includes the dealer’s licence number.

The evidential onus (which currently exists in section 101) is associated with the administration of firearms regulation and any individual who chooses to lawfully possess and use firearms, choose to be subjected to that regulation by virtue of owning and using those firearms and as such do so by knowingly complying with the legislation.

Other jurisdictions do not restrict the advertising of firearms for sale to only licensed firearms dealers and such an amendment would align Victoria with the principles of the National Firearms Agreement.

In conclusion, I consider that the bill is compatible with the charter.

Second reading

Mr BOURMAN (Eastern Victoria) (10:12) — I move:

That the bill be now read a second time.

Victoria is the only state in Australia that doesn’t allow law-abiding shooters to move with the times and advertise their legally held firearms on the internet. Other states still require minimum information to allow the advertising of firearms legally, subject to all transfers still being done via a licensed firearms dealer with a permit to acquire being obtained, but the fact is that they still allow it.

My bill proposes that we amend the Firearms Act 1996 to allow licensed shooters to sell their legally registered firearms on the internet subject to the same terms and conditions as if you were selling it face to face or via a printed magazine. You must be appropriately licensed, you must complete the transfer through a licensed firearm dealer, you must get a permit to acquire and you must store your firearms to the satisfaction of the legislation.

So this bill is really only a couple of things, the first being the alignment of Victoria with all the other states, and the bringing at least part of the legislation into the 21st century.

Back in 1996 the internet wasn’t as all-encompassing as it is now. In fact, there were many households not connected at all, and the concept of being able to control household devices from anywhere in the world was just fanciful and would have earned you a derisive

look if you'd been silly enough to say it. Now we have smart phones and even internet-enabled fridges.

So it is no surprise that the Firearms Act of 1996, though its date of creation would have been much earlier given how swiftly it was presented, has no regard for the internet in it. In Victoria a licensed firearm owner cannot advertise legal firearms for sale on the internet. This is of course unless you're a criminal and working on the so called dark net as you don't care about laws.

Technically, you may only advertise a legal firearm via a printed shooting magazine. Printed magazines, as we all know, are on the decline and sooner or later will be consigned to history and antique shops. This means that we have an opportunity to modernise some of the legislation to at least reduce the pain of those who do the right thing. Ironically, if the website is hosted somewhere other than Victoria, there is an issue of jurisdiction, which means that it's not entirely clear as to what the police are able to do. We can fix this.

Much is made of Australia's national gun laws, though the nation-wide laws aren't always in sync. This isn't unusual, as despite relatively recently aligning all road rules in Australia, there are still some marked differences, this being the joy of having states and not one central overarching government. Without labouring the point too much, we can fix a little part of it with this bill.

There are those that will use this opportunity to bore us with their usual ideological dribble about how law-abiding firearm owners are bad, whilst refusing to support tightening laws on actual criminals, and we have to ban this and that, and despite all evidence to the contrary that we have the best gun laws in the world and cannot weaken them, but the reality is that we law-abiding shooters aren't the problem and over-regulating us will not do much more than make people feel like something's been done.

This bill will not weaken any laws, it will not precipitate any crime wave and will not do anything except allow a bit of legislation to move into 2017.

Debate adjourned on motion of Ms SYMES (Northern Victoria).

Debate adjourned until Wednesday, 25 October.

CHILDREN, YOUTH AND FAMILIES AMENDMENT (YOUTH OFFENDERS) BILL 2016

Second reading

Debate resumed from 7 December 2016; motion of Ms CROZIER (Southern Metropolitan).

Ms SHING (Eastern Victoria) (10:15) — I rise today to speak in relation to the private members bill, the Children, Youth and Families Amendment (Youth Offenders) Bill 2016. I would like to go through the way in which this bill has set out a number of provisions as they relate to community safety, the work that is already being undertaken by this government to address the issues that surround youth offenders in the current regulatory and legislative framework and the way in which we have needed to provide a better framework for parole and for assistance that creates the best opportunities possible for young offenders to receive the assistance that they need and deserve in order to make their way into the world in a more responsible, better supported and more mindful way, relating to moving away from the circumstances which have caused them to offend in the first instance or which have contributed to their offending as it stands and as it is addressed by the courts.

In noting at the outset that the government will not be supporting this private members bill, it is important to go back over a number of components of the discussion on youth justice and youth offending, the way in which our court system has addressed young offenders in the past, the parliamentary process which has led to the discussion of this bill and the time which has lapsed between the date at which the bill was first put onto the notice paper and where we are now.

We have seen this private members bill languish on the notice paper since December last year. That is important. It is important because were it to have been a matter of the highest priority, as those opposite and around the chamber will no doubt claim, then we would have in fact had the opportunity to debate and discuss this bill well before now. But to see that nearly a year later we are only just in a position to be able to talk on this particular bill is something that smacks of political opportunism. It is an issue which deserves and warrants a greater level of care, of scrutiny and of examination than that which the private members bill proposes. What it does do is it sends a message that issues that relate to young offenders and issues that relate to the way in which support, assistance, diversion and deterrence are administered to young offenders are a mechanism by which to advance a political narrative,

and for many others around this chamber they are not much more.

What we are seeing is that those opposite and those around the chamber will go to all manner of lengths to refer to matters already before the courts and to misunderstand the purposes of parole, the way in which the Youth Parole Board works, the fundamental objectives of the Youth Parole Board in the work that is undertaken by its members and the primary principles that underpin parole in the first instance.

This is in essence one of the great divisions between those who sit opposite and the Andrews Labor government. To misunderstand the purpose of parole and how the Youth Parole Board works is something which more readily allows a base political opportunity to emerge, which is in fact what we have seen with this private members bill.

For the sake of clarity and for the sake of completeness in talking to this bill it is important to talk about the objectives that underpin parole in the first instance. Parole is in fact there to reduce recidivism by ensuring that supports are in place for young offenders leaving custody and transitioning back into the community. What we have seen as far as the recidivism rates are concerned is that typically there is a long tail on recidivism rates beginning to turn and to increase where support is dropped and funding is reduced. There is a direct correlation to this. Any of those opposite who would seek to disagree with this should simply look at the recidivism figures, at the way young offender rates began to rise and the way general offender rates began to rise and recidivism rates began to rise where that correlating investment was not made in parole and parole-related initiatives and programs to enable a more effective, a more robust and a more durable transition back into the community.

The issue of the administration of justice is not something which is simply a point-in-time exercise in accounting or triple bottom line economics; it is in fact the whole-of-life study in providing people — once they have received the sanction or conviction or treatment by the courts for an offence or offences which they have been found to have committed — with the support, guidance and assistance that they need and that they in fact deserve to receive to find a proper sense of accountability and responsibility in that transition back into the community. We know that where that investment is made and is done properly recidivism rates in a correlating fashion reduce. All of the evidence tells us that it achieves better results for community safety if a young person is supported as they move back into the community following their time in custody.

What we see in particular is that where specific supports are provided to young people who have got particular individual or family circumstances, where they are tailored to the offender, where they are tailored to the young person who is seeking to rebuild a life, they stand a much greater chance of success. What we do know is that where programs are tailored to people in regional areas, to culturally and linguistically diverse community groups, to Aboriginal community members, we can see that the tailoring of those programs has a direct and positive impact on the chances of non-recidivism in the future. Correspondingly the results are worse if a young person is simply shown the door at the end of their sentence.

It is very easy, as I indicated earlier, for those opposite and those in the community to reduce the issue of youth offending to a slick three-word slogan and to abandon the fact that treatment and rehabilitation and accountability and responsibility for young offenders is best achieved over a period of time. This is hard work, and it is hard work because so often it is necessary for a young offender to receive guidance and support and accountability over time. This takes resources. It takes effort. It takes more than simply standing and posturing about the problem to actually address issues which are often many, many years in the making and often arise from a lesser capacity to be involved in education, in participation in the workforce and in receiving and accessing effective and good healthcare services.

What we see in the work of the Youth Parole Board is that it already considers a range of issues when it is looking at paroling a young offender. The various considerations that are analysed by the Youth Parole Board prior to making a decision are specifically there to enable it to make a decision which is in the interests of the community and of public safety on the one hand and on the other hand in the interests of that person as he or she grows and matures by making sure that he or she has the best prospects possible of being able to turn his or her life around and become a positive, contributing member of the community.

We see time and time again that where this effort is made and where young offenders can access programs — which might range from positive role modelling and mentoring on the one hand through to understanding the impact of their actions on the other — as part of a parole board consideration, the results show they work. We see that where young people are in a position where they are operating without support, where they are moving through the community without a proper understanding of what is expected of them, that the results are not reflected in a

non-recidivism, which we as good government see as being imperative.

To try to decouple the issues of resources and support and assistance into the parole structure from the issues of the offence and the nature of the offending in the first instance is an exercise in flawed logic. It is an exercise in flawed logic which in fact does little to advance our understanding of how better to support people, not just after they have finished a process through the courts or through proceedings but as they continue to move around within our community.

Looking at the way in which we can elevate community safety and provide better protections for the community, we need to make sure that this is a priority when a young offender is being sentenced by the court. That is precisely what we are doing. We have in fact recently seen the Children and Justice Legislation Amendment (Youth Justice Reform) Bill 2017 pass the Parliament. Again, just to clarify for the avoidance of any doubt of those opposite who might try to claim that nothing has been done in this area, it contains a suite of legislative measures that crack down on serious offenders and that in fact toughen sentences for serious and violent crimes and increase consequences for young offenders.

What we did see when this debate occurred in this place on that bill before it became legislation was an attempt by the Liberals, in the name of their agenda and narrative on crime, to try to scuttle this bill, to try to in fact water down the work which we are doing. When we look at not what a party or a section of the chamber is doing but why, it becomes relatively clear. Like this private members bill, which again has existed and been listed on the notice paper since December 2016 but has not come to our active attention until now, those opposite sought to scuttle the work that was being undertaken through the bill recently passed that does provide that greater level of accountability, that does provide a crackdown for serious offenders, that does provide a holistic approach to the administration of justice and to the protection of community safety, as well as to the prevention of crime through active and proactive measures designed to reduce further instances of engagement by young offenders in the justice system.

To move through to the statistics in this regard, there were more paroles cancelled due to reconviction in both 2010–11, with 36, and 2011–12, with 36, than there were in the past financial year. Let us walk that back a little bit. In 2015–16 we had 34 paroles cancelled due to reconviction. If we compare and contrast what happened under a government of which Ms Crozier

was a member, under the former coalition government the reconviction rates were higher. There is no getting around that. There is no getting around the fact that in 2010–11, when the coalition government was at the helm, there were 36 cancelled paroles due to reconviction and in 2011–12 there were also 36.

Mr O'Donohue — Actually that is half yours — 2010–11 was half yours under the Brumby government.

Ms SHING — I will take up the interjection from Mr O'Donohue. He said the number in 2010–11 was in fact half of that under the Brumby government. Thanks, Mr O'Donohue. It is still 36, so for the first six months of the former government led by the coalition the number was still higher, and in the following year you were at least consistent. You were at least consistent in relation to the number of paroles cancelled, again being 36.

Now we see a situation where, for a matter which is so screamingly urgent that the private members bill has been on the notice paper since December last year, Ms Crozier all of a sudden wants to change the law, when the coalition government effectively did nothing for four years, while in fact the reconviction rate of parolees was higher than it is now. So let us look at what that means. What that means is that this bill says, 'Do as I say and not as I do'. This bill says, 'I am in fact more than happy as a coalition opposition to put something forward for nothing more than bad faith — a cheap bottom line, tawdry political narrative'.

We can see what the coalition did when they were in government: they invested nothing. The coalition opposition now attempt to bring out a tagline, and I get a sense that perhaps the coalition's tagline might be 'Caring for communities'; it seems to be something around protecting communities. I do not know whether they have actually settled on it, but their current leader, Matthew Guy in the other place, has indicated that it is all about protecting communities.

Ms Pulford — Did you say their current leader?

Ms SHING — I did say the current leader. Thank you, Ms Pulford, just for any avoidance of doubt. It has been a little shaky and there have been more than a few tremors, but for the avoidance of doubt let us just look at what has happened in the context of the crime rate as it occurred and as it unfolded under the coalition government. The coalition when they were in government between 2010 and 2014 in fact saw an increase in the crime rate. They will not talk about this very often, because it is pretty inconvenient. It is in fact inconvenient to have to face the fact that a

tough-on-crime approach does not actually yield the results that those opposite would have us believe. The crime rate has not simply gone up because of — as claimed by those opposite, as claimed by anyone who is a member of the Liberal-Nationals coalition in the Victorian Parliament — the Andrews Labor government.

What is yet to be seen — and I cannot wait for this day to come because it will be an exercise in just about the most delicious irony that any of us have seen in some time — is any claim by those opposite that in fact the recent drop in the crime rate is due to initiatives of the coalition and in fact has nothing to do with the work that this government is putting in. We have seen time and time again initiatives that go beyond the rhetoric, that go beyond the three-word slogans, that go beyond the cheap political pointscore by those in the opposition, who are prepared to, as is evidenced by this bill that we are debating here today, implore us to do as they say and not as they do.

We have unrolled a number of initiatives that are designed overall to not just address the crime rate as it occurs in a reactive fashion but tackle it in a proactive way, such as the 3135 police officers and the \$1.9 billion being invested into wiping out the scourge of family violence. What we did see is that when initiatives such as these were announced, the current Leader of the Opposition and others from the coalition were very quick to say that there was nothing in the budget to tackle law and order. In fact nothing could be further from the truth. When we look at the fact that 40 per cent of police work is being undertaken in relation to family violence work, we can see that those opposite are again after a cheap headline. When we see that those opposite are in fact, as Ms Wooldridge was quick to condemn, very happy to decry the Royal Commission into Family Violence as ‘a lawyers picnic’, when we see that those opposite are not prepared to acknowledge that the scourge of family violence is the number one law and order issue in our community, then what we see is that it is all too convenient for those opposite to go to what they see as the cheap shots to garner the most populist response without in fact understanding these issues or being prepared to join with the Andrews Labor government in getting behind a multipartisan approach to support for initiatives such as these.

I am still waiting, as are so many others, for the coalition to get out publicly and support the work of the Royal Commission into Family Violence. I am still waiting, as are so many others — from peak bodies to community organisations to the victims and survivors of domestic and family violence and abuse. What we

see is the quibbling around the edges and the dismissal of family violence as a non-issue when it comes to law and order. What we see is that this does not neatly fit within the narrative of those opposite — the narrative that includes things such as this private members bill, things that distil the issue of law and order and of crime to a neat little package of a narrative that seems to always boil down to the coalition claiming to be tough on crime and the coalition claiming that Labor does nothing about it. For the reasons that I have outlined already, nothing could be further from the truth.

What we see is that, to move back to the work at hand with this bill, the information set out in the Youth Parole Board annual report 2015–16 indicates very clearly that the work being undertaken by the Youth Parole Board is extremely extensive, extremely transparent and extremely comprehensive. I would invite those opposite to read the annual report of the Youth Parole Board: it is a publicly available document and it is probably something that would assist the coalition in better understanding the work of the parole board without simply reading from a dot point crib sheet of why it is that they support a bill that in fact has not really moved on the notice paper since the end of last year. The Youth Parole Board already reports extensively on parole orders issued by the board. It already reports extensively on warnings issued by the board and on cancellation of parole, on the special conditions attached to parole plans and on the characteristics of young offenders. It reports on these things because we need to understand the work of the board, the individual matters that are considered by the board — I will not go into any detail on those considerations and I will not go into any detail on matters that are before the court, and I would, as an aside, sincerely hope that nobody else in this place in the course of this debate will refer to matters that are before the court — and the special conditions that are attached to parole plans.

Understanding the characteristics of young offenders is key to making sure that we can reduce and wherever possible remove the risk of reoffending. Understanding those characteristics and providing conditions and providing solutions through programs and through service delivery that take them away from the habits or circumstances that may have led to the offending in first place will maximise the chances of those young offenders being able to not only not go back to habits and patterns of behaviour that may have contributed to their offending in the first place but also contribute positively to the community over a lifetime.

We see that the Youth Parole Board details the number of offenders released on parole and those that have had

their parole cancelled due to compliance and reconviction. This is where it is clear that the numbers of paroles being cancelled due to reconviction were in fact lower over the 2015–16 year than they were under the former government.

When we actually look at the number of persons convicted of a serious offence, as defined by section 72 of the Corrections Act 1986, that was committed while they were released on parole, it adds no value to the youth justice system to include those numbers. It would in fact likely create an extremely onerous administrative burden for the Youth Parole Board. The decisions of the Youth Parole Board are, for example, in swiftly revoking parole when parole officers notify about poor compliance. These decisions demonstrate that the board considers parole breaches to be a serious matter. That is something which does not appear to be appreciated by those opposite — not when they are in government and certainly not when they are in opposition. Should these concerns be identified, the board has discretion to swiftly issue a warrant to return the young person to custody — for example, when they are found or plead guilty to a serious offence.

As I indicated earlier in my contribution, we have made significant efforts in work undertaken to change the way in which we support and provide initiatives and incentives to the Youth Parole Board to make decisions that get outcomes which are durable and which enable people to continue to live and to transition back into the community at minimal risk to community safety and security.

The work in addition to this that we have done through enacting the legislation that we did — the Children and Justice Legislation Amendment (Youth Justice Reform) Act 2017 — does contain, as I indicated earlier, that suite of legislative measures for a crackdown on serious offenders, tougher sentences for serious and violent crimes and an increase in consequences for young offenders. So that work is already there. For anyone to claim that is in fact not the case — for anyone to claim that this is a lacklustre process that does not deal with young offenders understanding the consequences of their crime or their offending — would be at its highest an exercise in bad faith.

The board when it is considering the range of matters before it bases its decisions on information from a range of sources. That information includes comments by the sentencing court and reports from custodial staff, parole officers, psychologists and psychiatrists, medical practitioners and other professionals working with that young person. This is not a process undertaken by the board in a vacuum; in fact it is quite the opposite. The

board also considers requests put forward by the young people themselves, and the parole plan which is presented to the board by the parole officer is required to include comprehensive information about that young person's plans for living in the community on parole. Again, it is not a dump-and-run situation; it is not a situation which occurs in a black hole. It is a situation which is informed by the views and the positions of professionals associated directly with that young person and by people whose expertise and knowledge lies in the system itself and in assessments of young offenders.

It is a system which is also geared toward understanding that the young person's own circumstances and position must be considered as part of a parole board decision. On the day of parole itself the board will interview each young person and explain the conditions of their parole. The young person in question then signs the parole order, indicating that they understand and consent to the expectations and conditions of parole. Youth parole orders have at their heart core terms and conditions that are also prescribed in statute, as set out in the Children, Youth and Families Regulations 2007. Those terms and conditions are as follows:

- (a) the parolee must not break any law;
- (b) the parolee must be supervised by a parole officer;
- (c) the parolee must obey any lawful instructions of his or her parole officer;
- (d) the parolee must report as and when reasonably directed by his or her parole officer;
- (e) the parolee may be interviewed by his or her parole officer at any reasonable time and place that the parole officer directs;
- (f) the parolee must advise his or her parole officer within 2 days after the change if the parolee changes his or her address;
- (g) the parolee must not leave Victoria without the written permission of his or her parole officer;
- (h) the parole officer of the parolee must not unreasonably withhold written permission under paragraph (g).

These terms and conditions as they are set out work alongside the recently passed Children and Justice Legislation Amendment (Youth Justice Reform) Act 2017. As I indicated earlier in my contribution, this act is part of Victoria's largest ever suite of legislative measures to keep the community safe. Community safety is the very highest priority for the work that is being undertaken across the spectrum of these legislative measures. Community safety is at the heart of a responsible government's work when it comes to

issues relating to family violence and when it comes to issues that affect access to law enforcement services and to response on the ground from the middle of Melbourne to our most remote and rural communities.

We need to make sure that we have the right mix in place and not only a system that keeps our community safe and provides better resources, training and support for people who work on our front line every day to make and keep Victorians safe but a system which is geared toward more than a sugar hit for the sake of a headline. We need a system which is not just focused on a single point in time but which is in fact focused on whole-of-life work to ensure that offenders — and, as relevant to this bill, young offenders — understand the consequences of their actions, the impact of what they have done, the gravity of the offences that they have committed and the nature of consequence as it applies to them. But it is important that they are also able to become better with support and assistance through the provision of programs that enable them not to return to offending wherever possible, not to compromise community safety and not to compromise the wellbeing or the lives of others around them but in fact enable them to be better, because where we abandon that responsibility we lose sight of what the role of good government is about. Where we fail to take account of the impact of particular decisions or the pathway through a particular regulatory or legislative framework, judicial process or legal proceeding, again like recidivism figures, it can have a long tail, and we fail to take up the opportunities to minimise reoffending and to drive the recidivism rate down.

What we see and what we will continue to see where there is not this corresponding investment in a long-term framework to improve the way in which young offenders are treated, not just in the course of their legal proceedings but in the way in which parole conditions are set, regulated and enforced, is an abandonment of that responsibility, and that has a knock-on effect for community safety and it has a knock-on effect on the confidence of the public in the legal system. That in fact does not help to make sure that the tough-on-crime components of the legislative reforms that we have introduced that have passed this Parliament will have the desired outcome. It takes more than one particular position or one particular legislative process to prevent a young offender from reoffending. It takes more than simply cheap shots to make and keep the community safe.

What we have seen in the recent reduction in the crime rate in Victoria is the work starting to have effect. That is the work of a historically high investment in energy, resources and engagement to understand the drivers of

crime and of offending; the way in which we can improve the court system and the administration of justice; the way in which we can tailor considerations of bodies such as the parole board to offenders themselves; and the way in which we can, to the best extent possible, prevent crime being committed by that young person either immediately after or at any point after they have worked their way through the system as it relates to any previous offences.

What we did see, as I indicated at the outset — and again I ask why this bill is on now, some 11 months after it was first put on the notice paper; asking ‘why’ rather than ‘what’ is an important driver of this — when we were debating the government’s bill, was an attempt by the Liberals to scuttle it at every opportunity. They proceeded with a reasoned amendment. Unlike those opposite, the government has not waited to take the action necessary to deal with the immediate issues. As I indicated earlier and as I have indicated on a number of occasions, and as the minister, other cabinet members and the Premier have all indicated on numerous occasions, serious violent offending will not be tolerated. That is very clear.

What we do have is work being undertaken by the government already to make provision for specific circumstances to be considered in the course of setting terms and conditions. What we do see, as I indicated earlier, is that the parole board itself has the capacity to include various components of a better administration of justice in the orders and the terms and conditions that are set by the board.

What I would like to do is to take the house, if I may, to the Youth Parole Board’s annual report 2015–16 and to the factors that are able to be considered by the board beyond those that are set out in the regulations that I listed earlier. It is an inclusive list, so there is a broader discretion to consider other relevant matters and other material considerations, but those factors include:

- interests of/risk to the community;
- victims’ wellbeing;
- interests of the young person;
- age of the young person;
- capacity for parole to assist the young person’s rehabilitation;
- intentions and comments of the sentencing authority;
- the nature and circumstances of the offences;
- outstanding charges/pending court appearances;
- young person’s criminal history;

previous community-based dispositions and compliance;

family and community support networks;

release plans ...

and submissions, including those, as I indicated earlier, from professionals and people with expertise and an understanding and knowledge of young offenders themselves, as well as submissions made by the young person.

What we do see in this annual report is a very careful consideration of the work that can be and is undertaken by the parole board not just to consider the matters at hand as they relate to the young offender but to make sure that the parole board has a capacity to engage with stakeholders and with practitioners in the youth justice system.

What we do note is that work has been undertaken by the parole board, including through a parole and custody forum that took place in June last year to bring together over 100 key stakeholders and practitioners involved in the Victorian youth justice system. What we see is that members of the Youth Parole Board are able to present their reflections on the strengths and challenges that face a contemporary youth parole system in Victoria. What we do know is that an intensive amount of work is being undertaken in relation to the considerations of the parole board to make sure that to the best extent possible its decisions reflect all of those components that I outlined earlier.

When we look at all the work being undertaken, from the creation of the parole plan through to supervision, we can see that there are numerous programs associated with understanding a young person and a young offender's trajectory through the parole process as well as the work being done to transition them into the community. What we see is that this work needs to be adequately supported and resourced. It needs to ensure that practical supports are provided on the ground where they are required, that there is clarity and transparency and that where decisions are taken there is a level of confidence in the work being undertaken.

For the reasons that I have outlined, the government will not be supporting the private members bill. It is a shame that it has languished on the notice paper for nearly a year. It is a shame that it comes off the back of a reasoned amendment and repeated attempts by the coalition to scuttle the legislation now in place. It is a shame that it comes off the back of a narrative from those opposite and the Liberal-Nationals coalition to deny, underplay or refute the work going on across the spectrum to understand the drivers and causes of

offending, including as they relate to family violence and the lack of access to support, services and programs and as they relate to serious offenders, while maintaining — the core of what we do — the primacy of community safety.

It is unfortunate for all of those reasons that we are here debating this private members bill now. It is not a case of better late than never. It is an opportunity missed by those opposite to do the right thing. On that basis, we will not be supporting the bill.

Ms SPRINGLE (South Eastern Metropolitan) (10:58) — I rise today to speak on the Children, Youth and Families Amendment (Youth Offenders) Bill 2016, put forward by the opposition. I will go through the technicalities, predominantly, of the bill. The Greens do not support either of the two changes this bill would make, and I will briefly explain why.

The first change, made by clause 3, would require the Youth Parole Board to publish in its annual report an annual statistic about the number of young people who have committed serious offences while on parole. I note that the definition of serious offence would be the same as that given by section 72 of the Corrections Act 1986, which is an interesting piece of legislation to refer to when we are talking about young people. The Corrections Act is a piece of legislation about adult offenders. There are a number of pieces of information the board already has to publish in its annual report. These are listed in section 452 of the Children, Youth and Families Act 2005 and include the number of young people released on parole every year and the number of young people whose parole was cancelled.

The board of course publishes a number of other very useful statistics in its annual reports. For instance, it provides the only real indication in this state of the crossover between child protection and youth justice by publishing data on the number of young people subject to youth justice orders who were also subject to child protection orders. That information is incredibly useful and should really have been published for many years by the Department of Health and Human Services, which until earlier this year had administrative responsibility for both child protection and youth justice. As I have stated many times in this place, the fact that nearly two-thirds of children in the justice system have also been subject to child protection orders gives some indication of how badly we are failing young people and children who need the protection of this state. That is an example of a good and useful statistic, but the statistic that this bill wants pasted in each annual report of the Youth Parole Board — the number of persons convicted of a serious offence while

released on parole by the board during that period — could only do much more harm than good.

The Greens are always in favour of improved transparency about the workings of government and government agencies, because improved transparency means that Victorians will know more about what is being done in our name. What we are definitely not in favour of is the publication of decontextualised data divorced entirely from its meaning, and that is what the statistic the opposition wants in the Youth Parole Board's annual report would be. The only effect of publishing this number would be to give the board further pause before ordering the release on parole of each young person from custody.

Time spent in custody is a recognised criminogenic factor. Time spent in custody increases the risk that a particular offender will reoffend when they are released. At the very core of parole is the idea of reducing the risk of reoffending by managing a person's transition back into civilian life towards the end of his or her custodial sentence. Because the sentence has not finished, the individual remains subject to the supervision of corrections. There is of course a risk that a person released on parole will reoffend, but this risk of reoffending is much lower than that of a person who has been released into complete freedom without any supervision. It is impossible to reduce this risk of reoffending to zero, as much as everyone would like to, and occasionally there will be a shocking and truly tragic event which causes the needless injury or even death of an innocent person.

Lynda Hansen was doing what most of us do every day of the week — driving on one of Melbourne's busy roads — when she was allegedly hit head-on by a car and could not be saved despite the efforts of those brave people who tried their best to help her. We learned that the car was most likely being driven by a young man who was on parole at the time. Ms Hansen's grieving family and friends, patients and I dare say the entire Victorian community have of course been wondering what might have been had that young man not been released on parole.

I can understand those in the community who have been calling for an overhaul of the parole system, even for an end to parole, but it is our job in this place to resist those very understandable calls and to apply the best evidence that we know exists. The evidence says that the risk of reoffending is much greater when a person is released with no supervision. Parole does not eliminate the risk of reoffending, but it does reduce it, and that means fewer victims. By reducing the likelihood that the board will grant parole in any

particular case, which is the only effect this clause could have, this clause could only increase the risk that a person released from custody will reoffend. This would have the surely unintended effect that the community would be far less safe than it is now with a functioning Youth Parole Board which is mostly allowed to get on with its very difficult and challenging job of trying to balance the rehabilitative needs of each individual with the needs and wellbeing of victims of crime.

The second change the bill would make is to add new section 458A to the Children, Youth and Families Act. Currently the board is given maximum autonomy by this Parliament to take various factors into account when making decisions about parole, including about release, variation and cancellation. The board's annual reports provide a list of factors it considers under this framework. At the top of this list are 'interests of/risk to the community' and 'victims' wellbeing'. Among other factors, this list also includes the capacity for parole to assist the young person's rehabilitation; the nature and circumstances of the original offences; the intention and comments of the court which originally sentenced the young person; the young person's criminal history; any previous times the young person has been subject to community-based orders and the young person's level of compliance with those orders; the young person's family and community support networks; and any reports, assessments or recommendations made by doctors, psychologists, psychiatrists, custodial staff, parole officers and support agencies.

It is very clear that the board is already engaged in a complex balancing act in which it considers a wide range of factors, including community safety, when making decisions about parole. What is wanted under this bill is for the board to give primary consideration to one factor in particular, and that is the safety and protection of the community. It is an entirely redundant clause at best. In practice, the safety and protection of the community is given best effect when a young person who has committed criminal offences is rehabilitated and re-engages with school and work.

Everyone knows that youth detention centres — which contain a whole litany of criminogenic risk factors, not the least of which is the pressure of large groups of criminogenic peers — are not the best places to encourage individual young people to re-engage with school and work.

I am never quite sure whether the Liberal Party genuinely believes, despite all the evidence to the contrary, that the community is safer when more people are sent to prison or youth detention, or whether it is a

longstanding cynical ploy to encourage fear and ignorance in the electorate and to whip up panic in the tabloid media.

The Greens will not be voting for this bill for all of these reasons.

Mr O'DONOHUE (Eastern Victoria) (11:06) — I am pleased to rise and speak in support of the private members bill moved by my colleague Ms Crozier. I would like to start my brief contribution on this bill by making a few observations. The good order and management of this house relies on give and take between the parties and the management of debate time to enable different perspectives to be put. Yet again we see Ms Shing filibustering, speaking for 42 minutes on a bill that has a total of five clauses. It is most disappointing that yet again the government, through Ms Shing, is seeking to waste valuable opposition debate time on issues that it considers to be important, and it makes it very difficult when the government then turns to the opposition seeking its agreement to facilitate debate.

I would like to address a few of the matters that Ms Shing raised. She made much of the fact that this has been on the notice paper for some time. Well, first of all I congratulate Ms Crozier for offering tangible solutions and answers as part of a suite of other initiatives to the youth justice crisis here in Victoria. This bill is a simple, straightforward bill that offers two reasonable and good propositions.

When similar private members bills with sensible, tangible solutions have been presented to this place they have been defeated on every occasion by the government — every single occasion. In fact this is not something that just applies to the opposition and to the no body, no parole bill, the carjacking bill, the Craig Minogue keep-police-killers-in-jail bill and the car ramming bill that the opposition has moved. We even saw it yesterday with the Greens and Ms Springle's private members bill. In a panicked flurry of response the Premier went on *The Project* to announce a new policy. In a similar way, on the day of the debate on the car ramming legislation from the opposition Minister Neville went out on 9 August and said, 'We're going our own within weeks — trust us', and here we are in mid-October and there is nothing.

Ms Shing had an issue around why we have not moved. Well, we have offered the solutions and we hoped the government would pick them up, but yet again it seems like they will not.

We had a 42 minute speech from Ms Shing, and victims of crime were not mentioned once — not once.

Mr Mulino interjected.

Mr O'DONOHUE — Mr Mulino may wish to make light of issues of victims of crime, and I take up Mr Mulino's interjection. He may wish to make light of issues around victims of crime —

Mr Mulino — On a point of order, Acting President, I just want to clarify that I was not making light of victims of crime, I was making light of Mr O'Donohue's mischaracterisation of Ms Shing's speech.

Mr O'DONOHUE — On the point of order, Acting President, let the *Hansard* reflect that in a 42-minute speech Ms Shing did not mention victims of crime once in my listening to her.

The ACTING PRESIDENT (Mr Melhem) — Thank you, Mr O'Donohue and Mr Mulino. There is no point of order.

Mr O'DONOHUE — This bill seeks to do two relatively straightforward things, and one is to make community safety the paramount consideration in the decision-making of the Youth Parole Board. Labor and the Greens are opposing that. What Ms Shing did not address was the inconsistency then with their support of the Callinan reforms of the adult parole system in legislating that community safety be the paramount consideration. Why did the Labor Party support making community safety the paramount consideration for the Adult Parole Board of Victoria in a piece of legislation that went through this place in the previous Parliament when it opposes that very same reform for the Youth Parole Board? It is obvious that community safety should be the paramount consideration; legislating for that would give the Youth Parole Board legislative instruction and guidance.

One of the issues with the adult parole board that was uncovered by the Callinan review was that procedures and practices were often not formalised in the way they should be. By legislating it sends a very clear direction and message from the Parliament and the community about the priorities around youth and adult parole-making decisions. It is a sensible measure that should be supported. Ms Shing, despite speaking for 42 minutes, did not address why she supports legislating community safety as a paramount consideration for the adult parole board but opposes it for the Youth Parole Board.

Similarly the amendment that Ms Crozier seeks to make to increase transparency in the Youth Parole Board annual report, requiring the Youth Parole Board to advise of the number of serious offences committed by those on a youth parole order, is again consistent with the reporting requirements of the adult parole board, so why is that requirement for the adult parole board supported yet opposed for the Youth Parole Board? Again, this contradiction, this inconsistency, was not addressed by Ms Shing, despite her speaking for 42 minutes.

Transparency is a good thing. No-one is seeking the details of that crime, the details of the perpetrator or indeed the details of the offence, merely a statistical figure so that the serious reoffending of those on a youth parole order can be measured and tracked over time. Surely that is a worthy goal; surely that sort of transparency is in the interests of the community, because, yes, there are many purposes when it comes to the granting of parole orders and the opposition understands that very clearly, but we must also understand what level of reoffending, particularly serious reoffending, is taking place by persons who are the subject of a youth parole order.

This is a good piece of legislation. I congratulate Ms Crozier on bringing it before the house last year. After hoping that the government would pick it up and, as they have done on so many other occasions, copy it, when it became clear that the government was failing to move in this space, Ms Crozier brought it before the house today, and I congratulate her on that. I am most disappointed that both the government and the Greens will oppose the bill despite the inherent contradictions in their support for similar provisions with regard to the adult parole board.

Mr FINN (Western Metropolitan) (11:15) — In rising to speak to the Children, Youth and Families Amendment (Youth Offenders) Bill 2016 I commend Ms Crozier for bringing this legislation to the house. I can express the support of huge numbers of my constituency who are very much looking forward to Ms Crozier taking over this portfolio after the next election. She will be an outstanding minister. I was going to say that she will be a lot better than the current minister, but that is damning her with faint praise, I would suggest to you very strongly. You would not have to try too hard to be better than this minister, because let me say that if this government was serious about community safety, if this government was serious about youth justice in this state, they would dump this minister. She would already be out the door. She would be an ex-minister because she —

Ms Crozier interjected.

Mr FINN — Indeed. As Ms Crozier points out, she totally ignored the no-confidence motion that was passed, and she laughs about it. The Parliament condemns her. The Parliament passes a motion of no confidence, and the arrogance of the minister over there as she just sits there and laughs, as no doubt she laughs at the victims of the youth crime wave that we have seen in this state —

Ms Mikakos — On a point of order, Acting President, I take offence at the comment that Mr Finn has just made in relation to laughing at the victims of crime. I think if you look at my record and if you look at the youth justice legislation our government has just passed, which the coalition tried to scuttle, the record speaks very strongly for our government's support for victims of crime. I ask Mr Finn to withdraw that comment.

The ACTING PRESIDENT (Ms Dunn) — Thank you, Ms Mikakos. I would ask Mr Finn to withdraw his comments in relation to laughing at victims, without qualification.

Mr FINN — Look, I am happy to withdraw, but I ask: exactly what was the minister laughing at? If she was not laughing at the victims, what was she laughing at? When we were referring —

The ACTING PRESIDENT (Ms Dunn) — Mr Finn! I ask you to withdraw without qualification.

Mr FINN — There was no qualification, Acting President, and I have withdrawn.

The ACTING PRESIDENT (Ms Dunn) — You will proceed with your contribution, and thank you for that withdrawal.

Mr FINN — It seems we have one rule for one side and a different rule for the other side. That is fair enough, I suppose, as long as —

The ACTING PRESIDENT (Ms Dunn) — Mr Finn! That comment was out of line and a reflection on the Chair. I would bring you back to the bill you are talking about.

Mr FINN — As long as we are aware of the rules that we are working under. This minister is a disgrace. She is a disgrace, and I do not think there is anybody in this state or anybody on the other side of this house, if they were honest, who would not agree with that summation of her. She is a disgrace. She has gone from disaster to disaster in this place on youth justice since

she took over as the minister. She is lovingly referred to around the place as the Minister for Pizza and Coke because she is responsible for basically trying to pay off young offenders —

Ms Crozier — Bribe them.

Mr FINN — bribe them indeed, Ms Crozier — with takeaway food, which you would have to say is a novel approach. It has not worked, but it is a novel approach.

Ms Mikakos interjected.

Mr FINN — Look, calm down. Just calm down. If you put as much energy into your portfolio as you do into interjecting, you would go a lot better. You would go a lot better, let me tell you, and we would all be better for it. We heard Ms Shing banging on for close to 45 minutes. It was a tribute to her capacity for talking nonsense — and I cleaned that up significantly. But the bottom line is even she ran out of steam after about 45 minutes — even she could not keep going. She continued with the government's narrative that we do not have a crime problem in Victoria. Now if the government is seriously suggesting that we do not have a crime problem in Victoria, can I suggest to the minister, can I suggest to the Premier, can I suggest to any member of the government that they go out and they talk to Victorians? They should go out to the western suburbs and talk to people, go out and talk to people who have had their homes invaded, go out and talk to people who have been robbed, who have been carjacked.

Ms Crozier — Like being home invaded.

Mr FINN — Indeed; it is a real issue. I have to say to you it is the single biggest issue that we have faced in the last two and a half years; there is no doubt about that at all. And the government sat on its hands and did nothing. It is now claiming credit for putting some sort of plateau on the crime figures. The reality is that we would not have had the crime issue if the government had actually done its job to start with, and I am talking about the Minister for Police, I am talking about the Attorney-General and I am most certainly talking about Minister Mikakos. She has been requested time and time again to do her job properly, and unfortunately for Victoria and unfortunately for us all — more so than for her — she has not been able to do that.

I recall earlier this year meeting with a family from Hoppers Crossing in my electorate. Their son has autism. Over a period of time he had built up the confidence and the ability to actually catch the bus under his own steam — to get on the bus. He had gained some degree of independence, and it was not

easy. It is not easy for a young fellow with autism to do that, but he had done that. He was assaulted by a gang on that bus: he was robbed, he was bashed. And of course not only was it an immediate crime — obviously the crime of theft and physical violence — but it destroyed his confidence, it removed his independence. It was a vile and a vicious act that occurred on that bus in Hoppers Crossing not so long ago. These are the sorts of issues that this government does not want to know about. These are the sorts of incidents that the government seems to be in denial about.

More than any other minister, Minister Mikakos does not want to know what is going on in the real world; she just does not want to know. When we point it out to her, she jumps up and she feigns outrage. She carries on like a two-bob watch more often than not.

Ms Crozier — She attacks everyone.

Mr FINN — Yes, as Ms Crozier says, she attacks everyone. She clearly believes that attack is the best form of defence, and she often gets in first. The fact of the matter is that she has been a disaster of a minister.

Ms Mikakos interjected.

Mr FINN — And she is sitting over there yapping away like a little poodle of some type. She is —

Ms Mikakos — On a point of order, Acting President, I just think the language that the member is using is really unnecessary. I ask him to come back to the motion we have before us. I do not think referring to members as being in some way four-legged creatures is really appropriate to the debate we have before us.

Honourable members interjecting.

The ACTING PRESIDENT (Ms Dunn) — Order! Ms Crozier! Ms Mikakos, I am trying to rule on your point of order at the moment. If I have to get on my feet, I will, but I should not have to. Mr Finn, I ask you to withdraw your comment — it was unnecessary. I draw you back to the bill before us today.

Mr FINN — I am happy to withdraw. I was merely quoting a former prime minister, who I understand Minister Mikakos idolises — same faction and all. It is all very well for the Socialist Left to use the dreadful word 'poodle'. There, I said it: poodle. Should I spell it? It is all right for the Labor Party to dish it out, but when we use that dreadful word 'poodle', we are asked to withdraw. What a nonsense! But it is indicative of what this minister has done to her portfolio. The whole thing is a nonsense.

Ms Mikakos interjected.

Mr FINN — And if she kept her mouth shut for long enough, she might actually hear what I am saying. She is sitting over there yapping like a —

The ACTING PRESIDENT (Ms Dunn) — Mr Finn, I draw you back to the motion before us.

Mr FINN — Look, I am very happy to go back to the bill before the house, but I would ask you, Acting President, to ask the minister to cease interjecting. She is over there just carrying on, as I said earlier, like a two-bob watch — and I hope that is not offensive to anybody. She is over there throwing mud left, right and centre. I ask you to ask her to refrain from her particular behaviour, and then I will not be forced to use the p-word again.

Ms Mikakos — You're a clown; no-one takes you seriously anyway.

Mr FINN — You are not serious at all. The fact of the matter is that underneath Ms Mikakos's regime youth justice in this state is stuff-up central. That is what it is: it is stuff-up central. She has gone from one disaster to another. Day to day, week to month she has just stumbled from one disaster to another. She has totally stuffed up her portfolio. If she was not in the Premier's faction, she would already be out the door. If she was not under the protection of the Premier's faction, she would be out like one of her parolees. She would be on the street. It is just sickening to so many Victorians to see this minister continue on. I have to say one of the questions that has been asked of me time and time again is, 'How does Jenny Mikakos keep her job?'. That is what people ask me. I tell you what, if I had a dollar for every time I have been asked, 'How does Jenny Mikakos keep her job?', I would be a very, very wealthy man. I would be a very wealthy man, let me assure you.

Ms Crozier — We know the answer.

Mr FINN — We do know the answer, Ms Crozier. The fact of the matter is she is under the protection of the Premier. She is under the protection of the Premier because she is a member of the Socialist Left faction. If she was in Labor Unity, if she was in the National Union of Workers or if she was in any of the other factions in the ALP, she would be out the door.

Ms Crozier — Ask Mr Somyurek.

Mr FINN — Yes, we should ask Mr Somyurek what happens if you are in the wrong faction in the ALP or indeed if you challenge the Premier in any way.

But the fact of the matter is that this incompetent, disgraceful minister is kept in her place by a Premier who is merely looking after his mates. In the same way that he looks after Peter Marshall, John Setka and all the others, he is just looking after his factional mates. As a result, youth justice in this state has gone to hell in a handcart. It is a direct result of the Premier's protection of this incompetent minister — this minister who is clearly way out of her depth in this portfolio and possibly any other, but certainly in this portfolio — that youth justice has just totally deteriorated in this state to the point where down in the Parkville youth detention centre we have had the riots and the destruction of the place. I understand it is being rebuilt at a cost of millions of dollars. The damage bill was millions of dollars as a direct result of what this minister did or indeed what she did not do. Perhaps she did not get the pizzas there fast enough on that occasion. Perhaps it was Coke Zero and not the strong stuff; they might have objected to that.

So I very strongly support this bill. I commend Ms Crozier again for bringing this bill before the house. I, like the overwhelming majority of Victorians, cannot wait until November next year when Ms Crozier takes over this portfolio. Once again we will have in this state a minister for youth justice who actually has the ability to do the job and is not incompetent. I almost used the p-word, but I will not do that. Ms Mikakos is just totally incompetent, and the overwhelming majority of Victorians cannot wait to see her out the door.

Ms MIKAKOS (Minister for Families and Children) (11:30) — It is rather unfortunate to have to go on speaking in this debate after Mr Finn, who really has a reputation as being the laughing stock of this chamber. Getting criticised by Mr Finn is really like being hit with a wet lettuce leaf. You would have thought that by now Mr Finn would be well aware that during the coalition's time of government takeaway food was available to young offenders in youth justice facilities for four whole years. Ms Wooldridge as minister did nothing to address this issue, and I put an end to it. So it is interesting to come to this debate and have the coalition come in here to try and run the continuing narrative around law and order — coming from a party that had a porn library in the Premier's office, coming from a party that has its leader dining with members of the Mafia, having a party that is failing —

Ms Crozier — On a point of order, Acting President, the member is slurring a member in another house on a false allegation, and I ask the member to withdraw. It is totally ridiculous.

The ACTING PRESIDENT (Ms Dunn) — There is no point of order. I ask Ms Mikakos to continue.

Ms MIKAKOS — Thank you, Acting President. I know that those opposite are very, very sensitive about these matters, and we know that Mr Guy is just on borrowed time. We know it is just a matter of time before he is replaced as Leader of the Opposition in the other place, because he is never going to live down that lobster dinner. His feeble excuses just do not wash with the Victorian people. But the thing that particularly galls me is that Ms Crozier has the responsibility as shadow Minister for the Prevention of Family Violence, and this is a person from a party that is yet to commit to the implementation of the Royal Commission into Family Violence. It is the number one law and order issue facing our state, and yet it is very disappointing that we do not have bipartisanship around this particular issue. So it is no surprise that Ms Crozier is the 25th shadow. She needs to work for free because she is certainly not value adding at all to the public policy debate in this state and to championing victims of crime, in particular family violence victims in this state.

We have a very strong record on this side when it comes to community safety. You just need to look at our record investment on police recruitment. More than 3000 police officers have been recruited by our government. You just need to look at the investment that Minister Tierney is making in the corrections area, modernising our correctional system. You just need to look at the record funding that we have put into the youth justice portfolio as well — record funding of \$288 million in the budget this year to build a new facility that those opposite failed to address. We know full well that those opposite had a secret plan for Parkville and that they failed to act on it. They put it in the bottom drawer, and that is why we have the issues that we have experienced in the youth justice system — because those opposite, in modernising the infrastructure, failed to take the steps necessary around these issues.

I want to come to the issues of parole as they relate to this bill. Ms Shing has already provided a stellar contribution to this debate, and I just want to make some comments to add to those. Our government will not be supporting this bill. This bill has gathered dust on the notice paper since December 2016. It smacks of political opportunism that it has been brought up now. If you just look at the fact that clause 2 of this bill has a default commencement date of 1 July 2017, I think that says it all. The default commencement date for this bill has long passed. It is long past because those opposite had no interest in debating this earlier, and it has been

pulled out now really smacking of political opportunism.

The point that I would make to Ms Crozier, who no doubt is wanting to connect this bill to other matters in the public domain, is that the definition of ‘serious offence’ that she is seeking to insert into the Children, Youth and Families Act 2005 by virtue of clause 3 of this bill does not include culpable driving causing death or dangerous driving causing death or serious injury. They are not included in this definition at all. So while she might go out and try to suggest that this bill may have led to particular outcomes in particular cases, that is in fact not the case at all.

I think we have seen from the questioning that we had yesterday that Ms Crozier and the opposition really do not understand the purpose of parole. We have certainly seen that in the course of the debate here today. They do not understand the purpose of parole, and they do not understand how the Youth Parole Board works. They clearly do not understand that whether it is the Youth Parole Board or the Adult Parole Board of Victoria, they act independently of government. That means sometimes they might even take a position contrary to the advice they receive from the Department of Justice and Regulation. It is important that they act independently and that they are able to make an appropriate assessment of the appropriateness of any particular young offender being placed on parole or, in the case of the adult parole board, an adult offender as well.

It is important that those opposite understand that parole is there to reduce recidivism by ensuring supports are in place for young offenders who leave custody and transition back into the community. I guess the alternative to that is that someone serves their sentence and they are out on day one back into the community with no restriction whatsoever, with no monitoring at all by anybody and with no requirements to undertake drug and alcohol counselling or to attend any other program that the Youth Parole Board might think is appropriate in the circumstances. We need to understand that, if we are trying to sell through a political narrative to the community that somehow parole is never appropriate, the alternative to that is that people leave prison or leave a youth justice facility and go out into the community with no conditions whatsoever and no monitoring whatsoever to ensure community safety. That is the alternative to not having parole.

The evidence tells us that having parole can achieve better results for community safety if a young person is supported as they move back into the community

following their time in custody. Worse results are achieved if a young person is simply shown the door at the end of their sentence. It is important to emphasise that the Youth Parole Board already considers a range of issues when it is looking at paroling a young offender, and Ms Shing went through those at some length.

A more effective approach would be to elevate community safety as a consideration when a young offender has been sentenced by the court, and that is exactly what we have done under the Children and Justice Legislation Amendment (Youth Justice Reform) Act 2017, which was just recently passed by the Parliament containing a raft of measures to crack down on serious youth offenders, to toughen sentences for serious and violent crimes and to increase consequences for young offenders committing crimes in custody. I remind those opposite that this is a bill that they tried to scuttle in this house when they were just interested in political posturing on crime. It is a bill that they tried to scuttle.

We have had Ms Shing present the evidence around the facts regarding what happens around parole cancellations at the moment and the data that is already contained in the Youth Parole Board annual report. It is clear that those opposite have not looked at the Youth Parole Board annual report at all in preparing for this debate. There is extensive information contained within that report at the moment that leads to greater transparency. There is already data there about parole orders issued by the board, warnings issued by the board, cancellation of parole, special conditions attached to parole plans and characteristics of young offenders in addition to details of the number of young offenders released on parole and those who have had their parole cancelled due to compliance or reconviction. That data is already published in the report. There is quite extensive data in the annual report.

Ms Shing talked about the data and the trends over time and the fact that, if you look at actually what happened, we had more paroles cancelled due to reconviction in both 2010–11 and 2011–12 than was the case in the past financial year — that is, the 2015–16 financial year. It is important to ask why Ms Crozier wants to change the law when her government did nothing for four years, when the reconviction rate of parolees was actually higher than it is at the moment. Clearly they are only interested in talking about law and order when they are in opposition, and they have a lot to say about it at that time and do nothing when they are in office.

I have referred already to the fact that the definition Ms Crozier is seeking to insert of ‘serious offence’, which comes from section 72 of the Corrections Act 1986, does not include culpable driving causing death or dangerous driving causing death or serious injury, and inserting this definition into the legislation adds no value to the youth justice system; rather it adds more work for the Youth Parole Board. The bill could even have linked to the definitions of category A and category B serious offenders that we have just inserted into the Children, Youth and Families Act 2005, but no, she has gone and referred to definitions in the Corrections Act.

It makes me wonder whether Mr O’Donohue had a hand in drafting this in referring to the Corrections Act, because the opposition have made it very clear that they intend for the corrections minister to run the youth justice system if we have the misfortune of having a change of government. So in fact it would be Mr O’Donohue seeking to have responsibility for these matters and not Ms Crozier at all. So she may have a lot to say about it in opposition, but if it comes to the crunch, she will never actually have the responsibility for any of these matters that she just likes to talk about in this house.

We have seen Ms Shing already outline quite extensively to the house in the course of the debate the very extensive factors that the Youth Parole Board already takes into consideration, including the interests of or risk to the community, victims’ wellbeing and a range of other factors that are all set out in considerable detail in the Youth Parole Board annual report. It goes to balancing the safety of the community with the rehabilitative needs of the young offender. So what they are seeking to do is prioritise one over all else and not have regard to the board considering each case on its merits.

This is a bill that clearly has not been well thought through. We are going to oppose it for that reason. We are making the changes necessary to strengthen our youth justice system, something those opposite failed to do for four whole years, and we are also putting the investment into ensuring we can put a greater focus on rehabilitation, including the \$50 million I announced recently for the biggest ever expansion of rehabilitation programs in our state.

Ms CROZIER (Southern Metropolitan) (11:45) — I am very pleased to be able to sum up on this debate after listening to the government in relation to their rationale of why they would not support such a commonsense measure that can be applied. We have just heard from the minister, a minister who has

presided over a youth justice crisis the likes of which this state has never seen. There have been dozens and dozens of very serious riots causing extensive damage costing tens of millions of dollars and there have been failed court cases. There was a mass escape where young offenders went on a rampage across the state, invading homes and carjacking, and this affected women in particular. People were terrified, and where were you? The minister was absolutely silent and did not come out.

Ms Mikakos interjected.

Ms CROZIER — This is youth justice, and the minister has again demonstrated why she does not understand what the community understands. One of her comments in her contribution to the debate was that this is continuing the narrative on law and order. Yes, the Liberals and The Nationals will continue to talk to the community about the issues at hand. The minister referred to very serious incidents that have occurred recently in this state involving somebody about whom a lot of questions need to be asked. The minister referred to that, as did Ms Springle — to offenders who are out and have caused extensive serious distress, mayhem and the death of innocent Victorians.

This is something that is pretty obvious, and why would you not consider it when you are looking at a young person's eligibility to be on parole, taking into consideration those matters that have been raised that the Youth Parole Board takes into consideration? And yes, the government might mock. It might attack the person, it might attack us, it might mock us, but that does not take away from what the Victorian community wants. They expect the government to stand up for victims of crime, and we have seen time and time again that this government has failed victims. As Mr O'Donohue said, in Ms Shing's 42-minute contribution there was not one mention of victims of crime — after what has occurred in this state.

Ms Shing — On a point of order, Acting President, in fact that is not correct, and I would seek that Ms Crozier withdraw it.

Mr Finn — On the point of order, Acting President, there is clearly no point of order. That was a point of debate, and there is nothing in the standing orders which covers the point of order that Ms Shing is attempting to make.

Ms Shing — Further on the point of order, Acting President, verballing is unparliamentary. I would seek that Ms Crozier withdraw it.

The ACTING PRESIDENT (Ms Dunn) — There is no point of order on the matters that Ms Shing sought.

Ms CROZIER — That demonstrates just how sensitive the government is about this. It has continued to defy us on what is of concern to the Victorian community, and that is the crisis that is occurring in law and order and unfortunately the brazen serious crimes by young offenders that have occurred. We have seen so many brazen attempts at repeat offending. I look at the jewellery store robberies that have caused so much mayhem for those businesses and those people who work in those businesses. It has just been horrendous, and yet there has been little regard for it by the government.

Why would you not put in such a commonsense measure that reflects what the Callinan review recommended for the Adult Parole Board of Victoria? That is the point here — that is, that community safety be paramount.

Ms Mikakos interjected.

Ms CROZIER — Ms Mikakos, that is the point. If you can learn from reviews like that, these crimes that are being committed by young offenders are just as dangerous and just as serious as those by adult offenders. That is the point. Community safety should be the paramount consideration, so the government is denying this provision, which would mean Victorians could have faith that the Youth Parole Board would take this into consideration. I see that the Youth Parole Board talks about their charter, and of course we know that. It is on the Department of Justice and Regulation website:

The Youth Parole Board is committed to the rehabilitation and best outcomes for young people under their jurisdiction. The board makes decisions within a framework that balances the needs of the young person with community safety considerations.

That is the issue. What we are saying is that surely community safety should be paramount in balancing those considerations when there is rehabilitation, counselling or supervision when a young person is out on parole. There is nothing wrong with that. We do have those provisions in place to give those young people the best chance, but if there is any risk or any doubt that the community is at great risk, then surely that should be the foremost consideration in that Youth Parole Board decision. That is what this bill is about.

It is extremely disappointing that the government does not understand community concerns in relation to parolees. I think they have had enough. They have seen

the soft-on-crime approach that has occurred and the crisis in crime that has enveloped our state; it has gone right across our state. We have got serious issues. The government might talk about rehabilitation, counselling and drug and alcohol services, which were mentioned by Ms Mikakos. When I ask a question of the minister in relation to what is available for young offenders — our youth justice clients — in the provision of counselling and rehabilitation in drug and alcohol services, the answer I get back is:

The Department of Health and Human Services does not maintain waiting lists for drug and alcohol treatment services.

Wait times for individual clients can vary by location, service type and clinical need.

Youth justice clients have designated pathways and prioritised access to treatment services.

I understand they have prioritised access to treatment services, but what are those lengths of time? What is that priority? Do they jump the queue before everyone else? I mean, that is the base answer we get from this government, and they do not understand that there is consideration that needs to be taken into account for a whole range of services and why the community itself is very concerned about the direction that the government is taking.

Now, the Youth Parole Board obviously has discretion to determine parole eligibility, and each one is taken on its own merits. We understand that. I understand that. The opposition understand that. That is not what we are basing this on. But this bill would have kept Victorians safer by requiring the Youth Parole Board to consider the obvious, and that is: is the community at risk if this young person is granted parole? Is this young offender a risk to the safety of Victoria if they are on parole? That is what this bill is asking.

I am extremely disappointed that the government is not supporting this bill. I think, in light of recent matters about the seriousness of crime that has occurred in this state, that this would be something that they would support or at least, as Mr O'Donohue highlighted with the private members bill that he has brought in, that they would support at a later stage. Let us hope that they do this, because this is what Victorians expect and this is what Victorians deserve. Community safety should be paramount on every parole decision, whether in the adult system or in youth justice.

House divided on motion:

Ayes, 18

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

Noes, 18

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

Pairs

Rich-Phillips, Mr	Eideh, Mr
Wooldridge, Ms	Greens vacancy

Motion negatived.

Business interrupted pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

Winton Wetlands

Mr YOUNG (Northern Victoria) (12:02) — My question today is for the Minister for Energy, Environment and Climate Change represented by the Leader of the Government. Minister, a large sum of money has been spent on the Winton Wetlands project near Benalla in the interests of environmental tourism whilst discriminating against a large group of visitors who are a proven financial boon for regional areas. Interestingly no analysis of lost visitations through the exclusion of hunters has been conducted. When will the government recognise that environmental tourism does not always drive visitation and reinstate hunting to the Winton Wetlands?

Mr JENNINGS (Special Minister of State) (12:02) — Mr Young, there is nothing to stop people who actually think of themselves as recreational hunting people going to the Winton Wetlands and enjoying the passive and environmental values that are there. There is no discriminatory policy in place; they are most welcome.

Supplementary question

Mr YOUNG (Northern Victoria) (12:02) — I thank the minister for his answer. By way of supplementary, Minister, the Winton Wetlands continue to be a sore point for those very people who are not allowed to participate in their chosen recreational activity as they are excluded users since the government has handed over management. Questions have been raised about the legitimacy of visitation figures that have been produced, however. Figures provided by the government suggest that nearly 100 people a day visit, which is at odds with accounts relayed to me by locals and, might I add, my own anecdotal experiences of never seeing more than two or three people around during any of my many visits. But these figures are also at odds with the figures provided by the annual report for the Winton Wetlands, which are much higher. Minister, has the government or the wetlands committee inflated these figures in order to give validity to a failing project?

Mr JENNINGS (Special Minister of State) (12:03) — Mr Young, why don't we go and have a look?

Wannon Water

Mr PURCELL (Western Victoria) (12:04) — My question is to Minister Jennings representing the Minister for Water. The Premier, many ministers and over 300 locals attended the regional partnership meeting in Portland last week. At the end of the first break I was amazed at the number of cups of tea that had been left practically full, but when I tried a cup of tea I could see that the Portland town water is the problem. Bore water in Portland, Heywood and Port Fairy is practically undrinkable. Therefore my question to the minister is: does the government have any plan to force Wannon Water to improve the taste of bore water in these communities?

Mr JENNINGS (Special Minister of State) (12:05) — I thank Mr Purcell for his question and the variety of issues that I am obviously going to get an opportunity to talk about today. Given that I might have had a bit of a warning, because obviously this may or may not have been raised at the regional partnership meeting, my ministerial colleague the Minister for Water provided me with a response which indicates that the water in Portland, Port Fairy and Heywood has not changed and has been the same for many decades. I do not think that is literally true. It may well be that the water supply has actually been consistent over that period of time, but probably precipitation, consumption and a whole range of water uses mean that it is not

exactly the same water. Nonetheless, the way in which it is actually sourced has been consistent over that period of time.

I understand that the water supply, most importantly, does meet the safety standards that actually should apply under water regulations to make sure that it is safe for drinking purposes, so that is one thing I need to clarify. Another issue I need to clarify is that this issue has been raised on a number of occasions and Wannon Water have done a couple of things in the last couple of years in relation to testing with their customers what they think of the water supply, and so while it is reasonably well recognised that the water is somewhat salty, 94 per cent of customers of Wannon Water believe that the water is satisfactory. How satisfactory it is may be a debatable point.

The second issue is that, when consumers were asked in 2016 whether they would actually be prepared to pay for any improvements in terms of the filtration or treatment of that water supply to actually reduce the salty taste, those consumers made it very clear that they did not necessarily want to pay for those improvements, so it is not at this moment a consumer-led issue. But I certainly know, obviously because of this backstory that I am now more aware of that I am sharing with you, that this is an ongoing consideration for Wannon Water in terms of the reliability of, safety of and customer satisfaction with their water supply, and obviously it is under review by Wannon Water, but in fact I am not privy to actually talk about any specific proposals that may be designed to alter that water supply.

Poker machines

Ms HARTLAND (Western Metropolitan) (12:07) — My question today is for Minister Dalidakis on behalf of the Minister for Consumer Affairs, Gaming and Liquor Regulation. It was revealed today in the Senate that there has been a systematic rigging of pokie machines at Crown Casino, and we do not know if it is just at Crown. The government is currently seeking to lock in pokie licences for the next 25 years. Will the minister put the gambling bill on hold until there is an independent audit of pokie machines across the state?

Mr DALIDAKIS (Minister for Trade and Investment) (12:08) — I thank the member for her question. I would like to point out that it is an allegation, not an assertion, as may have been construed from the question by the member. As is my practice representing the minister in the other place, I will

certainly take that question on notice and seek to get an answer for you as quickly as I can.

Supplementary question

Ms HARTLAND (Western Metropolitan) (12:08) — I will be writing to the Ombudsman today to ask for an investigation into the Victorian Commission for Gambling and Liquor Regulation given today's allegations. Will the government join me in calling for such an investigation?

Mr DALIDAKIS (Minister for Trade and Investment) (12:09) — I will refer the substantive and I will certainly pass that supplementary on to the minister in the other place.

Fire services

Mr RICH-PHILLIPS (South Eastern Metropolitan) (12:09) — My question is to the Leader of the Government. The select committee into fire services completed its inquiry in just seven weeks, respecting the government's desire to deal with the Country Fire Authority legislation expeditiously and ahead of the fire season. Almost nine weeks have now elapsed since the committee reported. Why has the government failed to progress its legislation?

Mr JENNINGS (Special Minister of State) (12:09) — Thank you, Mr Rich-Phillips, for your question. Mr Rich-Phillips would be aware that he actually has had a pivotal role in a couple of select committees during the course of this Parliament, one of which was in relation to the port of Melbourne leasing arrangements and made many, many recommendations that ended up being considered by this Parliament, and then some months later — months later — that bill ultimately was passed by this chamber. So there is not a linear and necessarily a truncated period of time between a select committee making recommendations and the time passage of pieces of legislation.

Ms Wooldridge interjected.

Mr JENNINGS — Well, we certainly did, and to that extent I can actually thank Mr Rich-Phillips and the committee for working very assiduously to complete that task. But just as the dynamic took place for months after that other select committee made its work available — the government entered into discussions and considerations of those recommendations and the way in which a bill may be in a position to be able to pass the Parliament — just as we did in that case, we are doing exactly the same thing in relation to the fire services.

Supplementary question

Mr RICH-PHILLIPS (South Eastern Metropolitan) (12:11) — I thank the minister for his answer. But it is a fact, Minister, that the government has considered the recommendations of that select committee and responded to them and has also foreshadowed amendments that it is proposing to make as a consequence of the work of the select committee and other input. One of the constant themes of evidence before the select committee was the desire for certainty as to the outcome either way — one way or the other — as to the future of the legislation, given the pending fire season. Given that the government has now stated its position on amendments and its response to the select committee, will the government now bring the legislation on for a vote so that certainty can be provided to the people associated with the fire services at the earliest opportunity?

Mr JENNINGS (Special Minister of State) (12:12) — My intention is that when the bill is brought on there will be certainty. That is my intention. I do not think necessarily bringing the bill on at this time would actually provide certainty.

Victoria University

Ms HARTLAND (Western Metropolitan) (12:12) — My question today is for Minister Tierney, and I ask this question on behalf of a good friend of mine, Paul Adams. Victoria University (VU) has targeted Paul Adams, David Garland and Stuart Martin, all local National Tertiary Education Union (NTEU) officers, for redundancy. This is happening just before the enterprise bargaining agreement negotiations begin. The behaviour of VU over the last few months in terms of the way they have handled the redundancies has been quite brutal. My question to you is: what do you believe the state government can do to stop VU's union-busting tactics?

Ms TIERNEY (Minister for Training and Skills) (12:13) — I thank the member for her question and her ongoing interest in Victoria University. As the member would know, the industrial relations matters that are dealt with at the university are the province of the university, and the Victorian government's industrial relations policies do not indeed cover the university as such. I am advised that in terms of the current agreement it expires later this year, and in the current agreement there is the provision for change and redundancy and such matters that Ms Hartland referred to in terms of those who are having difficulties with their employment at Victoria University.

The allegations that you have raised are very serious allegations. Obviously I would imagine that those involved are seeking assistance from the NTEU, their union, but I would also imagine that they are also seeking advice from industrial relations lawyers, labour lawyers, as to what their options might be and indeed generally their issues relating to concerns about their conditions of employment.

Having said that, I am aware that some of these issues were canvassed in some media earlier this week and I do understand that the department is making inquiries of Victoria University management to better understand the issues that are being raised in the public realm. Of course we are wanting to know what the impact of any of these measures is on students and on courses and their availability, and of course we are wanting to protect the best interests of students and indeed see whether those interests are being protected and promoted.

I also note that neither the university nor the union itself has contacted the department about this issue. It has been primarily raised, as I said, in the media, and I am looking forward to understanding more about what the department has been able to gain from its inquiries with management of Victoria University.

Supplementary question

Ms HARTLAND (Western Metropolitan) (12:16) — Thank you for that answer, Minister. One of the problems that I understand will be the implication of all of these redundancies is that courses such as the master of communication and bachelor of marketing will be left without staff next year, and this is because there are simply so many redundancies that they have nobody to teach them anymore. I was a student of VU as a mature-age student, so I have quite an attachment to this organisation, but when I went there they actually seemed to care about their students and their staff, and now they seem to have just abandoned their staff, their students and their commitment to the western suburbs.

What action do you think you can take as minister to address what I now see as quite destructive behaviour by Victoria University management?

Ms TIERNEY (Minister for Training and Skills) (12:17) — I thank the member for her question. In terms of what action I can take, I understand the action is quite limited because of the act by which the university is covered and commonwealth responsibilities. However, as I said in my substantive answer, the department is making inquiries and I have asked for a full list of courses that may be impacted as a

result of other actions that may be taken at the university in respect of academic and support staff. Once I have received that advice I will be happy to have a further discussion with you.

The PRESIDENT — Just in respect of the question posed by Ms Hartland, I think it is pertinent for me to make a remark. I note Ms Hartland's opening comment was that she was putting that question on behalf of an individual, and I would caution members against that practice. In the context that Ms Hartland posed it, I do not have a particular problem with her question today. I think those words were perhaps better not mentioned as such, but I do not think there was any particular intent that goes to the point that I wish to make.

We have seen in other parliaments around the world issues of cash for questions, where in fact members of Parliament have received inducements to ask questions on behalf of particular people, sometimes lobbyists and so forth. I think it is very important that members bear in mind that when they raise questions they are exercising a judgement which may well go to the issues associated with an individual or any organisation or community group, but they are exercising their judgement on the legitimacy of that question as a matter of public interest, not simply trying to put a question on behalf of a person, whether or not there is an inducement or suchlike. In other words, the opening statement gave me a little cause for concern as a practice, albeit that I do not think Ms Hartland putting that matter today was a problem in itself. I would just caution members in that respect, though.

Mr Eideh

Mrs PEULICH (South Eastern Metropolitan) (12:19) — My question is to the Leader of the Government representing the Premier. Yesterday Mr Eideh stood aside as the Deputy President pending the conclusion of certain investigations, citing his desire not to detract from the standing of the house. Has Mr Eideh also stood aside from his role as special adviser to the Premier on trade and business development in the Middle East?

Mr JENNINGS (Special Minister of State) (12:20) — I do not know the answer to Mrs Peulich's question. I will clarify that matter.

Supplementary question

Mrs PEULICH (South Eastern Metropolitan) (12:20) — It is a little difficult to come up with a supplementary question, because on the one hand

Mr Eideh thought, and I quote from the letter that was read by the President:

... I am conscious that allegations about matters involving my electorate office result in unhelpful speculation about my role as Deputy President, which may detract from the standing of the house.

Mr Dalidakis interjected.

Mrs PEULICH — Can you just put a sock in it and let me ask the question? If Mr Eideh continues in the role, is it appropriate for Mr Eideh to continue as special adviser on trade and business development in the Middle East given that this position reflects on the government and the Parliament both in the community and internationally, and if the answer is that he has stepped aside, could we find out the precise nature of the role and activities in which Mr Eideh was involved domestically and internationally during his tenure?

The PRESIDENT — I do have some trouble with the supplementary question in that I think that it is quite broad compared with the substantive question. In making those remarks, I would invite the minister to respond in that context.

Mr JENNINGS (Special Minister of State) (12:21) — President, we all heard Mrs Peulich throw out the line and then — we may not have heard it — a very long trawl that she created in relation to her expectations about many of the multiplicity of answers that she will receive on this matter. But given that I do not know the position at this minute, which I indicated in my substantive answer, let me just clarify with the individuals in question what the status is of her substantive matter before I start responding to the trawl.

Mrs Peulich — On a point of order, President, the trawl is not a trawl. There are two distinct lines of questioning: one if the answer is yes and the other if the answer is no. So in actual fact the supplementary question is halved depending on what the answer is to the substantive question.

Honourable members interjecting.

The PRESIDENT — Thank you. If I looked bemused, I am.

Taxi and hire car industry

Mr DAVIS (Southern Metropolitan) (12:23) — My question is to the minister representing the Minister for Public Transport, and I refer to the case of Faye Stephenson, who is here today, an 86-year-old who had worked since age 15 and, with her husband, owned three taxi licences in the Geelong region.

Ms Stephenson's income stopped at midnight on Monday last week, when the government revoked her taxi licences. Minister, is the government's policy approach adequate or fair when, despite purchasing licences from earlier state governments, Ms Stephenson has been paid just 20 per cent of the previous value of her licence assets and she has now lost their income-earning potential, forcing her to face poverty in her old age?

Ms Shing — On a point of order, President, I am just wondering, given the way you have recently expressed a view about questions being asked as they relate to specific individuals, if you might provide some guidance about that in the context of the question that Mr Davis has just asked, which would seem to go into the same territory as the question that prompted your comments around Ms Hartland's earlier question. It is a simple request for clarification.

Honourable members interjecting.

The PRESIDENT — Mr Dalidakis, 15 minutes.

Mrs Peulich interjected.

The PRESIDENT — Mrs Peulich, 15 minutes.

Mr Dalidakis interjected.

The PRESIDENT — Mr Dalidakis, it could be longer.

Mr Dalidakis withdrew from chamber.

Mrs Peulich withdrew from chamber.

The PRESIDENT — It is a valid point of order in respect of the remarks that I made. I would just reiterate that I was not reflecting on Ms Hartland's position earlier; I think her question was an absolutely appropriate question. It was just the phraseology that she used as an intro that just made me think that it was worth alerting the house to the judgement that members exercise in terms of posing questions in this place.

In respect of Mr Davis's question, even after those remarks, I would be quite certain that Mr Davis has not been offered any inducement or been encouraged to ask that question and that in fact he has exercised the judgement based on some interviews or meetings that he has had that have led to him having an understanding of this person's circumstances — and indeed, as I understand, a number of other people in similar circumstances. I think it is in that context that he has provided that question and indeed linked it to a real-life example. I believe that he has posed that

question consistent with my remarks earlier in the sense of a judgement of a matter of public interest.

Ms PULFORD (Minister for Agriculture) (12:26) — I thank Mr Davis for his question for Minister Allan, the Minister for Public Transport. I will seek a written response from Minister Allan to Mr Davis's question.

Supplementary question

Mr DAVIS (Southern Metropolitan) (12:27) — Thank you, Minister. Because of the complexity and intrusive requirements of your so-called Fairness Fund, former taxi licence owners, like Ms Stephenson, have been forced into an uncertain and impoverished future, and I therefore ask: will the government review the draconian rules and inadequate funding for the unfair Fairness Fund?

Ms PULFORD (Minister for Agriculture) (12:27) — I thank Mr Davis for his further question. The government certainly knows and understands well the challenges faced by members of the community as a result of the changes that have occurred in the way that people access transport services — taxis — and some of the significant disruption that has occurred as a result of new technologies. The government is certainly seeking to provide a legislative framework that provides certainty, compensation and a level playing field for the industry in what is a very different technological environment in which we all live and in which many industries are experiencing change.

As I indicated in response in my substantive answer, this is a question for the Minister for Public Transport, and I can assure Mr Davis and Ms Stephenson and others who have an interest in these issues that I will seek a response from the responsible minister.

Corrections system

Mr O'DONOHUE (Eastern Victoria) (12:28) — My question is for the Minister for Corrections, Minister, Fairfax alleged today, and I quote:

The shooting execution of a young man on a suburban Melbourne street is suspected to have been organised by an underworld figure from behind bars.

Minister, this allegation is not the first time it has been asserted that organised crime can continue to operate from within prison. Minister, what are you doing to stop crime bosses continuing to run their crime empires from jail?

Ms TIERNEY (Minister for Corrections) (12:29) — I thank the member for his question. Of course there is a lot of intelligence that is gathered within the prison system. In fact that is why we do not call prison officers prison guards — because their role is much broader than just watching over prisoners. Indeed there are a number of intelligence measures that are in place on a day-to-day basis, on a moment-by-moment basis, and I am not in a position to actually go into detail in relation to this because it only provides information to the criminal element.

Supplementary question

Mr O'DONOHUE (Eastern Victoria) (12:30) — Minister, the same article says the wife of the prisoner who allegedly ordered this execution was banned from prison visits after smuggled drugs were found but the ban was later lifted. Minister, what are the protocols that determine whether an associate of a criminal is able to visit a prisoner?

Ms TIERNEY (Minister for Corrections) (12:30) — I thank the member for his question. These are operational matters that are in the hands of Corrections Victoria, and they deal with these. It is very difficult to respond in a fulsome way, Mr O'Donohue, when you are relying on a newspaper report which is pure allegations at this point in time.

Police vehicle ramming

Mr MORRIS (Western Victoria) (12:31) — My question is to Minister Tierney representing the Minister for Police. On 16 June the secretary of the Police Association, Wayne Gatt, told media:

We have been saying for some time police require support through legislative amendment so this trend is stopped dead in its tracks.

Our members are being rammed every other day.

It is only a matter of time before one of them is seriously injured or killed.

The police minister issued a media release on 9 August which said:

The Andrews Labor government will introduce tough new laws in the coming weeks to protect our dedicated police and emergency service workers from violence and harm.

It is now 10 weeks since the government issued this media release and many months since Police Association Victoria called for urgent action, yet police cars are still being rammed virtually every week. Minister, why have there been such significant delays

to introducing this legislation when our police are under attack?

Ms TIERNEY (Minister for Training and Skills) (12:31) — I thank Mr Morris for his question. It is a question that has had community interest for some time. I will seek an answer from the Minister for Police on this matter, and that will be done within the guidelines.

Supplementary question

Mr MORRIS (Western Victoria) (12:32) — Thank you, Minister, for that response. Minister, just last week a police vehicle in Ballarat was rammed in a driveway on Park Street, Redan, after officers arrived at the house. Minister, what do you say to these police that do not have the legislative protection they should because of your government's dithering and inaction?

Ms TIERNEY (Minister for Training and Skills) (12:32) — Again, in terms of the tenuous link with the substantive question, I will refer this matter to the Minister for Police for a written response.

QUESTIONS ON NOTICE

Answers

Mr JENNINGS (Special Minister of State) (12:32) — I have two written responses to questions on notice: 11 439, 11 484.

QUESTIONS WITHOUT NOTICE

Written responses

The PRESIDENT (12:33) — In respect of today's questions: Mr Young's question to Mr Jennings, the supplementary question, two days; Ms Hartland's first question to Mr Dalidakis, both the substantive and supplementary questions, two days; Mrs Peulich's question to Mr Jennings, the substantial and supplementary questions, two days; Mr Davis's question to Ms Pulford, substantive and supplementary, two days; Mr O'Donohue's question to Ms Tierney, the supplementary question, one day; and Mr Morris's question to Ms Tierney, both the substantive and supplementary questions, two days.

RULINGS BY THE CHAIR

Questions on notice

The PRESIDENT (12:33) — I have also received a letter from Mr Ondarchie, seeking the reinstatement of the following questions — numbers 11 721, 11 722, 11 723 and 11 724. They are in respect of ministerial

travel reports that might have been lodged with the Premier. The responses simply refer the member to various departmental websites, which in my view is not sufficient because those websites actually do not provide the detail that was sought in these questions. Therefore I order reinstatement of those four questions on notice.

CONSTITUENCY QUESTIONS

Western Victoria Region

Mr PURCELL (Western Victoria) (12:34) — My constituency question is to the Minister for Roads and Road Safety. According to VicRoads the roads in western Victoria are the worst in the state, and I agree. It is not only the secondary roads but also the main highways, including the A1 Princes Highway in western Victoria, which is also bad. On 26 August this year Betty Rendell, a long-term resident of Port Fairy on her way to dialysis treatment in Warrnambool, hit a pothole on the Princes Highway near Tower Hill. The incident destroyed her tyre and wheel and caused \$1075 worth of damage. However, on reporting this to VicRoads, Mrs Rendell was told 'Bad luck', as VicRoads only considers paying for damage over \$1400. My question is: while VicRoads are not denying their roads are causing this damage, what is the justification for setting the limit at \$1400?

Eastern Victoria Region

Ms BATH (Eastern Victoria) (12:35) — My constituency question is for the Minister for Education. The Gippsland Tech School is anticipated to open in early 2018. The Andrews government website spruiks that the tech school will be a high-tech learning environment and that its innovative education programs will link with local industry to deliver real-world learning. The Gippsland Tech School will also have an education focus aligned to industries that are predicted to experience strong economic and employment growth: food and fibre, health, new energy and advanced manufacturing. However, the only actual independent industry body on the list of partners is Agribusiness Gippsland. Completely lacking are independent industry partners in the fields of health, advanced manufacturing and new energy. Constituents have raised with me that we have many outstanding organisations that could make a contribution to real-world learning. My question is: why are there no local industry partners in the fields of health, new energy and advanced manufacturing in the tech school partnerships?

Northern Victoria Region

Mr GEPP (Northern Victoria) (12:36) — My question is for the Treasurer regarding the payroll tax changes in the 2017–18 budget in some of the major towns in my electorate of Northern Victoria Region. In a massive boost to regional economies the payroll tax rate will be reduced by 25 per cent in regional Victoria — from 4.85 per cent to 3.65 per cent — making it one of the lowest rates in the country. This will slash the cost for 4000 businesses statewide, support companies in northern Victoria to grow, encourage job creation and ensure every region shares in the benefits of the state’s economic growth. Agribusiness will also benefit, with the budget removing insurance duty on agricultural products, making it cheaper for farmers to insure against crops, livestock and equipment. My question to the Treasurer is: how many businesses in the cities of Mildura, Echuca and Shepparton will benefit from these tax cuts, and has the government received any feedback from local businesses about these initiatives?

South Eastern Metropolitan Region

Ms SPRINGLE (South Eastern Metropolitan) (12:38) — My constituency question is for the Minister for Energy, Environment and Climate Change. The Greater Dandenong City Council recently completed a study tour of several waste-to-energy facilities in China. Discussions are taking place between the council and the Metropolitan Waste and Resource Recovery Group aimed at a procurement process for advanced waste management technologies, which will likely include waste-to-energy technologies. The Environment Protection Authority Victoria guidance note on waste-to-energy states that:

EfW should be considered for ‘residual waste’ and other wastes for which energy recovery represents the most feasible option, due to the absence of a market for the waste. ‘Residual waste’ is the waste that is left over after suitable materials have been recovered for re-use and recycling.

What measures will the government be putting in place to ensure that a waste-to-energy incineration plant in Dandenong would only be used to process residual waste?

Eastern Victoria Region

Mr O’DONOHUE (Eastern Victoria) (12:39) — I raise a constituency question for the Minister for Police. I recently had the pleasure, along with the Liberal candidate for Evelyn, to visit the Mount Evelyn police station. It was great to receive a briefing from them about the work they do in the community, but what

became apparent during our visit, as well as from representations I received from community members, is that the police station is tired and no longer fit for purpose. The constituency question I have for the police minister is: does she or the government have any plans to upgrade the Mount Evelyn police station to provide that community with the contemporary police station that it deserves?

Northern Metropolitan Region

Ms PATTEN (Northern Metropolitan) (12:39) — My question is for the Minister for Housing, Disability and Ageing. My constituent, a resident of Redmond Park retirement apartments in Princes Hill, has contacted me in relation to an issue at that facility, but it also pertains to the retirement sector regulation more broadly. At the time of purchase in 2009 residents of Redmond Park were guaranteed six meals per week in the restaurant, a kiosk and a weekly doctor, plus other 5-star hotel-like facilities, as described in their brochures and promotional materials. Fast-forward to December 2011, and restaurant meals were down from six to two, the kiosk had closed and weekly doctor visits had stopped. Levels of service have continued to diminish since. My question to the minister is this: should a vulnerable 97-year-old resident living alone, who bought the apartment because of the restaurant, doctor and kiosk, be expected to attend VCAT to dispute these matters, or will the minister intervene on their behalf?

Western Victoria Region

Mr MORRIS (Western Victoria) (12:41) — My question is for the Minister for Regional Development, and it is in relation to the significant job losses that we have seen in Ballarat under Daniel Andrews’s regime. Unfortunately an announcement was made overnight that Oliver Footwear, a longstanding employer in Ballarat, has decided to cease operation in Ballarat, which will see the loss of somewhere in the order of 30 jobs. I am reminded of a jobs forum that Labor held in Ballarat in 2015, which assembled local employers, interested parties and the like to develop a jobs plan for Ballarat. It was reported that this particular forum would see a further piece of work come out from it on developing a plan for jobs in Ballarat. However, unfortunately I have not seen any evidence that this has come to fruition. The question I ask of the minister is: will the minister detail what it is that has come from the jobs forum held in Ballarat?

Eastern Victoria Region

Ms SHING (Eastern Victoria) (12:41) — The question that I have today is for the Minister for Health, Ms Hennessy, and it relates to the work being undertaken by the Asbestos Council of Victoria (ACV), which also auspices the Gippsland Asbestos Related Diseases Support (GARDS) group. In this regard the group, which is staffed entirely by volunteers and relies upon donations and grants, does have a very significant set of challenges when it comes to making ends meet — being able to deliver the educational and outreach services and support, and being able to provide equipment to people, many of whom live and work in Gippsland, who are suffering from asbestosis, mesothelioma, silicosis and other respiratory diseases. This is particularly prevalent given the increase in DIY work as people renovate their own homes. What support can the minister provide to make sure that ACV and GARDS are able to continue this work, and how can we resource them better to give them every opportunity to continue that really important community work?

Western Metropolitan Region

Mr FINN (Western Metropolitan) (12:43) — My constituency question is to the Minister for Planning. I refer the minister to the ongoing disintegration of the buildings atop Jacksons Hill in Sunbury that previously housed a Victoria University campus. Since the closure of the university campus during the years of the Brumby government the grand buildings have sat idle, and they are rapidly falling into a state of disrepair. The time has passed for action to protect these buildings and put them to good use. I ask: what plans does the minister have to put these buildings back into service for the benefit of the Sunbury community?

Northern Victoria Region

Ms LOVELL (Northern Victoria) (12:43) — My constituency question is for the Minister for Water. On behalf of one of my constituents I asked the minister in March to provide some clarity around who is responsible for the maintenance of levee banks in the Strathmerton area. In May I received a reply from the minister stating that two future options regarding levee bank maintenance were being considered for inclusion in a revised regional flood plain management strategy. The two options being considered were, one, that landowners or a group of landowners maintain the levees themselves after obtaining a permit from the Goulburn Broken Catchment Management Authority; or two, that the local government authority maintain the levees.

My constituent has been informed by Moira shire that the maintenance of levee banks is not the responsibility of council. The regional flood plain management strategy provides no clarity on the issue and is still yet to achieve its final approval, despite being released in April 2016. Minister, will you simply answer my constituent's query and tell us who is responsible for levee bank maintenance in the Strathmerton area?

PRODUCTION OF DOCUMENTS

Ms WOOLDRIDGE (Eastern Metropolitan) (12:44) — I move:

That this house —

- (1) notes the failure of the Minister for Families and Children to comply, to the satisfaction of the Council, with the following resolutions of the Council requiring the Minister for Families and Children to table in the Council certain documents, specifically the resolutions of —
 - (a) 8 March 2017 in respect of the proposed new youth justice facility;
 - (b) 10 May 2017 in respect of Department of Health and Human Services Public Accounts and Estimates Committee (PAEC) briefing documents;
- (2) notes that the minister's failure to comply with the resolutions of the Council is inconsistent with the Andrews government's election commitment to proper accountability to Parliament by the executive;
- (3) further notes the letter from the Attorney-General dated 19 June 2017 in relation to the PAEC documents outlined in paragraph (1)(b) that 'the government, on behalf of the Crown, makes a claim of executive privilege' while a freedom of information request for a subset of the same documents was substantially provided by the Department of Health and Human Services on 21 September 2017;
- (4) affirms the privileges, immunities and powers conferred on the Council pursuant to section 19 of the Constitution Act 1975, and the power to make standing orders under section 43 of that act;
- (5) affirms the right of the Council to require the production of documents;
- (6) is of the firm opinion that the Council is fully entitled to scrutinise the activities of the government and demand accountability by the government;

and requires the Minister for Families and Children to table by 12 noon on the next day of sitting, the documents required to be tabled by the resolutions of the Council outlined in paragraph (1)(a) and (b) that have not already been tabled.

This is a very important motion because it actually goes to the powers of this house in relation to the production of documents. This motion is about the failure of the

Minister for Families and Children to comply to the satisfaction of the Council, if this motion is supported, with resolutions that were directed to her in terms of the production of documents in relation to both a proposed new youth justice facility, which was a motion that was passed by this house on 8 March 2017, and also in respect of the Department of Health and Human Services (DHHS) Public Accounts and Estimates Committee briefing documents — a motion that was passed on 10 May 2017. In both those cases the documents that were returned — after the regular holding letter that we get from the Attorney-General, which says he has not had enough time to comply — stated that they refused to supply any documents on the basis of executive privilege.

Executive privilege was outlined in detail by the Attorney-General back in 2015 and 2016, and I think we in this house — certainly the Liberals and The Nationals — have had a view that the government does have the authority to claim executive privilege genuinely over documents. But there are genuine questions about this claim of executive privilege and its repeated and ongoing use in the absence of any independent arbiter, for which the standard orders do provide but which has not been utilised, and some subsequent actions in one of these specific cases. There are genuine questions about the ongoing claim of executive privilege by the government.

I just want to outline both of the documents and their journeys, what has been provided and what has not in terms of the logic for having this motion today and why we think it is important to go back to the minister, with the support of the house obviously, to say that these documents should be provided and that a blanket claim of executive privilege is not acceptable.

The first document relates to a documents motion, as I said, from back in March 2017 put by Ms Crozier asking for a copy of the business case for the proposed new youth justice facility for Victoria, including any attachments and appendices. This was when the government had actually claimed and announced that Werribee South was to be the location of the new youth justice facility. At the time it was very clear that Minister Mikakos had previously said that the business case gave us the preferred location. Clearly the business case was important in the government's decision-making in relation to the selection of Werribee South as the new youth justice facility location. Of course there has always been ongoing and clear commentary from the government that summaries of business cases are not business cases — whether it be the east-west link or other situations in the past — and

that when requested a business case should be provided in full to see these things.

We did have a response, as I have said, from the Attorney-General in relation to this request for documents where he said, and I quote:

The government has identified two documents that fall within the scope of the Legislative Council's order, and has assessed these documents against the factors listed in my letters ... of 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.

The government has determined to withhold both documents on the basis that their disclosure would be contrary to the public interest. Disclosure of these documents would, in each case, directly or indirectly reveal the deliberative processes of cabinet.

He went on to say:

Notwithstanding that the government has determined to withhold both documents, it has released information that is relevant to the Council's request.

And he provided a web link. The fact is that when you look for that link, that link is actually broken. There is no information anywhere on the internet in relation to the business case for Werribee South. We want to see very clearly in the analysis of 16 different locations — and the government talked about the assessment that was done through the business case — how they actually chose Werribee South. Of course subsequently the government changed their mind, backflipped on this and announced Little River as a site for the new youth justice facility. We do not even know for a fact whether it was one of the 16 sites or not. Was that even considered in that original business case?

We think it is reasonable that even if all of the business case cannot be released some of the elements of the business case can be released and that the government should not just make a blanket claim of executive privilege against it. These documents should be provided, especially now that the government has moved on to a different location. This information obviously is relevant to that decision-making process but not directly pertinent to the site that it is being built on now. So I do not understand what the limitation is in relation to that information being provided.

The second part of the documents motion relates to PAEC documents for the Department of Health and Human Services. These relate to the secretary's PAEC briefings that were used for the PAEC inquiry into the 2013–14 and 2014–15 financial performance outcomes back in February 2016, and the PAEC inquiry into the 2015–16 financial performance outcomes on 15 February 2017. There is a very long history in

relation to attempting to get some of these documents, certainly the PAEC documents for that first hearing that I outlined, which culminated in the production of documents motion that was passed by this house in March.

What I found, having put in an FOI request on 2 March 2016 — 18 months ago — was that the FOI request was constantly refused, with the department constantly seeking narrowing and constantly seeking refinement. We had thought it was reasonable to request these documents because the same request for the same folders had been made of other departments and provided through FOI. The Department of Environment, Land, Water and Planning, the Department of Education and Training, the Department of Treasury and Finance, the Department of Premier and Cabinet, the Department of Economic Development, Jobs, Transport and Resources and Victoria Police had all released these PAEC folders — with some redactions, which we think is perfectly reasonable — under FOI. That is why we had an expectation from DHHS that there would be a release of these documents under FOI.

What I found over an extended period of time was a continual claim that these documents were too voluminous and that the request needed to be narrowed down. In fact I had some commentary to the effect of a request for rescoping that took over 100 days. We were also told that the request was an unreasonable diversion of resources and asked whether we could rescope it before it was refused. We went through this process multiple times. We rescoped. I was actually provided with information that any request for documents in excess of 300 pages is likely to present an unreasonable diversion of resources, so I rescoped my FOI request to be 300 pages, and that went back within a couple of days. Once again, after an extended period of time, I got a letter back saying I had identified 57 briefs totalling 300 pages but that that was also to be refused. In fact the comment was that it was too voluminous and it would not be able to be done, even though I had done exactly what I had been asked to do.

I subsequently received a letter from the FOI officer in the Department of Health and Human Services office saying:

I apologise for any confusion created by my reference to page numbers ... In future letters the range of factors will be made clearer.

I think what we see is an ongoing process of trying to avoid responding through FOI. We got to a situation where in early February I had rescoped the request to quite a small request. On 10 May, three months later,

we actually had this documents motion because we had not heard back for what was then 15 months. Subsequent to that we actually had a response from the government in relation to this documents motion. The letter came back from the Attorney-General on 20 June 2017, saying:

The government has identified two briefing folders 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 of 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 not produce the documents.

The government considers that producing the documents would be prejudicial to the public interest. Accordingly, the government, on behalf of the Crown, makes a claim of executive privilege in relation to the documents, on the grounds set out in the enclosed schedule.

The schedule goes on to say:

Executive privilege is claimed over part of this document on the basis that:

...

full disclosure would reveal the high-level confidential deliberative processes of the executive government or otherwise jeopardise the necessary relationship of trust and confidence between ministers and public officials.

Given that letter in June, we then put a motion very similar to these two documents motions, saying, 'Sorry, blank refusal on the grounds of executive privilege is not acceptable', interestingly because many of these PAEC documents had been provided through FOI. On 8 December I gave notice of a motion in relation to the escalation of these documents motions, and on 13 September we informed all members of the house that we would be debating it in the subsequent weeks.

Amazingly and surprisingly, on 18 September I actually received the FOI which I had requested 18 months earlier, but rescoped over a period of time, in the mail. So a document that had been refused by this house on the basis of executive privilege was largely provided to me under the FOI previously requested. It is not heavily redacted. Of 125 pages that have been identified by the departmental officer, 104 pages are wholly or partly provided. So we have actually got 80 per cent of a document — pretty much, roughly — provided under FOI that had previously been refused to this house.

I think this is unprecedented. I think it is unprecedented that the Attorney-General has used the claim of executive privilege on a range of different bases, as I

have outlined, to refuse to provide a single page and that that has then been provided under FOI.

What we are seeing here is a very concerning action on behalf of the Attorney-General and on behalf of this government. We are consistently seeing blanket claims of executive privilege, and this fulfilment through FOI is actually demonstrating contempt for this house, given that it has been released under another process. It makes a mockery, I have got to say, of the government's claims to a commitment to transparency and accountability in this house, and I think it demonstrates that there are serious questions for this house as a result of a claim of executive privilege that the government and the Attorney-General regularly make — they make it time and time again in relation to documents motions — when in this case clearly, and potentially in others as well, it is actually a political convenience that is rolled out at the Attorney's discretion to refuse to provide these documents as requested through the house.

How can this house have confidence in the Attorney-General's future claims or even past claims of executive privilege — and there is an expectation of the government to accept the claims of executive privilege — when there clearly is the capacity to release documents that they have put these blanket claims over? I think it actually very significantly undermines the confidence of this house in the government's claims of executive privilege and it really goes to a fundamental issue of the relationship between this government and this Parliament and especially its relationship with the chief law officer of the state. I think this is an unprecedented situation, an exceptional situation that, though, potentially opens a window on the use of these claims of executive privilege by the government and an expectation that the house will take them on face value.

I think as a result of that we clearly need an independent arbiter in relation to dealing with these issues, but I think in terms of this motion, this motion warrants support. It warrants the government going back on their claims of executive privilege to assess those documents and to make a call and a commitment that documents that can and should be released are, through the request of this house and the clear authority that this house has in relation to making those requests.

On that basis I think this motion is very important both on a specific level but also on a broader level in relation to how the government treats this house, how the chief law officer responds to this house in relation to the regular documents motions that we have and whether it is a genuine claim of executive privilege or a political

process that is being exploited. On that basis, I commend this motion to the house.

Sitting suspended 1.02 p.m. until 2.04 p.m.

Debate adjourned on motion of Mr LEANE (Eastern Metropolitan).

Debate adjourned until later this day.

BUSINESS OF THE HOUSE

Standing orders

Ms SPRINGLE (South Eastern Metropolitan) (14:05) — I move:

That in relation to the Environment Protection Amendment (Banning Plastic Bags, Packaging and Microbeads) Bill 2016, standing orders be suspended to the extent necessary to allow for further debate on the question 'That the bill be now read a second time' to which members are limited to 15 minutes each.

Motion agreed to.

ENVIRONMENT PROTECTION AMENDMENT (BANNING PLASTIC BAGS, PACKAGING AND MICROBEADS) BILL 2016

Second reading

Debate resumed from 31 August 2016; motion of Ms SPRINGLE (South Eastern Metropolitan).

Mr DAVIS (Southern Metropolitan) (14:06) — I am pleased to make a further contribution to the Environment Protection Amendment (Banning Plastic Bags, Packaging and Microbeads) Bill 2016, noting my earlier comments that this had been brought by the Greens in good faith. It is seeking to achieve a good outcome. The opposition took the view that this bill needed to go to a committee, and it did.

The Environment and Planning Committee took submissions and put a report to this chamber some while ago. There were a number of key aspects to that report. One of them was our belief that a regulatory impact statement ought to have been undertaken before this proceeded to a final outcome, and that is still a legitimate point. A series of other recommendations were made, and in my chairman's foreword to that report I made the point that the opposition was concerned to protect the environment on one hand but also very cautiously aware of the need not to impose costs on the community and on business, and to ensure

that household budgets that are being hit at every turn at the moment are not further impeded or further set upon.

I want to thank those, as I have said already in this chamber, who submitted to that inquiry, and I think the all-party nature of the response was important in providing a sensible way forward. Notwithstanding that, the government has not responded, because the six-month period has not yet been reached since the report was published I think in June. I cast no aspersions on the government's failure to respond in this time period, because obviously it is within that six-month time period.

In one sense it would be better if the government had responded and/or the period had elapsed, as we would then be in a position to have the advice of the bureaucracy as to the best ways to proceed and perhaps we would have had the regulatory impact statements that I think are an important aspect. Notwithstanding all that, it is an important issue and the opposition — that is, the Liberal Party and the National Party — is very aware of the challenge that is provided by plastic bags and microbeads and the impact they have on our environment.

In that context on behalf of the opposition and Mr Wakeling, the opposition's shadow environment spokesperson in the other place, I will circulate amendments which will be proposed in committee by the opposition.

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

Mr DAVIS — The amendments do several things. They seek to ban the provision of plastic shopping bags for the purpose of enabling goods sold or to be sold by the retailer to be carried from the retailer's premises. This will apply to shopping bags made in whole or in part of polyethylene, with a thickness of less than 35 microns, with handles, unless exempted by the minister. The ban would not apply to biodegradable bags and barrier bags for fruit and vegetables et cetera, as defined, or to a plastic bag that is an integral part of the packaging in which goods are sealed before sale. The provision would apply from 1 January 2019. It would create an offence for a retailer unless with reasonable excuse to sell or a supply goods providing prohibited plastic microbeads. The provision would apply from 1 July 2020. The amendments would remove the provision from the bill relating to the use of restricted packaging — that is, polyethylene and polystyrene — for the purpose of wrapping or storing

perishable fruit or vegetables. There are a series of other consequential amendments.

This is in a sense a more moderate way forward, a more thoughtful way forward and a way that we think is in concordance with the community view, but is likely to cause less difficulty. We are also very aware that, in the interim between the inquiry's activities and the Greens bringing this forward again, Woolworths and the other large supermarket chain, Coles, have come forward with their own statements about what they will do with plastic bags.

Mr Dalidakis — Woolworths and Coles.

Mr DAVIS — Yes, Woolworths and Coles. I said, 'Woolworths and the other one, Coles'. Both of them have come forward with an agreed policy, and I welcome large retailers taking the initiative on environmental projects. I think that that is sensible. It may well meet with community expectation, and I think that they are doing this under their own accord.

Now, the government has said that it will look at the committee's report and look at the bill. It favours a national approach, but has not ruled out going it alone, as it was described. Notwithstanding that, I feel duty-bound to put on the record that there is an aspect of panic in the government's decision. I note that the Greens have brought this bill forward before the government's response, and I note that there is an aspect of — how can I say, dear, dear, dear — politics in this, that the Greens have suddenly brought this forward in the midst of a by-election in Northcote —

Honourable members interjecting.

Mr DAVIS — It is a total coincidence.

Mr Dalidakis — What's that?

Mr DAVIS — Well, that this has been brought forward. We need to respond.

Ms Crozier interjected.

Mr DAVIS — Ms Crozier, we need to respond to the bill that has come before us and we are faced with choices. In that consequence, I have laid out what I preferred as the way forward and I have laid out the work of the Environment and Planning Committee, and I pay tribute to all of the members of the committee and to the submitters to the committee. I have laid out the way forward. Mr Melhem and I were both present at many of those hearings, and Ms Dunn and others were present at these hearings and the deliberations of the committee. I think Mr Melhem and I shared many

points in common. We were both concerned about the costs to consumers and the costs to businesses, and the possible impact there. But we note that there is a legitimate case for restricting the use of plastic bags, and the opposition obviously signalled its intention yesterday given that the Greens have brought this bill on and brought it on in reality before the government's response to the committee's report. So we are faced with a set of situations and we will need to make a decision, and I have explained the way we will seek to amend the bill.

The first point I will make is this: we will not oppose the second reading. We will seek to amend the bill in committee, as I have outlined, but we would want to see those amendments made, otherwise we would feel duty-bound to oppose the bill at that point. In its current form, we would oppose the bill, but if it is amended in the way that the opposition seeks to amend it, as I have outlined, that would be a fairer way forward. We think that the steps that we have outlined are balanced. We think the steps that we have outlined are less impactful. We think the steps that we have outlined are reasonable and, in those circumstances, we will seek to amend it in the way that is outlined.

Mr MELHEM (Western Metropolitan) (14:14) — As Mr Davis said, when the bill was before the house last time, it was referred to a committee. We did spend a great deal of time taking evidence from witnesses, we had a number of submissions as well put to the committee and we heard from various stakeholders in relation to aspects of the bill. Now the committee has put out a recommendation. I was on that particular committee as well. It was a good committee, on some references.

The committee put out a number of recommendations — in fact, three recommendations. The first recommendation was that:

The bill should explicitly exclude plastic bags that constitute an integral part of product packaging prior to sale.

That is basically one of the concerns that was raised in relation to some products currently needing to be packaged using plastic to prolong the life of those particular products. I think that was acknowledged, and a differentiation was made between that and single-use plastic bags, so that is one of the recommendations the committee put out. The second recommendation was:

The committee is of the view that this issue warrants further consideration in implementing any future legislative framework.

The reason behind that particular recommendation is that there have been a lot of various views in relation to

implementation dates and what the particular legislation should cover or not cover, and there was the issue about the microbeads as well and the packaged goods. We heard from a number of witnesses in relation to, for example, polystyrene where people are using packaged boxes to deliver fruit and vegetables to various markets. It has become a very complex issue, so the committee formed the view that further work needed to be done basically before we finalise the legislation.

I want to commend Ms Springle for bringing the bill to the house. I do not want that to be misconstrued, that we do not support that direction. I will come back to that in a minute. I wanted to make that point.

The committee also noted:

... that legislation enacted in South Australia, Tasmania, Australian Capital Territory and Northern Territory is narrower in scope, relating only to single-use plastic bags.

The committee found that:

... it is not clear what form a federal legislative ban would take should a voluntary ban fail.

Some of the arguments we heard from in particular the retail industry were that if you have a particular ban in a particular state, it might contradict other states and it might cause some problems. I do not necessarily agree with that, but they were some of the arguments that we heard and hence why finding 6 of the committee talked about what we would do in the federal jurisdiction.

Finding 7 reads:

The committee notes that the bill does not provide for a fee to be charged to purchase plastic bags at point of sale; it goes instead with a ban on 'supply and sale'.

Which then brings us to recommendation 3:

The government undertake a formal assessment of the impact of the bill on communities, families, individuals, businesses and the environment.

Whilst the government has not formally responded to the committee's report, we can take into account the announcement by the Premier on Tuesday, 17 October, which made it clear that an Andrews Labor government will look at banning single-use plastic bags in the state of Victoria. Further, this morning Minister D'Ambrosio launched a discussion paper which asked for feedback about how Victoria can reduce the impact of plastic pollution on the environment, and that will include a ban on plastic bags. So basically the government has responded, and it has accepted that a ban on plastic bags has to happen, and it is going a bit beyond that by looking at all of the associated plastic products and the

impact they are having on the environment, the landfill et cetera.

This picks up on the committee's three recommendations, which as I mentioned earlier, actually emphasise the need to make sure the legislative framework is done correctly and there is a focus on consultation with the larger community in relation to how we can actually arrive at that point — what is the best possible framework to put in place to ban plastic bags and to deliver on the spirit and the intent of what the committee have deliberated on and what the Greens bill proposes so as to make sure that we tick all these boxes and deliver these outcomes?

Against that background I understand there are a number of amendments that have been proposed by the Greens and by the opposition. I think there may be a clash between the Greens and opposition amendments, but that is probably another reason to look at what the government announced yesterday and today in relation to banning plastic bags. I think it would be wise to basically follow the process announced by the Premier on Tuesday, which is that there will be a total ban on single-use bags. There was the announcement made this morning by Minister D'Ambrosio to start the community consultation process, and I am sure there will be discussions with the various parties, with the Greens and the opposition, in relation to a tidy up of legislation or a bill to capture the issues that were put together by the committee and various parties to make sure that we have got the right legislation brought back to this place. Then hopefully we can have an effective ban on single-use plastic bags, which personally I will be supportive of; if Aldi can do it, I am sure Coles and Woolworths and other providers can do it.

I do not think there is any disagreement from anyone about banning single-use plastic bags. I think the question before this house and against the background I have just outlined is that we need to make sure that the bill is redrafted in such a way where we take the community with us and address whatever concerns might come out of the discussion paper launched this morning by Minister D'Ambrosio. We can then come back with a bill which will enjoy the support of all parties.

With those comments, unfortunately we will not be supporting the bill, but I do not want that to be misconstrued: we are supportive of the principles around what the bill is trying to achieve; I have addressed that, the Premier addressed that on Tuesday and Minister D'Ambrosio addressed it today. It is just a matter of making sure we get it right and bring it back to this house, and then hopefully we will have a bill that

everyone is happy with. With these comments I will sit down.

Ms SPRINGLE (South Eastern Metropolitan) (14:22) — It is with great pleasure that I rise today to speak on the Environment Protection Amendment (Banning Plastic Bags, Packaging and Microbeads) Bill 2016, which I introduced to this house over a year ago. Today we resume the debate after all of that time, and since that time there have been quite a number of significant developments in the wider context of this debate that are worth noting before I proceed to the specifics of the bill.

I would actually like to just take up a couple of points that were raised in the two contributions we have just heard. One is that the government have not had the opportunity to reply to the inquiry's report, and that is absolutely the truth. The reason we have made the executive decision to come back with the bill before that report is that it is a six-month period, which is quite a substantial amount of time, and the plastic pollution issue is growing as a crisis; we cannot afford to wait any longer for action of this sort. That is why we are debating this bill today.

I would also like to acknowledge that the government, as Mr Melhem has just pointed out, have made an announcement overnight around single-use plastic bags. We have no detail at this point, and so therefore while I appreciate the sentiment of the government — and I am not going to make comment on the motivation or the politics around that — in the Greens' view our plan is the better plan; it is a better mechanism for what actually needs to happen and that is to stop plastic at its source.

To get on to the specifics of the bill and events that have happened since we debated this in the house, there has been an incredible amount of research that has been undertaken and published over the past year on the presence and impact of plastic pollution in the environment. There is sound evidence of the extent of plastic pollution in our environment and the impact of this pollution on marine ecosystems. The inquiry into the bill heard evidence to this effect. Members of this house have previously acknowledged the gravity of this environmental challenge.

In 2017, however, we have started to see a groundswell in research aiming to improve our understanding of this challenge but also to understand the potential impacts on the marine and land food web. This research has homed in on the potential public health impacts of plastic pollution both at this point in time and in the future, when generations will be dealing with far higher

levels of plastic pollution unless drastic action is taken now. The result of recent research is cause for grave concern, and it proves immediate action on plastic pollution is absolutely vital.

We already know that about 50 species of fish are eating tiny pieces of plastics known as microplastics. Research published in August by researchers from the University of California and the San Francisco aquarium found that microplastics can induce foraging behaviour in anchovy schools. This means they are attracted to microplastics as a source of food. With numerous other fish species and humans consuming whole anchovies, it is clear that one way or another we are eating plastic. In larger fish species microplastics that are consumed end up in the gut and are largely removed prior to human consumption, but there is evidence to show that a small fraction is absorbed into the tissue of the fish and potentially consumed by humans. Of course when we eat shellfish we eat the whole animal, plastics and all. Over the past few years scientists have found microplastics in mussels in China, France, Belgium and the Netherlands. According to researchers at the Ghent University in Belgium, shellfish lovers are eating up to 11 000 plastic fragments every year.

Sea salt has also been affected, so those of us who are not eating fish are sprinkling microplastics on other food. Studies undertaken by researchers from the US, China, Spain and the UK have found plastic particles in sea salt purchased in Australia, the United States, Malaysia, New Zealand, Portugal, South Africa and China. Researchers say that because sea salt originates from the ocean, sea salt purchased anywhere in the world is likely to be contaminated.

But perhaps the most alarming finding has come from the international research published last month on the presence of microplastics in drinking water. Orb Media studied 120 samples of tap water from 13 countries around the world, finding plastic contamination in 83 per cent of samples. No Australian samples were included in the study, so it is not known whether our drinking water is contaminated. Last month I called on the environment minister to determine whether our water contains plastic particles, and I look forward to her response on that issue. Scientists say that if microplastics are in tap water, they are almost certainly in a wide range of the foods we buy from supermarkets, including baby food.

While it is true that we are actually absorbing a very small fraction of the microplastics we consume, it is also true to say that we do not fully understand the health aspects of consuming plastic. Scientists have

been grappling with this challenge for a while. One of the problems is that almost all of us are ingesting microplastics, so forming a control group of people who have not been exposed is extremely difficult. Let us take a moment to absorb that information because it is both astonishing and frightening.

One study by the Johns Hopkins Bloomberg School of Public Health and Arizona State University found detectable levels of the plastic bisphenol A in the urine of 95 per cent of the adult population of the United States. One thing is clear: even if it is not a significant health problem right now, it is very likely to become one in the near future as the vast amount of plastic already in the environment breaks down and enters our waterways and food chains.

Last year I said that the jury was in and that the evidence base compels us to act urgently to reduce the amount of plastic we produce, use and either litter or dispose of through other means. The year 2017 has been a game changer. Under the weight of evidence before us, no delay is justifiable, which is why, as I pointed out, we are here today. We cannot continue with business as usual. Large numbers of Victorians and Australians understand this. There is a huge amount of support for this legislation within Victorian communities. They are sick and tired of cleaning up their parks, waterways and beaches, and they want the government to follow through on promises of action that we have been hearing for over a decade now. What they do not understand is why this is taking so long.

While members of this house have historically found it difficult to agree on how this issue should be tackled, what we do have at least is a widespread agreement that it presents a major challenge. Previous debate on this bill has demonstrated near-universal acknowledgement of the problem of plastic pollution by members of this house. The Greens have put forward a solution. It is ambitious and it is comprehensive. I make no apologies for that, because ambitious and comprehensive is exactly what is needed. Evidence heard by the Environment and Planning Committee and by the Senate committee before that has demonstrated this beyond a doubt.

Other jurisdictions, both within Australia and internationally, are taking this evidence very seriously. India's capital, Delhi, this year introduced a prohibition on plastic cutlery, bags, cups and other forms of single-use plastic. Last year France introduced a national ban on plastic bags, plates and cutlery. In the UK, Scotland this year announced that it will develop a container deposit scheme, and an inquiry into a potential scheme for England has been reopened. This

follows the announcement of an inquiry into the overconsumption of other plastic products, including disposable coffee cups.

Despite years of promised action in Victoria, we are yet to see any real progress on excessive plastic consumption and pollution. But we have here today a chance to change that. In speaking on the bill last year, Ms Shing made a considered and comprehensive contribution that acknowledged the importance of the problem this bill aims to solve. Her arguments, supported by the contributions of Ms Tierney and Mr Leane, focused on several key issues: the range of plastic products included, namely all plastic bags except those exempted by the minister; and secondly the impact on retailers and on consumer choice and convenience. These arguments essentially boiled down to the task being too complex or at least too complex to be met by this bill.

I have already acknowledged that this bill is highly ambitious, but it is also very clear and it is completely feasible. It requires industry to change business practices and it requires people to change consumption practices, but the stakes are incredibly high and these practices can and must be changed. We have seen it done elsewhere, and we know it can happen in Victoria and across Australia as well. Working with industry under the Australian packaging covenant and potentially bilateral initiatives is a necessary and sometimes highly productive way of achieving change. Mr Davis's contribution to the debate on the bill last year focused on the importance of collaboration in this area, but in relation to plastic consumption very little has been achieved over the past 10 years. On that note I must congratulate Woolworths and Coles on their recent decision to phase out single-use plastic bags, but this is a first step and it will not solve the problem at hand.

The other key line of argument against this bill has focused on the relatively low litter rates in Victoria compared to other Australian states. This line of defence is frankly nothing more than a red herring. Waste management is not just about pollution, and pollution is not simply about how much we litter and therefore how much waste escapes our management systems and ends up in our natural environment. The fact is that Victorians and Australians produce vast amounts of waste. Data published by the Organisation for Economic Co-operation and Development (OECD) shows that Australians are among the highest producers of waste per capita amongst all OECD countries. We produce so much waste, including vast amounts of soft plastics, that our waste management system simply is

not capable of handling it. I will come back to this point shortly.

Waste avoidance is of course not just a policy priority of the Greens party. Section 11 of the Environment Protection Act 1970 enshrines the principle of wastes hierarchy in Victorian law. It states that:

Wastes should be managed in accordance with the following order of preference—

- (a) avoidance;
- (b) re-use;
- (c) re-cycling;
- (d) recovery of energy;
- (e) treatment;
- (f) containment;
- (g) disposal.

Much of the stated opposition to this bill has focused on recycling, containment and disposal. There are two points to make in relation to this. Firstly, these appear at third, sixth and seventh position in the wastes hierarchy. Waste avoidance, one of the key objectives of this bill, is of course the most preferred method of waste management. It is not good enough to defend the rampant production, use and disposal of plastic bags by citing the importance of consumer choice or inconvenience to businesses. Our efforts need to move higher up the waste hierarchy, with increased emphasis on avoidance and re-use. There is a clear basis in law for this argument, and a strong basis in environmental and social ethics.

The second point to make is a practical one. The current level of plastic bag use in Victoria far exceeds our capacity to recycle, and looking further down the wastes hierarchy, it exceeds capacity to recover energy. That issue has been dealt with in part by exporting significant quantities of plastic waste to date; however, this has recently become a less viable option. In July this year China announced to the World Trade Organisation that from the end of 2017 it will no longer accept any imports of plastic waste. As part of a pilot project several years ago, the Australian Bureau of Statistics published statistics on Australia's waste exports over the period from 1997 to 2012. In the 2011–12 financial year these exports included 175 000 tonnes of plastic waste. China was the second-biggest recipient of Australia's plastic waste, receiving 45 000 tonnes. As of January 2018 we have a huge plastic problem, and as yet there has been no formal indication from the government of any solution,

let alone one that is sustainable and minimises negative impacts on the environment.

In Victoria we have seen a surge in interest in waste energy technologies recently, but burning plastic is not the answer regardless of whether the process produces energy. We must create stronger legislation, incentives and support for waste avoidance. We must return to first principles here — in this case the waste management hierarchy. It is not just an environmental imperative; this is a fundamental shift in the production of waste which has a huge amount of public support as well as being grounded in global waste management principles and Victorian legislation.

I do have amendments to this bill that I would like circulated now if that is possible, and I will talk to these later down the track.

Greens amendments circulated by Ms SPRINGLE (South Eastern Metropolitan) pursuant to standing orders.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1

Mr DAVIS (Southern Metropolitan) (14:41) — This bill has obviously been debated at length. We have made short contributions today in light of the Greens bringing it forward and in light of the parliamentary committee report, noting that the government has not responded to the parliamentary committee report, noting the announcements made by Woolworths and Coles and noting the panicked announcement made by the Premier last night in a fit of urgency, if I could describe it that way.

I will seek guidance from the Acting President and the clerks as we move through this. We have already circulated our amendments, and the Greens have circulated their respective amendments. My understanding is that my amendment 1 stands alone and is not a test for any other matter. Is that correct, Acting President? That is my understanding. If I need to be corrected on that I am happy to be corrected, but I think it stands alone. It is on the first clause, obviously. I move:

1. Clause 1, lines 4 to 5, omit “and plastic and polystyrene packaging”.

The point I would make on this is that it makes it easier for industry and easier for consumers in the way that it is framed.

The ACTING PRESIDENT (Mr Elasmr) — For clarification, Mr Davis, your amendment 1, which you have moved already, is a test for amendments 6 and 9, 11 and 12, 14 to 17, 20 to 23, 26, 29, 31 and 32. Are we clear on this?

Mr DAVIS — Yes.

Ms SPRINGLE (South Eastern Metropolitan) (14:46) — The Greens will not be supporting this amendment. One of the integral parts of this bill is to raise the bar above taking out plastic bags from consumption and looking at other modes of consumable single-use plastic. This would be a fundamental change to the bill that we are not prepared to support.

Ms SYMES (Northern Victoria) (14:47) — The government will not be supporting this amendment either. Removing the provision from the bill relating to the use of restricted packaging for the purpose of wrapping or storing perishable fruit and vegetables is something that we will be considering as part of our consultation that was proposed by the Minister for Energy, Environment and Climate Change publicly this morning. We would be concerned about making sure that the community, one, reduces packages, but also we are concerned about food waste if you are taking away integral packaging that extends the life of food. However, I would put on record that my pet hate is packaging of individual cucumbers in supermarkets.

Committee divided on amendment:

Ayes, 17

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

Noes, 19

Bourman, Mr	Mulino, Mr
Dalidakis, Mr	Pennicuiik, Ms (<i>Teller</i>)
Dunn, Ms	Pulford, Ms
Elasmr, Mr	Shing, Ms
Gepp, Mr (<i>Teller</i>)	Somyurek, Mr
Hartland, Ms	Springle, Ms
Jennings, Mr	Symes, Ms
Leane, Mr	Tierney, Ms
Melhem, Mr	Young, Mr
Mikakos, Ms	

Pairs

Atkinson, Mr
Rich-Phillips, Mr

Eideh, Mr
Greens vacancy,

Amendment negatived.

Clause agreed to.

Committee interrupted.

DISTINGUISHED VISITORS

The ACTING PRESIDENT (Mr Elasmr)

(14:54) — Order! Members, I would like to bring to your attention that we have in the house a former member from the Legislative Assembly, Mr Maughan, who is now walking out. It is nice to see you. Welcome.

ENVIRONMENT PROTECTION AMENDMENT (BANNING PLASTIC BAGS, PACKAGING AND MICROBEADS) BILL 2016

Committee

Committee resumed.

Clause 2

Ms SPRINGLE (South Eastern Metropolitan)

(14:55) — I move:

1. Clause 2, line 9, omit “1 March 2017” and insert “1 July 2018”.
2. Clause 2, page 2, line 2, omit “1 September 2017” and insert “1 January 2019”.

These two amendments are around the fact that we are 12 months down the track from the introduction of this bill and the original dates have lapsed. Therefore we have pushed them forward so that we would have an eight-month lead time from the date of debate to the commencement of the ban. From the commencement date retailers will be required to display notices that certain plastic bags and fresh produce packaging will be prohibited from 1 January 2019.

The offence of supplying, selling or providing products containing microbeads will come into force on the commencement date of 1 July 2018. While changes in relation to plastic bags and packaging will require some planning, the prohibition of products containing microbeads is fairly straightforward, hence this provision coming into effect at this time. More lead time is provided for the development of regulations and implementation of the ban on plastic bags and restricted packaging. The offences of supplying plastic bags and

fresh produce in restricted packaging will come into force from 1 January 2019. The amendments to date are aimed at addressing concerns regarding the implementation time frame that were raised during the second-reading debate.

Ms MIKAKOS (Minister for Families and Children) (14:57) — Let me just say that this has been the most interest I have taken in a Wednesday for the last three years as a minister. I will begin by being more generous. Firstly, I will take the opportunity to congratulate Ms Springle on her elevation.

This is an important issue of public policy that we have before us. Given I have spoken on this issue in the house before, I will take the opportunity to ask Ms Springle a question in relation to her proposed amendments, particularly the proposed amendments to clause 2 of her bill. As I understand it, amendment 1 seeks to move the date forward to the middle of next year. Effectively that provides eight months lead time until the ban. Retailers are telling our government that they need a longer lead time — at least 12 months. This is a big change that is being proposed here. So I ask Ms Springle to explain what the Greens party proposes retailers do with that excess stock that they might have, and I also ask would they expect leftover plastic bags to go to landfill — something I would have thought they would be seeking to avoid. That is what this is all about — this whole debate.

Ms SPRINGLE — I thank the minister for her question, and it is not lost on me that the roles are reversed in today’s non-government business time. I thank her for that question. It is a good question. I would put to the minister that we have increased the lead time slightly from the original proposal, which was six months. We have increased that to eight months. I accept that perhaps for some businesses that may present a challenge, but I think any time frame that you put to this is not going to keep everyone happy and so we felt this was a compromise in terms of taking on board some of the criticism of a six-month time frame.

In terms of the disposal of existing stock, we most certainly would not be supportive of it going to landfill. However, there are increasing technologies and processes that are being implemented by industry around recycling, including recycling of soft plastics. I would suggest that that is something that needs to be closely monitored and that government would need to work with business to work through those issues.

The ACTING PRESIDENT (Mr Elasmr) — The question is that amendments 1 and 2 moved by

Ms Springle, which are a test for her proposed amendments 4 to 11 inclusive, be agreed to.

Committee divided on amendments:

Ayes, 21

Bath, Ms	Ondarchie, Mr
Crozier, Ms	O'Sullivan, Mr
Dalla-Riva, Mr	Patten, Ms
Davis, Mr	Pennicuik, Ms
Dunn, Ms	Peulich, Mrs
Finn, Mr	Purcell, Mr
Fitzherbert, Ms	Ramsay, Mr
Hartland, Ms	Rich-Phillips, Mr
Lovell, Ms	Springle, Ms
Morris, Mr (<i>Teller</i>)	Wooldridge, Ms
O'Donohue, Mr (<i>Teller</i>)	

Noes, 14

Carling-Jenkins, Dr (<i>Teller</i>)	Mikakos, Ms
Dalidakis, Mr	Mulino, Mr
Elasmar, Mr	Pulford, Ms
Gepp, Mr	Shing, Ms
Jennings, Mr	Somyurek, Mr
Leane, Mr	Symes, Ms
Melhem, Mr (<i>Teller</i>)	Tierney, Ms

Pairs

Greens vacancy	Eideh, Mr
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Amendments agreed to.

Amended clause agreed to; clause 3 agreed to.

Clause 4

Mr DAVIS (Southern Metropolitan) (15:08) — I move:

4. Clause 4, after line 12 insert —

“barrier bag means a bag used to carry unpackaged perishable food, including but not limited to fruit, vegetables, meat and fish;”

biodegradable bag means a bag comprised of material of a type that has been assessed in accordance with the relevant standard and can, in accordance with the relevant standard, be designated as compostable;”.

I will again seek your clarification on the clerks' position on which other clauses this tests, if any.

Ms SPRINGLE — The Greens will not be supporting this amendment. It is effectively a superfluous amendment, given that the minister can exempt any type of plastic bag that she sees fit as long as she can justify it to the Parliament. Therefore these additional sorts of bags that Mr Davis is attempting to put into the legislation could effectively be placed under an exemption by the minister. That mechanism is there for a reason: it is to give the minister flexibility

around this, and therefore the Greens will not be supporting the amendment.

Ms SYMES (Northern Victoria) (15:09) — The government will also not be supporting this amendment. Biodegradable bags sometimes sound better than what they are. That can actually sometimes be part of the problem. They can break down into small pieces of plastic and cause problems for marine life and our ocean waterways. We would say that the plastics pollution consultation paper launched by Minister D'Ambrosio calls for the community to share their views on this topic.

Ms MIKAKOS — Ms Symes has put forward the government's view on the amendment of Mr Davis, but I want to ask Ms Springle a question in relation to the clause more broadly. As I understand it, evidence was given by industry groups during the parliamentary inquiry process that the Greens party had not consulted with industry at all in relation to the definitions, obligations and exemptions under the clause before they brought the bill to the house. So I do ask Ms Springle what consultation the Greens party did have with industry prior to the bill coming to the house.

Ms SPRINGLE — Thank you for that question. I would say to the minister that we did reach out to some of the major industry bodies, including Coles and Woolworths. We did meet with Coles. Woolworths were not interested in meeting with the Greens over this bill. But we did put out an exposure draft of the bill. We had over 500 submissions from community groups, individuals and other organisations giving us feedback on the bill. The bill was up on our website, and we sent out a lot of invitations to stakeholders to submit their feedback on the bill. I think it was up on the website for a couple of months, so we felt at the time that we had consulted broadly. There is always more you can do, but we certainly did make an effort. And as I said, we did at least meet with Coles, as a multinational corporation, in relation to the bill.

Ms MIKAKOS — Just further to that, I am curious to know whether the Greens political party received any submissions directly from industry groups?

Ms SPRINGLE — Not that I am aware of.

Committee divided on amendment:

Ayes, 17

Bath, Ms (<i>Teller</i>)	O'Donohue, Mr
Carling-Jenkins, Dr	Ondarchie, Mr
Crozier, Ms	O'Sullivan, Mr
Dalla-Riva, Mr	Patten, Ms
Davis, Mr	Peulich, Mrs

Finn, Mr (*Teller*)
Fitzherbert, Ms
Lovell, Ms
Morris, Mr

Purcell, Mr
Ramsay, Mr
Wooldridge, Ms

Noes, 19

Bourman, Mr
Dalidakis, Mr
Dunn, Ms
Elasmar, Mr
Gepp, Mr
Hartland, Ms
Jennings, Mr
Leane, Mr
Melhem, Mr
Mikakos, Ms

Mulino, Mr
Pennicuik, Ms
Pulford, Ms
Shing, Ms
Somyurek, Mr (*Teller*)
Springle, Ms
Symes, Ms
Tierney, Ms (*Teller*)
Young, Mr

Pairs

Atkinson, Mr
Rich-Phillips, Mr

Eideh, Mr
Greens vacancy

Amendment negatived.

Ms SPRINGLE — I move:

3. Clause 4, lines 13 to 15, omit all words and expressions on these lines and insert—

“*exempt plastic bag* means a plastic bag that —

- (a) is an integral part of the packaging in which goods are sealed before sale; and
- (b) is declared to be an exempt plastic bag by the Minister;”.

We do have an amendment that has been drafted in response to the recommendations made by the Environment and Planning Committee in its final report on the inquiry on this bill. The first recommendation was to exclude plastic bags that are an integral component of packaging. Amendments 3 and 4 would implement this recommendation by excluding plastic bags and packaging that are an integral component of packaging. The regulations would provide further clarity, but the clear intent is that for packaging to be integral it must be both fundamental and necessary. By way of an example, a bag would be integral to sliced bread or blueberries but it would not be necessary for apples or potatoes, both of which are already sold as loose items.

Ms SYMES — The government will not be supporting this amendment to the bill. It is good that there is some response to the committee that examined the issue. Of course the original scope of the ban was a little bit concerning to us. However, in relation to the amendment, we think that there is a little bit more that can be done in relation to consultation and getting this right, so at this time we are not supporting the amendment.

Amendment agreed to.

Ms SPRINGLE — I move:

4. Clause 4, page 3, line 3, omit “polystyrene.” and insert “polystyrene, except where packaging is an integral part of the packaging in which goods are sealed before sale.”.

Amendment agreed to.

Mr DAVIS — I move:

5. Clause 4, lines 16 to 26, omit all words and phrases on these lines and insert—

“*prohibited plastic bag* means a plastic shopping bag that—

- (a) is made, in whole or in part, of polyethylene with a thickness of less than 35 microns; and
- (b) has handles; and
- (c) is provided for the purpose of enabling goods that are sold, or to be sold, by a retailer, to be carried from the retailer’s premises; and
- (d) is not a biodegradable bag, barrier bag, or a plastic bag that is an integral part of the packaging in which goods are sealed before sale;”.

Amendment 5 is an amendment to clause 4, and it provides definitions of prohibited plastic bags.

Amendment negatived.

Ms SPRINGLE — I move:

5. Clause 4, page 3, line 5, omit “**1 March 2017**” and insert “**1 July 2018**”.
6. Clause 4, page 3, line 6, omit “1 March 2017” and insert “1 July 2018”.

Mr DAVIS — The opposition will not oppose these amendments. They change dates, and these are largely sensible and in line with our direction.

Amendments agreed to.

Ms SPRINGLE — I move:

7. Clause 4, page 3, line 11, omit “1 September 2017” and insert “1 January 2019”.

Amendment agreed to.

Ms SPRINGLE — I move:

8. Clause 4, page 3, line 23, omit “1 September 2017” and insert “1 January 2019”.

Amendment agreed to.

Mr DAVIS — Acting President, I indicate that the coalition has seen the test on a number of these amendments, and it is clear that the bill is no longer supportable by the coalition because a number of our amendments have been unsuccessful. In that circumstance we will vote against the bill when it comes to the third reading.

Ms SPRINGLE — I move:

9. Clause 4, page 6, lines 29 to 30, omit “1 September 2017 and ending on 30 June 2018” and insert “1 July 2018 and ending on 30 June 2019”.

Amendment agreed to.

Ms SPRINGLE — I move:

10. Clause 4, page 7, lines 31 to 32, omit “1 September 2018 but no later than 31 August 2019” and insert “1 July 2019 but no later than 30 June 2020”.

Amendment agreed to; amended clause agreed to; clauses 5 to 8 agreed to.

Clause 9

Ms SPRINGLE — I move:

11. Clause 9, line 27, omit “1 September 2018” and insert “1 January 2019”.

Amendment agreed to; amended clause agreed to.

Reported to house with amendments.

Report adopted.

Third reading

The PRESIDENT — The question is:

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

House divided on question:

Ayes, 4

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

Noes, 34

Atkinson, Mr	Morris, Mr
Bath, Ms	Mulino, Mr
Bourman, Mr	O’Donohue, Mr
Carling-Jenkins, Dr	Ondarchie, Mr
Crozier, Ms	O’Sullivan, Mr
Dalidakis, Mr	Patten, Ms
Dalla-Riva, Mr	Peulich, Mrs
Davis, Mr (<i>Teller</i>)	Pulford, Ms
Elasmar, Mr	Purcell, Mr
Finn, Mr	Ramsay, Mr
Fitzherbert, Ms	Rich-Phillips, Mr
Gepp, Mr (<i>Teller</i>)	Shing, Ms

Jennings, Mr	Somyurek, Mr
Leane, Mr	Symes, Ms
Lovell, Ms	Tierney, Ms
Melhem, Mr	Wooldridge, Ms
Mikakos, Ms	Young, Mr

Pairs

Greens vacancy,	Eideh, Mr
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Question negated.

PRODUCTION OF DOCUMENTS

Debate resumed from earlier this day; motion of Ms WOOLDRIDGE (Eastern Metropolitan):

That this house —

- (1) notes the failure of the Minister for Families and Children to comply, to the satisfaction of the Council, with the following resolutions of the Council requiring the Minister for Families and Children to table in the Council certain documents, specifically the resolutions of —
 - (a) 8 March 2017 in respect of the proposed new youth justice facility;
 - (b) 10 May 2017 in respect of Department of Health and Human Services Public Accounts and Estimates Committee (PAEC) briefing documents;
- (2) notes that the minister’s failure to comply with the resolutions of the Council is inconsistent with the Andrews government’s election commitment to proper accountability to Parliament by the executive;
- (3) further notes the letter from the Attorney-General dated 19 June 2017 in relation to the PAEC documents outlined in paragraph (1)(b) that ‘the government, on behalf of the Crown, makes a claim of executive privilege’ while a freedom of information request for a subset of the same documents was substantially provided by the Department of Health and Human Services on 21 September 2017;
- (4) affirms the privileges, immunities and powers conferred on the Council pursuant to section 19 of the Constitution Act 1975, and the power to make standing orders under section 43 of that act;
- (5) affirms the right of the Council to require the production of documents;
- (6) is of the firm opinion that the Council is fully entitled to scrutinise the activities of the government and demand accountability by the government;

and requires the Minister for Families and Children to table by 12 noon on the next day of sitting, the documents required to be tabled by the resolutions of the Council outlined in paragraph (1)(a) and (b) that have not already been tabled.

Mr LEANE (Eastern Metropolitan) (15:36) — I would like to respond on behalf of the government to Ms Wooldridge's motion 475 and from the outset say that the government will be opposing this motion. In relation to the first and second points, where it is stated that the house should note the response for a call for certain documents from the Minister for Families and Children and where there is commentary on how the minister complied with previous motions of this house, I have got to say that I think there is not a problem with that. I am actually happy to take note of Ms Mikakos's response to those previous calls for paperwork. The Labor Party has been consistent for many years with respect to documents motions, and as we understood when we were in opposition, governments do have the right, and actually they should exercise it, to not release certain documents that impose on commercial-in-confidence, executive privilege and cabinet-privileged documents to the point that they need to be able to function to the best capacity for the people they represent — in our case, the good people of Victoria.

When it comes to these particular documents, the minister has taken into account the house's right to call for documents, but she has also taken into account her responsibility to the state and the oaths she took as the minister as far as what she should and should not release to the public at certain times. Some of these documents may be released at other times. I think that it is a huge issue to call for a business case that is part of a current procurement process, and getting back to commercial-in-confidence and to the state being able to function, it is a bridge too far to be calling for a business case to be publicly released at that point.

I think that the tenor of this particular motion — that this government in this portfolio has failed to release certain documents to a degree that satisfies the opposition — is a bit rich. You only have to look at what has been released by this government and the government's responses to reviews — it has put a lot more funding into the area of juvenile justice facilities as a result of reviews. This is an important area; we all accept that. We are talking about the response to the Armytage-Ogloff review that was released. As a result of that review, there was a boost of some \$50 million in funding going into the system.

It is a challenging area, youth justice, particularly the facilities. I think that there should always be a balance between what is getting spent on facilities and what is getting spent on preventing people from reoffending. There is a lot of effort being made. The Andrews government has got the capacity, and it is going ahead with assisting some of the people that have fallen into

the youth justice system with training and jobs through the enormous infrastructure program the Andrews government has put in place. I think that there is always a balance, but this government has been prepared to put its money where its mouth is.

Coupled with that, there has been recent legislation introduced by this government around the youth justice area. Some of that was actually opposed by the opposition, which we find quite alarming — that that is the position they have taken. But that has been coupled with the government's efforts in providing increased funding, which is actually record investment, into the youth justice infrastructure.

When it comes to the opposition and their outrage when they call for documents that have not been released, I think, along with many Victorians and along with probably the people on this side of the chamber, that the opposition do not seem to want to remember the years 2011, 2012, 2013 and 2014. They want to block that completely from their minds when they come into this chamber making these sorts of arguments.

Ms Wooldridge's record when it comes to FOI and her record when it comes to releasing documents is very substandard, I have got to say. When she was the Minister for Mental Health, Ms Wooldridge's FOI officer was actually her ministry chief of staff. That is not to cast aspersions on anyone — I am sure they did an adequate job for the minister — but they were actually a card-carrying member of the Liberal Party. I think that for Ms Wooldridge to say that she is concerned there is some political agenda being played on this side of the chamber when documents are not being released, well, as I said, I find it amazing. Those missing years that never seem to get mentioned and never seem to get acknowledged just disappeared, but the record of transparency of the previous government is actually, as I said, substandard.

Ms Wooldridge herself was taken to VCAT to contest FOI failures no less than 18 times in her first 12 months as a minister. And then Ms Wooldridge comes in here and forgets all of that. She forgets that her FOI officer was her chief of staff, forgets the enormous number of calls for documents that she did not fulfil and forgets the Parliament's right to call for certain documents. All of that did not seem to matter too much in those years of 2011, 2012, 2013 and 2014. Ms Wooldridge in her contribution showed a concern that she could not open a link at a certain website. I am not too sure if she had a go at turning the computer off and on and having another crack. I do not know.

Mrs Peulich — This is a bit of misogyny, is it? A little bit of misogyny?

Mr LEANE — Mrs Peulich, I have from time to time had great problems with my computer and opening links as well, and I am happy to share that with you, and I am happy to share with you that I am a bloke. I am not making a gender-based argument.

I think the reality is that this motion is part of an agenda to get to a point where the Minister for Families and Children is ejected from this chamber for a period of time, which I think is a quite — I was going to say timid — timid way to approach this particular minister. I think this is an agenda because Ms Wooldridge and others on the other side have got to a point where they know they cannot out-debate this minister. They know this minister towels them up every time in question time. They know that they are throwing eggs against a brick wall.

Ms Shing — Wasteful.

Mr LEANE — You are right, Ms Shing; it is quite wasteful, and it probably wastes a lot of everyone's time as well. I know that opposition is hard. I was never a shadow spokesperson, and I assume that would be even harder. I know that it must be pretty awful when you are actually shadow spokesperson to a minister of this ilk and how frustrating it must be. It is not for me to give anyone advice, because I have never had that experience. I suppose if I did want to offer advice to Mrs Peulich I would say if the minister is towelling you up constantly, rather than going the way of keeping her out of here maybe try a bit harder, maybe do not take it so personally and maybe buy a puppy. That might help.

It is far from me to give advice, but the current track that the opposition is on is so transparent I think we would rather come here and have the opposition say, 'We would prefer that this minister wasn't in this chamber, because she is too good for us. We're moving a motion that we would like her to leave', and I think we would win that one as well. As I said, the government will oppose this particular motion, and we call on all other members of the chamber to do the same.

Ms SPRINGLE (South Eastern Metropolitan) (15:48) — I will not take too much of the chamber's time on this motion. It is no secret that the Greens by and large support documents motions. We do support the transparency of government, and that is a longstanding position of the Greens in this place.

I have to say I do have a few reservations about this motion, particularly around the documents that are

being requested from the secretary of the department — the Public Accounts and Estimates Committee (PAEC) documents. When we first saw the request around these papers some months ago my first reaction was, 'Well, if it were me, I just wouldn't put all of the papers in the folder when I came to PAEC if I thought that I was going to have to hand them over', and that I think is a risk we run if we are going to go down this road. Rightly or wrongly, I think that is a real possibility. For secretaries who are not really wanting to be open and transparent with their information I think that is a real risk.

Having said that, I have sympathy for Ms Wooldridge's position in terms of her request and the fact that the FOI request has come back with a certain amount of information but not all the information, and in fact that other secretaries have been forthcoming with the information aside from the secretary. I think that is an ongoing problem with the Department of Health and Human Services. In my three years here and prior in my various roles I have seen some of the systemic issues that we have had with that particular department. It does not seem to be getting better, to the point where it has had a whole section of its operational responsibility — youth justice — taken away from it. That is indicative of a deeper and more fundamental problem with that particular department. On that basis it is entirely reasonable for Ms Wooldridge to be requesting these documents through the chamber given that she has not been able to get hold of them in other ways.

In terms of the documents pertaining to the new youth justice precinct, I recognise that the minister has put on the record, on the website, a summary of the business case. I also acknowledge that she has talked about it being part of a tender process at the moment. However, it was very apparent during the time that the precinct was mooted that various options were considered.

We never found out any information about how the final decision was made and on what criteria. It is no secret, again, that the Greens do not support necessarily the establishment of this new facility, particularly because of its size, and we have never really been able to get down to the evidence base on which that decision has been made. Why 226 beds? Why not a smaller facility? Why not more decentralised options? There is a whole lot of information around those decisions that we simply do not have, and we have not been able to get it through the inquiry. We certainly have not been able to get them through this chamber. Given the direction in recent months — probably getting onto years now — of how the government responds to youth offending, I think it is paramount that we as a

Parliament have access to those decisions and that information.

I am not going to address the toing and froing between the two major parties. I understand that things have been done in previous parliaments and in this Parliament that amount to politicking around this issue. I do not think it is useful for me to weigh into that. But what I do want to put on the record, I suppose as an extension of what I have just said, is that this issue is ongoing and we need to rectify it. Ms Wooldridge has already put on the record today the issue of the arbiter. I know my colleague Ms Pennicuik has been incredibly vocal on this matter and has been a staunch supporter of that particular standing order being enacted.

Standing orders 11.03(2) and 11.04 have not been enacted or implemented, although the appointment of an arbiter is the subject of ongoing discussions between the various parties. It would seem that the appointment of a legal arbiter to evaluate the claims of disputed documents is long overdue and should be implemented as soon as possible. So I call on the government to support that recommendation or that desire from the other parties to have an independent arbiter so that we do not have to be doing this and so that we do not have to be wasting chamber time trying to get documents that we have a right to have access to in order to give proper scrutiny to major decisions that impact on the lives of Victorians. That is what we are here to do, and there should not be obstacles in the way of our being able to do our job and conduct proper scrutiny and analysis of major decisions that are made in the name of Victorians. With those words I will conclude. The Greens will be supporting the motion today.

Ms WOOLDRIDGE (Eastern Metropolitan) (15:56) — I thank members for their contributions in relation to the motion, and I thank Ms Springle for her support of it. I note there has not been any response from the government in relation to this very vexed issue about a document being refused by this house but then subsequently provided by FOI, which as I have said, is unprecedented and does put into question the nature of the response of the chief law officer and the government to documents motions from this house. But I am sure I will have an opportunity to pursue that further as well. I commend the motion to the house.

Motion agreed to.

APPRENTICESHIPS AND TRAINEESHIPS

Mrs PEULICH (South Eastern Metropolitan) (15:57) — I move:

That this house notes —

- (1) comments made in this house by the Minister for Training and Skills that ‘Apprentices are the backbone of our training system and the future of our workforce’;
- (2) the recent *Victorian Training Market Report* which details a 19.29 per cent decrease in Victorian apprenticeships and traineeships since the election of the Andrews Labor government; and
- (3) that apprenticeships and traineeships in Victoria are at seven-year lows.

Just as a little bit of background and to set the context — and some questions have been asked in this chamber in an attempt to get the prompt release of figures — the *Victorian Training Market Report* for 2016 predominantly draws on data published by the National Centre for Vocational Education Research, or NCVER, and by using the NCVER data rather than relying on the Victorian training administrative data alone, differences in trends between Victoria, other jurisdictions and Australia overall are able to be understood and presented.

The government should be concerned, rather than concealing and obfuscating, about the decline in student enrolments in Victoria in 2016 compared to 2015, which is attributed largely to policy changes. It should be concerned about the overall apprenticeship and traineeship enrolment decline by 6.2 per cent in 2016 compared to 2015 and the decline by 19.29 per cent from 2014 to 2016, the first two years of this Daniel Andrews government. The bulk of the decline in Victoria came from a decline in traineeship enrolments, which declined by 12.7 per cent between 2015 and 2016. In contrast apprenticeship enrolments declined by only 2.4 per cent over the same period.

The number of program enrolments by students undertaking an apprenticeship or traineeship in Victoria are as follows. As I said before, there has been a 19.29 per cent decrease in apprenticeship and traineeship enrolments in Victoria since 2014 — that is, there were 82 400 apprenticeship and traineeship enrolments in 2014, which declined to 70 900 apprenticeship and traineeship enrolments in 2015 and further declined to 66 500 apprenticeship and traineeship enrolments in 2016. That is a decrease of 15 900 in enrolments from 2014 to 2016. That is 15 900 young people’s lives. That is a total of a 19.29 per cent decrease. Student enrolments are now at a seven-year low.

This is under the watch of a government that promised to fix the system, threw a bucket of money at it and ran a very strong campaign during the 2014 election period — most of it dishonest — about how the coalition had somehow destroyed the TAFE system and underfunded it, when in actual fact it was the previous Labor government that in 2009 deregulated the sector and opened it up to the private sector to provide competition to the TAFE system. I assume that the Labor government did that not because they wanted to be seen as the friend of the private sector training organisations but because a lot of the unions — their bread and butter — had affiliated or associated registered training organisations. That is one way of moving money out of the public purse, yet again, into union coffers. Of course they do have porous walls, often, between those organisations. It was a dishonest campaign in 2014 and leading up to that. They threw a bucket of money at the issue but all the indicators are going down. What do we see? We see the minister obfuscating and just not being accountable or transparent to this chamber.

On vocational education and training (VET) program enrolments by state — of course they are broader than just apprenticeships and traineeships — when compared to other states, Victoria is one of three in decline in VET program enrolments since 2014 and has had the second-largest decline in enrolments across the country. South Australia has had the largest decline in the country. The South Australian Labor government from 2014 to 2016 saw a decrease of 22.25 per cent in VET enrolments. Victorian VET enrolment numbers have plummeted from 2014, when there were 996 135 enrolments. In 2015 there were 878 375 and in 2016 there was a further decline — that is three successive years of decline — to 815 325 enrolments. New South Wales VET enrolments have, however, increased by 18.3 per cent from 2014 to 2016, while Victorian VET enrolments have decreased by 18.15 per cent from 2014 to 2016 — a stark contrast.

Daniel Andrews has labelled Victoria, ironically, the Education State, and nothing could be further from the truth, either in TAFE, the VET sector, the secondary school sector or indeed in higher education. It is ironic that he has called it the Education State and ironic that they say that education is their number one priority. Clearly it is not and has not been.

Mr Morris — It is all talk.

Mrs PEULICH — It is all talk, it is all posturing, it is all rebranding, but there are no outcomes where we actually see the beneficiaries being our students or Victorian enrolments.

The shadow minister for training, skills and apprenticeships, Steph Ryan, has been very vocal and very much on the ball on this. I would like to quote some of her comments in a media release of 9 August 2017 headed ‘Tierney hides training report, now eight months overdue’:

The Andrews Labor government is burying key data showing the extent of its cuts to Victoria’s struggling training system.

Asked about the delay of the 2016 training market report in Parliament, training and skills minister Gayle Tierney claimed the report could not be completed until the National Centre for Vocational Education Research (NCVER) published its 2016 data on training activity.

Interestingly the NCVER published that information on 12 July this year. Ms Ryan went on to say:

Gayle Tierney is either engaged in a cover-up or she is so incompetent that she is unaware of key events in her own portfolio.

She went on to say:

The 2015 report, published in May 2016 —

that is a good two or three months earlier —

showed Victoria’s training system has gone into steep decline under Labor.

Ms Ryan went on to say:

Labor cut \$45 million from the state’s training budget in its May budget and, on the last available figures, the number of students enrolled in government-subsidised training in Victoria has declined by 122 597 since December 2014.

This government’s performance in training and skills is appalling.

I want to take the house through each of the dot points of this motion and expand on them in a bit more detail. In May 2016, as I said, it was estimated that in Australia over 3 million or nearly one in five people — 20 per cent — were enrolled in formal study. That is drawn from the Australian Bureau of Statistics (ABS) data on education and work in Australia of May 2016. Of those, 498 800, or 16 per cent, were at technical and further education institutions, or TAFEs, and 389 000, or 13 per cent, were at other educational institutions or organisations, not university. That is also drawn from the ABS stats on education and work in Australia of May 2016. That means nearly 1.2 million Victorians are not currently in education or training and do not have at least certificate III. Now, that is a fairly disturbing figure and that is in the *Victorian Training Market Report* of 2016. Currently about two out of three of these Victorians are employed, many in industries undergoing significant change. Of course the

implications for people without some certification and training would be disturbing to them, especially when they are employed in those industries that are in transition or are being phased out — often by government decisions, such as, for example, the closure of Hazelwood. So the implications for future employment are significant.

In this context training is critical to assist these Victorians with upgrading their skills to retain employment. Of course we see the Labor government is attacking employment in most sectors by pandering to the unions, and a lot of people are losing opportunities to secure employment, secure ongoing employment or secure employment of more hours.

Overall government-funded vocational teaching and training activities in Victoria in 2016 are tracking a continuous decline, and that is also citing the *Victorian Training Market Report* of 2016. This decline has been an Andrews Labor government trend, which has been observed every year since the record highs of 2012 under the Liberal-Nationals coalition government.

The lack of training of our apprentices under the Andrews Labor government has left us with a growing underskilled workforce, who are now facing the repercussions of serious workplace transitions and challenges. There has even been some commentary surrounding the lack of training of people in relation to workplace incidents — such as, for example, we saw on 2 March 2017 when illegal scaffolding on sky rail tipped over and put an apprentice in hospital. These needless injuries result from a lack of care by our government and the lack of training provided under the current Labor training and education schemes for apprentices.

To support apprentices the Andrews government should start building and supporting the private sector to build and invest into much-needed infrastructure and business enterprises, including, for example, local regional examples such as the Waurn Ponds depot. It is only a small infrastructure project but it was promised at the election. The Waurn Ponds depot was also supposed to create some 100 construction jobs and provide local trade training opportunities, with the government pledging to back the Gordon Institute in developing apprenticeship programs aimed at producing the next generation of train and tram engineers.

At the federal level, the coalition government is supporting apprentices through trade support loans, helping apprentices with the costs of living, tools and training through loans of up to \$20 000 each. So far the

good news is that over 40 000 loans have been taken up. To help match the right apprentices with the right apprenticeships and lift completion rates, the coalition government has also established the Australian Apprenticeship Support Network, supported by \$200 million of annual funding. That is a phenomenal commitment to this particular area of training. This year the government is supporting an estimated 68 000 employers with incentive payments to help businesses create opportunities for apprentices.

Annually the federal coalition government invests \$1.8 billion into the states and territories to support their training systems including TAFE, yet somehow Victorian results, despite increased funding, seem to be poorer for it. Apprenticeship numbers are now worryingly low, and without urgent and meaningful intervention the system will continue to underperform and fail to deliver for businesses and the community.

On the second part of the motion, the recent *Victorian Training Market Report*, which details a 19.29 per cent decrease in Victorian apprenticeships and traineeships since the election of the Labor government, shows an overall decline in students and enrolments in Victoria compared to previous years being attributed to very much the Victorian Labor government policy changes. That is citing the *Victorian Training Market Report* of 2016. It includes reductions in subsidy levels and tightening of eligibility for subsidised training. This resulted in the delivery of much-needed skills by, in particular, the private training providers declining by almost a third between 2015 and 2016.

The government may well say what this is a reflection of is somehow the cracking down on rogue providers. We actually introduced those reforms here when we were in government. We set up a mechanism by which there could be audits, action could be taken —

Mr Gepp — It did not work.

Mrs PEULICH — Well, we introduced it, and it was working under us and we were beginning to clean up the sector. If there is a reduction in the subsidy levels and a tightening of eligibility for subsidised training, of course the number of those who take training up is going to decline, and this is exactly what we are seeing. This accounts for most of the decline in the delivery of vocational training that has occurred in Victoria. There was also a decline in enrolments among students with a disability, and that is also citing the *Victorian Training Market Report* of 2016.

The last part of the motion is that the apprenticeships and traineeships in Victoria are at a seven-year low.

Traineeships continue to decline dramatically over the duration of the Andrews Labor government; declines in training participation have occurred in both metropolitan Melbourne and regional areas. Training activity by students living in metropolitan Melbourne declined by 14.9 per cent in 2016 compared to 2015, while in regional Victoria student numbers declined by 10.5 per cent. Overall, apprenticeship and traineeship enrolments declined by 6.2 per cent in 2016 compared to 2015. The bulk of the decline in Victoria came from a decline in traineeship enrolments, which declined, as I said before, by 12.7 per cent between 2016 and 2015. Apprenticeship enrolments declined by 2.4 per cent over the same period and fewer Victorian students were in government-subsidised training in 2016 when compared to the numbers in 2015. In 2016 there were 338 400 students enrolled in government-subsidised training, representing a 13.5 per cent decline compared to 2015, driven by a large decline in delivery by private providers. The slack has obviously not been taken up by other sections of the VET system.

The coalition government changes in 2012 strengthened the public investment in training to ensure funding was being used in areas where jobs are needed and where employment opportunities exist, and I think this is absolutely critical to successful policy. Currently we are falling behind New South Wales in vocational training for our apprentices. New South Wales now has the highest number of students in training in the nation, both in full qualification courses — that is, the Australian Qualifications Framework — and in short courses. The main contributor to the increase in training activity in 2016 was the 365.2 per cent increase in New South Wales enrolments in locally accredited courses, from 28 720 in 2015 to 133 400 in 2016. This significant increase was driven by government-funded skill sets in New South Wales, which increased 404 per cent to 147 100 in 2016.

This very significant growth was as a result of recent policy changes in that state. If the Victorian Labor government really cared about the future of Victoria's training sector and manufacturing, it would analyse the success of New South Wales, as seen in vocational training, and commit to a vocational training scheme that would actually help apprentices. This is in direct contrast to the \$2.1 million in grants which were announced under the coalition government's manufacturing productivity networks program during the Napthine government, demonstrating our commitment to Victoria's manufacturing businesses and industry.

The damage to the sector is not only there in black and white and it is not only there in terms of figures,

because for every figure there is a life. These are young people, sometimes older workers, who should and could be accessing retraining but who are missing out on those opportunities. There is a real concern that these people are being left behind and that Victoria as a state is not going to be fulfilling its true potential and will certainly be far from being the state where education is claimed to be the government's number one priority. Quite clearly, in the vocational education and training sector, in the secondary school sector and in others this government has fallen far short of its promise, and it is about time that it stopped playing politics and actually got down and fixed the system. A good idea would be to have a look at what New South Wales is doing as a way of addressing those huge declines in enrolments of both apprenticeships and traineeships. With those few words I commend the motion to the house.

Mr GEPP (Northern Victoria) (16:17) — I tell you what: it is quite amazing when you walk in here and you cop a lecture from those opposite about manufacturing, about health and safety and about young people's jobs. You are kidding. Three weeks ago, when we moved a proposition that talked about increasing the penalties on employers who fail to make workplaces safe, what did this mob on the other side do? They voted against it. But today suddenly they are the champions of occupational health and safety. They walk in here today and say one thing, and they will walk in here tomorrow and do a completely different thing.

We also got a lecture about the wonderful things that the federal Turnbull government is doing. Let us just have a look at what Mr Turnbull is doing in relation to apprenticeships. What has he done in terms of the Australian Building and Construction Commission (ABCC)? What has he done in terms of the workplace relations act, where employers are threatened by the Turnbull government that, should they sign enterprise agreements which have in there, for example, apprenticeship rates and minimum staffing levels for apprentices on jobs, what will happen is, 'We'll blackball you. You will not be entitled to get any federal funding. We won't accept you as a reasonable employer in the construction industry if you have apprenticeship staffing levels in your enterprise agreements'? But apparently these are the people who are the model citizens when it comes to apprentices — 'We're looking after apprentices'. These are the model citizens!

We copped a lecture about manufacturing. Gee, did they not just stump up when it came to the automotive industry? Did they not just put their best foot forward

and say, 'If you want to go, go'. That is what you said. And what happened? They have left. And what happened to all of those apprentices? Where was your defence for all of those apprenticeships and all of those traineeships at the time? Of course you had none. You abandoned them. You walk in here and do one thing today and will then do a completely different thing tomorrow. Then you have the cheek to stand up here and lecture us.

Of course we do not stop there. What we do is we demonise those awful unions, who every day go onto job sites. I tell you who goes onto a job site. When those 26 Victorians lost their lives on worksites, who was the first one onto the job site? I can tell you: it was their union. It was their union who was there to support them and who has driven occupational health and safety legislation in this country and in this state.

Indeed when it comes to apprenticeship rates probably the leader in that area in this state is, I would say, the CFMEU, who have long had an agenda about making sure that job sites contain apprenticeship levels to ensure that we have young people coming through, that we are replacing our skills and ensuring jobs for the future.

Mrs Peulich's last statement before she sat down was, 'It's about time they stopped playing politics'. I am not sure who she was talking about. Was she talking about us, or was she perhaps talking about herself?

Mr Mulino — It was an ironic flourish.

Mr GEPP — I think it must have been an ironic flourish, because whenever you look at anything this mob says in relation to this matter it is all just double-dutch. Let us have a look at the figures. Mrs Peulich was quoting some of the figures. Her opening salvo was a decline of 15 900, knowing very well that the national vocational education and training provider collection do not actually disaggregate apprenticeships and traineeships. They do not do that. She quite rightly talked about a reduction of 6.2 per cent, but let us look at where that reduction has come from. It has come from us cleaning up your mess — those dodgy training providers that you did nothing about. Thank goodness we have a minister who is prepared to step up —

Mrs Peulich — On a point of order, Acting President, I would hate the new member to mislead the house, because he was not here when we moved those reforms to clean up the rogue providers. He was still serving his master, John Setka.

The ACTING PRESIDENT (Mr Elasmarr) — Thank you, Mrs Peulich, there is no point of order.

Mr GEPP — John never has a master-subordinate relationship with anybody. He always considers himself an equal amongst all. What a ridiculous thing to say.

What have we been doing here in Victoria? This government has been taking the issue of apprenticeships very, very seriously, as well as cleaning up the mess left behind by those opposite. They may well have moved propositions in this place in the last government, but they did not do it; they just did not do it. The figures back that up. They did not do it. Whatever they thought they were doing, they did not do it. They failed dismally. We now have a minister who is standing up and reforming this area of our economy, and she is doing a wonderful job cleaning up the mess that was left behind by this mob.

This year's budget provided an \$8.2 million boost for apprentice support officers by this government to make sure that apprentices in this state under the age of 25 get the support that they need to finish the training and get the jobs that they want. Twenty-five support officers who are based at TAFEs across the state will continue to mentor and help those young apprentices with their families, with their work and with their training issues that could affect their apprenticeship.

Mrs Peulich — Are they CFMEU members?

Mr GEPP — I would hope so. I would encourage every worker to be a member of their union, Mrs Peulich, absolutely — and I would encourage you to take it up too.

Mrs Peulich — I used to be member of a union. Then I resigned when I found out they donated to the Labor Party without permission of their members.

Mr GEPP — Yes, I am sure you did. So we are taking up the area and have always done so. It is in our DNA that we look after apprentices, that we grow jobs, that we develop skills in our young people and that we ensure that the economic needs of the country through skills development is met. That has always been in our DNA and always will be. That is why these 25 support officers — \$8.2 million in this year's budget — are based at TAFEs to assist these people. But apparently we are doing nothing, except for these 25 —

Mrs Peulich — The numbers are not showing it.

Mr GEPP — Mrs Peulich, I will take up the interjection. The numbers do not show it because, as I said, we are still cleaning up your mess. What a litany

of disasters you left. What you left behind was disgraceful. Then after you lost office we ended up with your mob in at the federal level, and of course they come in over the top, don't they. They come in over the top and they start changing other laws to ensure that you cannot grow apprenticeships. And why not? Because if you reach agreement with workers and their representatives on a job site about the number of apprentices that should be on their job, what does this mob want to do? They want to blackball them — 'No commonwealth money for you, no jobs for you; you are on a blacklist, and you are not allowed to bid for any jobs for a set period of time until you've learned your lesson'. That is your way of dealing with it; that is how the Liberal and National parties deal with it.

Mrs Peulich interjected.

Mr GEPP — Are you going to dispute what your mob has done through the ABCC and through the federal Fair Work Act 2009? It is indisputable.

Mrs Peulich — On a point of order, Acting President, the member continues to talk about industrial relations, which I am happy to talk about, especially given that the same rules that apply to Victoria apply to New South Wales, and New South Wales is able to deliver much better outcomes than Victoria. If the member could actually move onto the motion, that would be most useful.

The ACTING PRESIDENT (Mr Elasmr) — Mrs Peulich, I understand the member is responding to interjections. However, I still ask the member to come back to the motion — and he is a lead speaker.

Mr GEPP — I will come back to the motion, but I also make the point that perhaps the member does not understand that the IR system actually impacts on these matters and has a profound effect. I will also say that it was the member herself who raised the federal Turnbull government, not me. So in that context I am surely allowed to respond to her comments.

The Victorian government is focused on creating a skilled workforce of the future to boost prosperity and grow our economy with a new task force to drive apprenticeships and traineeships. The Victorian Skills Commissioner, Mr Neil Coulson, is chairing a task force to drive an increase in apprenticeships and traineeships. This task force will particularly look at the barriers stopping people from taking up an apprenticeship or a traineeship and whether those issues are specific to particular industries or whether there are broader and systemic issues across the board. These new initiatives will build on a number of existing

Victorian government initiatives supporting apprenticeships and traineeships.

I just want to talk about a couple of the things that we have also done in relation to this. We have also introduced things such as half-price car registration for Victorian apprentices to reduce some of the financial burden on our apprentices. It is a very important initiative that will assist those young people, who as we know are not earning a lot of money through their apprenticeships. This goes some way to helping them. The previous budget also recognised the importance of trainees and apprentices completing their qualifications by making wages paid by employers to displaced apprentices or trainees exempt from payroll tax. Since 1 July 2016 wages paid by employers to a displaced apprenticeship or trainee have been exempt from that payroll tax.

I will come back to the decline of apprenticeships and traineeships. I made the point earlier that in line with the National Centre for Vocational Education Research data a national decline in training and in apprenticeships and traineeships has been shown. But as Ross Gittins, the journalist, points out, it supports the proposition that I put forward — that is, that the national data does not disaggregate reporting of apprenticeships and traineeships. Fortunately the Victorian administrative data does. It shows that apprenticeship enrolments have indeed been relatively stable between 2015 and 2016.

When you have a look at our friends opposite, I have got no doubt that they do not want to talk about what happened under their watch, because it was a shameful set of events where we had shonky provider after shonky provider coming in, taking the money from young people and not providing the necessary support and training for them to be able to obtain skills and then go and use those skills out in the workforce. There has been some decline across the overall spread of apprenticeships and traineeships to the tune of 6.2 per cent, and much of that decline is due to fewer enrolments in the low-value, low-quality traineeships offered by those shonky providers that exploited our most vulnerable students.

Since coming to office the Labor government has of course continued to support apprenticeships and traineeships through a number of new initiatives. The focus under Skills First — real training for real jobs — will continue to restore confidence not only amongst employers but also amongst young people seeking apprenticeships and traineeships, and it will add to the quality of the system. We are very confident that in the long term it will boost enrolments.

There is targeted assistance as well that we are focused on through our efforts in relation to apprenticeships and traineeships through the major projects skills guarantee — this is something that those opposite will not like. They will not like it because it ensures that Victorian workers benefit from the multibillion-dollar pipeline of major projects from the Victorian government that the Victorian government is delivering, giving young jobseekers and workers looking to reskill the experience and opportunities they need to kickstart their careers. What does this mean at a practical level? It translates to at least 10 per cent of the work carried out on Victoria's major projects being undertaken by apprentices, trainees or engineering cadets. I will just repeat that because it is a very, very important point, and it should not be lost on those opposite: the major projects skills guarantee from the Andrews Labor government translates to at least 10 per cent of the work carried out on Victoria's major projects being undertaken by apprentices, trainees or engineering cadets.

Under the Andrews Labor government the cost of car registration is halved, as I have said, for apprentices in the construction industry — where, by the way, trades have increased by over 3 per cent under the Andrews Labor government. The cost of car rego for apprentices in that industry, who need a car for their job, has been halved. This reduction will assist apprentices so that they can afford more tools and more training.

Come in, Mr Finn; this is a very good story. You should hear about this; you could pass it on to some of your friends. The government has also committed \$9.3 million over three years to support the employment of apprentices and trainees through group training organisations. This money will assist more than 17 000 apprentices and trainees across the state and play a critical role in helping them find regular employment as they move through their training — 17 000 from a \$9.3 million investment over three years to group training organisations. And Victorian businesses will receive significant tax relief, with targeted measures in the 2016–17 Victorian budget aimed at boosting business, creating jobs and supporting apprentices and trainees to get their qualifications.

I think on any measure our record of activity is there for all to see — some significant investment in the future of our apprentices and trainees. Of course we are seeing a little bit of a dip, and the dip is coming courtesy of those opposite at a state level: we are fixing up the problems that they left and we inherited. And what a mess — it was a dog's breakfast.

Honourable members interjecting.

Mr GEPP — Yes, Mr Finn, you would recall the very deep hole that your government left in relation to these matters. While we are seeing some dip, it is because we are continuing to clean up those shonky providers.

I want to talk a little bit about the outcomes for completing apprentices. We know the outcomes for completing apprentices and trainees are particularly strong, with 91.7 per cent of trade completers employed after training, compared to only 77.5 per cent of all completers. So it is a significant increase and a significant difference. Transitions are particularly strong for trade completers, with 67 per cent employed in the same occupation group as their training course, while only 28.8 per cent of all completers did so. The Victorian government recognises the importance of trade completions and has invested \$8.2 million over two years, as I said earlier, on the apprenticeship support officers (ASO) program. We hope those 25 ASOs will not only maintain but also improve those completion rates.

Of course on 16 June 2016 the then Minister for Training and Skills, the Honourable Steve Herbert, announced the government will invest \$1 million to work with TAFEs, group training organisations and other employers to identify ways to help apprentices complete their training. The government has invested in five employer-focused apprenticeship and traineeship pilot projects. The hosts for those projects were the Master Builders Association of Victoria, Civil Contractors Federation Victoria, Victorian Automobile Chamber of Commerce, Goodstart Early Learning and the department of engineering and electrotechnology at the Chisholm Institute in Dandenong.

I talked earlier about the task force that is being led by Victorian Skills Commissioner Mr Neil Coulson. The task force will report its findings to the government very, very soon. It includes people from the Apprenticeship Employment Network, the Australian Council for Private Education and Training, the Australian Industry Group, the Victorian Chamber of Commerce and Industry, the Victorian TAFE Association and — wait for it; they will not like it — the Victorian Trades Hall Council. Yes, heaven forbid the representative of workers will actually be invited to participate in the task force.

Mrs Peulich — Another example of corruption.

Mr GEPP — They invented it, and yet they walk in here and they talk about it. We here in Victoria, the

Andrews Labor government, have stemmed the decline of apprenticeships in Victoria. Training of course continues to decline across the country, largely due to a drop in confidence because of Malcolm Turnbull's neglect of the training system. He has dropped the ball. The Turnbull government's silence on the new national partnership agreement on skills reform is a real concern to this government. The agreement is worth approximately \$130 million to Victoria this financial year, and Malcolm Turnbull is yet to say whether or not there will be a new deal.

Trades should not be playing second fiddle to university. That is why we are working to grow apprenticeships and traineeships in Victoria, and that is why the task force that we have commissioned is so important to the future. What we know is that apprentices and trainees are the backbone of our training system, and they are the future of our workforce. It is so important that we continue to grow numbers so we have a strong economy. While some people see university qualifications as a guarantee for young people's futures, traditional trade apprenticeships have historically proven to be a very successful pathway to employment. The task force that we have commissioned will be consulting widely to ensure that extensive input is sought from all groups on this issue.

I will conclude by going back to the beginning of my remarks. It is particularly galling to hear the hypocrisy from the other side about these sorts of issues when it is their brand nationally that is depriving Victorian apprentices and trainees of funds. Your Prime Minister from your brand — your group — will not stand up and sign up to the agreement and will not commit to continuing that \$130 million worth of funding. He will not do it. And then of course if any employer proactively takes a position with the representative of workers in a workplace to ensure that minimum numbers of apprentices and trainees are on jobs and that it is enshrined in enterprise agreements, what do your mob do? They say, 'No, you're now blacklisted. Don't you come anywhere near us for federal money, because you won't get it'. They have got no credibility when it comes to this issue.

We on the other hand are working hard for young people in this state. We are committed to growing the number of apprentices and trainees in this state. We are committed to supporting them until they complete their apprenticeships and traineeships, and then we are committed to providing those necessary pathways for them into productive work not only for the benefit of them but for the benefit of their families and Victoria.

Ms PENNICUIK (Southern Metropolitan) (16:43) — We have another motion brought by Mrs Peulich with regard to the training system, and it is a bit of a groundhog day experience here talking about how the training system has fared in this state over the last nine or 10 years, certainly since 2008. I listened to the contribution of Mrs Peulich and the contribution of Mr Gepp with regard to not necessarily the substance of the motion but the failings of the vocational education and training (VET) system over that time. I noted Mr Gepp suggesting that it was all the fault of the previous Napthine-Baillieu governments, and certainly they are very culpable in that they did little, if not nothing, to fix the decline of the VET system and in fact exacerbated the very big trouble that the public TAFE system and the VET system were in as a result of the introduction of full market contestability by the Brumby government in 2008.

I can just repeat some of the things I said only recently, in June this year, in response to another of Mrs Peulich's motions:

... many people —

including me —

who worked in the TAFE sector warned the Brumby government, and particularly the minister at the time, that full market contestability and deregulation of the market would be a disaster and would lead to what it did lead to: massive roting of the system —

of public funding of the VET system —

and overnight mushrooming growth of so-called registered training organisations ...

We always had registered training organisations (RTOs). They were always part of the system, but a minority part of the system. They became the majority part of the system, and a large number of them were very dodgy. They did not deliver quality training to students. They basically fleeced the system, and that was just allowed to continue. Nothing was done to actually rein them in for years. In fact in June I quoted Michael Callahan of the Northern Melbourne Institute of TAFE, who said back in 2011, when really this disaster was in full flight, that:

Millions, absolutely, millions and millions of dollars will have been wasted on no training effectively. A lot of people just fleecing the system.

...

The problem is that it's a free-for-all. Anybody can open up a private RTO. The government is not adjudicating appropriately over the system, and the auditing system is simply a paper trail, and it's really easy to fabricate a paper trail.

There were many examples put forward by the investigation that was done by the *7.30 Report*, as it was at the time, of this type of tick-and-flick training, where students were enrolled in overnight registered training organisations that were — and we can now get to the subject of the motion — ostensibly, allegedly, training apprentices but were not delivering the type of training that apprentices really do need. They were just running them through virtual training or paper training over a small number of hours or half a day for particular modules that would normally take a week or longer to do. They were just ticked and flicked off, and this was happening under the watch of the Brumby government. It is not correct for members of this government to come in here and say that they are not complicit and they are not culpable in the demise of the system. At the time, our public TAFE system delivered 70 per cent of VET training in this state, and by 2014 it was down to less than 30 per cent.

Of course when the Baillieu-Napthine governments came in I can remember very well the Minister for Higher Education and Skills of the time, Mr Hall, coming in here. Mr Hall is a man I have great respect for, but we disagreed a lot on what was going on in the VET system and particularly what was happening to TAFE. He and other ministers and the Premier at the time said, ‘Well, there’s been a blowout in the training budget’. There had been a massive blowout in the training budget, but it all went to dodgy registered training organisations that did not exist in the years before. Their response to that and their solution to that was to cut hundreds of millions of dollars out of the TAFE system. There was not a blowout of expenditure in the TAFE system; it was in private VET providers.

I could spend all day here running through the number of dodgy, dodgy registered training organisations that grew up under this completely unregulated system. It was an absolute scandal. I quoted Mr Callahan saying it was millions of dollars, but it is billions of dollars of taxpayers money that has been wasted and no quality training has been delivered. Thousands of TAFE teachers were sacked. Thousands of courses were lost. Thousands of students were not trained or lost their training guarantee or had trouble finding another place. And this is happening just this year.

I have raised it with the Minister for Training and Skills with regard to the Sage Institute and another institute that failed just recently, leaving thousands more students in the lurch. I do have to come in here and correct the record every time because there is a lot of myth making going on, but we had deregulation of the training system under the Brumby government that led to the troubles that we are still trying to mop up today. I

give this current government some credit for bringing in the TAFE Rescue Fund.

Mr Gepp interjected.

Ms PENNICUIK — It needed to be rescued because it was just about to fall off a cliff, Mr Gepp. It was just about to fall off a cliff as a result of full market contestability. That is what it was a result of — Labor Party action. That is what happened. They brought in the TAFE Rescue Fund, and it is helping. Some TAFEs are getting back on their feet.

In 2014 the Auditor-General found that 21 per cent of TAFEs were at medium risk of failing and a whopping 58 per cent were considered at high risk of failing. That is nearly 80 per cent of TAFEs that were in deep trouble at the end of 2014, and of course the troubles that the TAFE system was experiencing were exacerbated by the policies of the Napthine and Baillieu governments, which ripped money out of TAFE.

Mrs Peulich — No, we didn’t.

Ms PENNICUIK — Mrs Peulich, you might want to rewrite history.

Mrs Peulich — The total pool of money was greater.

Ms PENNICUIK — I was there through it all, and I studied it in great detail.

Mrs Peulich — We funded where the students went.

Ms PENNICUIK — Mrs Peulich, you will have your chance to wrap up later. If I could get to the substance of Mrs Peulich’s motion, it starts out by noting a comment made by the Minister for Training and Skills that ‘Apprentices are the backbone of our training system and the future of our workforce’. I agree with that, and it is in fact true — the minister did say that.

Of course apprenticeships and the problem with placing apprentices, placing them in training and placing them in workplaces in particular for them to be able to fulfil the part of their training that is on the job has been a problem over more than the time period I have talked about and goes back dare I say to the times where our public institutions were privatised. They were organisations like the State Electricity Commission, like Telstra and like others that used to have a lot of apprentices working for them. So it has been difficult and it has been a longstanding problem.

But going back to the report that Mrs Peulich draws our attention to in her motion, the recent *Victorian Training Market Report*, I looked for her figure of a 19.2 per cent decrease in Victorian apprenticeships and traineeships. I just cannot find that figure anywhere, and I have gone over it with a fine-tooth comb, Mrs Peulich. But in reading the executive summary — before we get to the tables that actually have the figures in them — I was very pleased to read in the key findings section that:

Delivery by private training providers declined by almost one-third (30.3 per cent) between 2016 and 2015, accounting for most of the decline in delivery that occurred in Victoria.

I think that is just code for the fact that a lot of dodgy RTOs were taken out of the system. That is basically what that says. The report goes on:

This has led to the market share of enrolments in Victoria held by TAFEs and universities increasing to 43.6 per cent in 2016.

That is great news — up from around 30 per cent to almost 50 per cent, so another 20 per cent to go and they will be back to the 70 per cent where they used to be. That is what you need. If you want to have a good vocational education and training system in any jurisdiction, you need most of it to be provided by the public system. It needs to be provided by the public TAFE system. You cannot rely on registered training organisations — that have just ballooned and are in it for the money and no other reason — to provide quality training. So that is good news.

Also in the key findings it says that traineeships have continued to decline, but not by 19.29 per cent. In the key findings it states:

Overall apprenticeship and traineeship enrolments declined by 6.2 per cent in 2016 compared to 2015.

The bulk of the decline in Victoria came from a decline in traineeship enrolments, which declined by 12.7 per cent between 2016 and 2015. In contrast, apprenticeship enrolments declined by only 2.4 per cent over the same period.

If you look at table 37, that is what it says — a 2.4 per cent decline in apprenticeships — so I am not sure where this 19 per cent is coming from. Apprenticeships related to construction trades increased by 3.2 per cent in 2016 compared to 2015.

Mrs Peulich — It is 19.29 per cent from 2014 to 2016.

Ms PENNICUIK — No, I cannot see that in the figures. I cannot see that in the figures, Mrs Peulich. I think you need to get your calculator out. As I said, they are the key findings. If you look at Mrs Peulich's other point, it says:

- (3) that apprenticeships and traineeships in Victoria are at seven-year lows.

I really cannot find any evidence for that either. If you go to table 41, 'Number of apprentice program enrolments by whether new commencement or continuing, Victoria, 2010 to 2016', they seem to have increased by 9 per cent — that is, a 9 per cent increase in commencing courses from 2010 to 2016. 'Not a commencing course' has increased by a lot more than 9 per cent, though I have not actually done the calculation. So I am really scratching my head as to where Mrs Peulich is getting these figures from.

If we look at table 39, it shows 'Number of apprentice program enrolments by provider type, Victoria, 2010 to 2016'. In TAFE, for example, from 2010 to 2016, even though there has been a slight decrease in the last year, over that seven years where Mrs Peulich is saying there is a seven-year low there has been an increase of 7 per cent from 21 600 to 30 900.

I cannot reconcile the figures in Mrs Peulich's motion with the figures in the *Victorian Training Market Report*, and here I am with it in front of me, and the figures are there going back to 2010 for all of these indicators.

Mrs Peulich interjected.

Ms PENNICUIK — Thank you, Mrs Peulich. I doubt if you are going to have time to explain. I fail to see the point of this motion. It shows in the figures that in fact apprenticeship enrolments have increased over seven years. They may have decreased slightly in the last year, but not by the amount that the member has pointed to but by the amount that is pointed out in the key findings of the report that Mrs Peulich has invited us all to study.

I fully support the idea that the issue of apprentices is an important issue. We need apprentices, we need people training as apprentices in the trades, definitely, and they need to be supported.

Mr Gepp was able to advocate for the government as to the programs they have put in place and amounts of dollars, support staff in TAFEs et cetera, so I do not need to go over that. It is an important issue. I think more needs to be done. We certainly do not want to see any more falls in the numbers of apprenticeships. When I say I do not see the point of the motion, I do not see the level of catastrophe that Mrs Peulich appears to be pointing to. It looks as if over seven years there have been more people enrolled in apprenticeships, according to the report.

Business interrupted pursuant to order of Council.

STATEMENTS ON REPORTS AND PAPERS**Fire Services Bill Select Committee: final report**

Mr RAMSAY (Western Victoria) (17:00) — My contribution tonight is in relation to the select committee into the fire services restructure and its final report of 2017. There was an interim report as well. The areas that I want to canvass today within that report are in respect of the request by the select committee to have access to the report from the Victorian Equal Opportunity and Human Rights Commission review into our fire services. I am disappointed to report to this chamber that, despite a request for that report to be given to the select committee, it was refused. The government's response was that there were elements in that report that were cabinet-in-confidence. As we know, the United Firefighters Union (UFU) has been to the Supreme Court doing its level best to make sure that that report does not see the light of day.

The timing is interesting in that it is Fire Action Week this week, Acting President Purcell, as I am sure you would be well aware, and those of us in south-west Victoria know that the fuel loads are high and summer is fast approaching. We are getting temperatures now in the 30s, up to 35 degrees. Obviously a lot of that high fuel load, grasses particularly, is starting to dry off, and we have quite a significant fire season approaching.

What we have is a government that has been dithering around in providing legislation to both houses in respect of a new fire service proposal. We have seen on a number of occasions the government, particularly in this house, indicating they were prepared to bring the bill on only to have it withdrawn. This has happened just about every sitting week in the last two months, and we expect the same will happen this week, where there have been murmurings and whisperings of the government wanting to bring the bill on for debate in this house. I suspect, come Friday, it will not see the light of day again.

The important thing I do want to highlight is actually what the *Age* has highlighted this week in relation to sexual harassment and bullying. Bullying is particularly endemic in the Country Fire Authority (CFA) and the Metropolitan Fire Brigade (MFB). If I take some points out of the *Interim Report on Gender Diversity and Inclusion*, it makes for some very disturbing reading. Some dot points that I have highlighted out of that particular report and the report through the *Age* are that women working for CFA have been bullied, harassed and sexually assaulted. Highlights from the report show a very close relationship between Daniel Andrews and the UFU, which makes me more cautious about the

government's involvement in relation to delays of the Victorian Equal Opportunity and Human Rights Commission report on sexual harassment and bullying not being made public.

The survey through the fire services was based on 550 confidential respondents. There was quite a diverse range of respondents involved in that survey, so it has great credibility. Some women were scared to tell the truth. The workplace culture has resulted in some women becoming very ill and others considering suicide. One-third of respondents were harassed, including sexually. As we know, this report was commissioned by the former CEO, Lucinda Nolan, who as we know got the axe, like many of the other CEOs in the CFA, by the Andrews government.

The UFU has no transparency or accountability in its industrial agreement. The agreement counters efforts to address some of the conduct complaints. Again we see the UFU being complicit in trying to cover up a lot of the accusations in relation to sexual harassment. The Andrews government says it cares and has launched an inquiry by the Victorian Equal Opportunity and Human Rights Commission but again is refusing to make that information available, particularly to the select committee of this house and also to the public. The inquiry, as I said, has been blocked in the Supreme Court by the union, and that only goes to show what they have got to hide.

Lucinda Nolan has resigned, as we know, as did emergency services minister Jane Garrett and the CFA board, who all raised concerns about what was happening in relation to sexism, bullying and harassment within the CFA and the MFB. The union say it is just part of a media campaign, so they just believe it is a scare campaign and are not taking any responsibility for the accusations that have been made both through the reporting of the *Age* and also through the gender diversity and inclusion report.

Fire Services Bill Select Committee: final report

Ms LOVELL (Northern Victoria) (17:05) — I also rise to speak tonight on the Fire Services Bill Select Committee final report on the Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017. I share Mr Ramsay's concerns that this week, Fire Action Week, 13 to 20 October, is a week where there has been no action on this legislation from the government. It is something that we have been dealing with for several weeks now, as the government has listed the bill, said we will be sitting on Friday to debate the bill and then withdrawn it from the program each week.

The most action that we have seen on fire services this week has not even been the Premier's face in the paper promoting Fire Action Week. It has been the multitude of reports around harassment and bullying in the fire services, and it really disappoints me to see these reports coming forward. It really does highlight the hypocrisy of this government, which claim to be all about being anti violence towards women and protecting women in the workplace and in their homes, and yet they are happy to allow it to continue when it involves the fire services.

Of particular concern this week was the leaking of a report that was initiated by Lucinda Nolan at the Country Fire Authority (CFA). That report of course with 550 respondents who completed it showed that 60 per cent were and 40 per cent were males. Forty-nine per cent of all the female respondents reported being bullied, 50 per cent of the male respondents reported being bullied, 33 per cent of females reported harassment and 34.6 per cent of males reported harassment. Seventy-one per cent of females believed bullying and harassment were a problem at the CFA and 45 per cent of males believed bullying was a problem. These are quite large numbers and are across both males and females within the service.

Of particular concern is the reporting by several female members of staff of sexual assault and sexual harassment. Yet these things have been swept under the table, particularly by the new management of the CFA who even within one of the reports — I think it was the one referred to today — tried to blame this on past management of the CFA. Yet when Professor Taylor, who had written the report, was raising concerns about the report not being taken seriously she was herself bullied by the CFA and told she was no longer welcome there.

In the reports this morning of course the new CEO of the CFA — Daniel Andrews's hand-picked CEO — says that this is 18 months old and was conducted in the heat of the moment during the dispute in the CFA. This is something that has been reported as being quite openly happening in our fire services for a number of years. We know that the former CEO of the Metropolitan Fire Brigade, Peter Rau, also resigned and when he resigned his wife actually said that he resigned because of stress as a result of bullying by the United Firefighters Union (UFU).

Daniel Andrews's support of the UFU and his willingness to turn a blind eye to the reports of bullying, harassment and sexual assault within our fire services is a disgrace. His pandering to the UFU, which has demanded that the inquiry by the Victorian Equal

Opportunity and Human Rights Commission not be released, is appalling. There is only one body standing up and saying, 'Don't release this report'. What does that body have to actually hide? Why does the UFU not want this report released? This is an extremely serious matter whether it involves males or females, but when you have females reporting sexual assault in the workplace this government should be demanding the release of that report and in Fire Action Week taking action to ensure that all females in Victoria that work in fire services are safe in their workplaces.

Fire Services Bill Select Committee: final report

Mr O'SULLIVAN (Northern Victoria) (17:10) — Like my colleagues who have spoken previously, I will also speak on the same report, which is the report of the inquiry into the Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017, which was handed down in August 2017.

As we know, this report came about through the legislation that was brought into this house by the government, got through the lower house and came up to this place. At the time it was referred off to the Fire Services Bill Select Committee, which I was a part of. We know the controversy throughout the community that went with that piece of legislation. I got to experience that firsthand with the other members of the committee as we went right around the state listening to all the people who are involved, whether that be volunteer firefighters, career firefighters, the union, the departments and so forth. The report is very clear in terms of what it says in relation to that legislation. As we know, since that report was finalised the legislation has been sitting on the notice paper and we have been waiting anxiously for it to be brought onto the floor for a full debate. We have had a couple of speakers on it, but we have known that that debate was adjourned off some weeks ago. It makes its appearance on the notice paper but never actually gets brought forward for a resolution, which I think is quite disappointing. I think a lot of people would like to see that dealt with one way or another.

One of the issues that came out of the select committee was the cultural issues that the fire services were facing. I think it is fair to say that the fire services in Victoria is one of the last domains of the ultimate boys club, and that plays out in terms of the females that are in those organisations, particularly in front-row positions as firefighters. It is only 2 or 3 per cent I think that we have in those fire services, which is not good enough in this day and age. We should definitely have more people, and particularly women. What has happened is

that a few people have actually tried to change those cultural issues. Certainly former emergency services minister Jane Garrett, former CEO of the Country Fire Authority Lucinda Nolan and the former Country Fire Authority board tried to do something about it. And for trying to do something about it, because it is an ultimate boys club, they were no longer welcome and were dismissed from their positions.

Even more recently Professor Caroline Taylor, as we have seen in the media in the last couple of days, was brought in to try to see if she could come up with some sort of scenario in terms of addressing those cultural issues. That has been unsuccessful because she herself was bullied for coming up with a report uncovering what was really going on in those fire services. We have heard about the bullying, harassment, abuse and sexual harassment. A rape was reported and a whole range of other elements as well. The government has even referred the matter to the Victorian Equal Opportunity and Human Rights Commission for them to have a look at it, and we as part of the select committee were very interested to see what was in that report, because clearly that was going to give us an insight into what was going on with those type of issues. But the United Firefighters Union, to its discredit, fought tooth and nail to prevent that from being released. In fact they went to the extent of going to the Supreme Court to try and suppress that report. I think we can all look at it and realise after what we have seen in the newspapers in the last couple of days that there is obviously some material in that which is very disturbing. The public has a right to know what is in that report.

One of the things that we probably need to call out is that the Labor Party has championed the rights of people in a whole range of areas. I just do not understand why they will not do it in this space as well. They say they are the champions of women and that they are the champions of equality, but for some reason they have just let this one slide right through to the keeper. In fact they are doing everything they can to not be a part of it — because there is something here that needs to come out in public. There is something here that has been covered up. There is something here that needs to be understood so we can address these issues. Unfortunately this government is squibbing it and will not address it. Daniel Andrews needs to do something about it.

ADJOURNMENT

Mr DALIDAKIS (Minister for Trade and Investment) — I move:

That the house do now adjourn.

School council representation

Dr CARLING-JENKINS (Western Metropolitan) (17:16) — My adjournment matter is addressed to the Minister for Education, and it is in regard to the government's recent decision to appoint Victorian high school students to every state high school council, with full voting rights. I am going to call on the minister to withdraw his decision.

Mr Dalidakis interjected.

Dr CARLING-JENKINS — Yes. Let me tell you why. I think student input into schools is very important, but this is not the right way. Giving full voting rights to students means they make decisions regarding things like the hiring and firing of staff. They get involved in issues with peers.

Mr Dalidakis interjected.

Dr CARLING-JENKINS — No, I never wanted to hire my teacher. I was a square like that. I will keep going anyway. Students would also be involved in very sensitive matters if they were part of such councils, and I believe this is inappropriate. It is also a lot of pressure to put on students in the later years of high school, when they are supposed to be focusing on education. We put so much pressure on our kids, and I think it is time to assist them, as I said, with education and to get back to the basics. I believe it is questionable to have students having such a say in multimillion-dollar budgets, signing off on payments and reviewing and updating policies, for example. This goes way beyond consumer representation.

Students already have a say in the direction of their schools through their student representative councils and through consultation committees, and I sincerely believe this is sufficient. Victoria currently has a crisis in education. This is not the solution. This is a distraction. We need to refocus on actual education.

I call on the minister to listen to these concerns seriously, to consider them, to take them on board and to withdraw his decision to appoint students to all state high school councils, with full voting rights.

Whittlesea police station

Ms LOVELL (Northern Victoria) (17:18) — My adjournment matter is for the Minister for Police, and it relates to the facilities at the Whittlesea police station. Minister, as well as guaranteeing that it maintains its full complement of staff, will you give a commitment that in the 2018–19 budget your government will fund the badly needed refurbishment of the Whittlesea police station?

With the Andrews Labor government's focus on the building of a new 24-hour police station in Mernda, there were many concerns within the Whittlesea community that the Whittlesea police station would be adversely affected by the construction and opening of the new police facility. Community concerns centred around police members being taken from the local station to help staff the Mernda station, placing further pressure on the Whittlesea police to deliver the policing service expected by the local community. These concerns were dismissed by the government, with both the Assembly member for Yan Yean and the Minister for Police stating that the opening of the new Mernda police station would have no impact on policing in Whittlesea. Of course we now know that this was just lip-service by Labor, because it was discovered that four police positions had been quarantined from Whittlesea to be placed at Mernda police station.

In response, a meeting of over 400 Whittlesea residents was held to ensure the protection of their policing service and to show support for the local police. The meeting received an undertaking from the local police superintendent that two of the four positions would be returned to Whittlesea, and the community is seeking an undertaking that the remaining two positions will also be returned.

As well as ensuring the Whittlesea police station returns to its full complement of staff, the community has highlighted the need for a much-needed refurbishment of the station. The people of Whittlesea are very supportive of their local police members, as evidenced by the large crowd at the recent public meeting, but they know the police are working in very cramped and ageing conditions. I recently toured the Whittlesea police station, and the lack of simple maintenance alone shows the Andrews Labor government's complete disregard for the station, its members and ultimately the Whittlesea community.

The police station was built in the early 1960s, and apart from being painted and the installation of fencing to upgrade security it has received no refurbishment works since its construction. The members change

rooms are situated in the old police residence, which sits next to the police station. The building has no heating or cooling, meaning police members are exposed to both extreme heat and cold conditions, depending on the season, whilst getting changed. Worryingly, the station is riddled with asbestos, forcing the station commander to implement an asbestos management plan to protect his staff and members of the public.

The Whittlesea community are sick of their police station being neglected by the Andrews Labor government. They are proud of the job their police do, but they know the members are working with inadequate staff and in appalling conditions that are not conducive to delivering a modern policing service to the local community.

Minister, as well as guaranteeing that it maintains its full complement of staff, will you give a commitment that in the 2018–19 budget your government will fund the badly needed refurbishment of the Whittlesea police station?

Mobile phone emergency alerts

Mr BOURMAN (Eastern Victoria) (17:21) — My adjournment matter tonight is for Minister Dalidakis. Regional and rural communities get more from the mobile phone network than just cheap calls and Facebook when they are bored. Mobile phones are a lifeline in emergencies and in some instances can be the difference between life and death. One of those instances is when bushfire alerts are being sent in a code red or imminent danger period.

I have been approached by some residents in Licola and Tonimbuk who technically have coverage, but the reality of the coverage is that it is non-existent or only available in portions of a person's property. I call on the minister to work with the federal government and telcos to extend coverage to the point that there is at least a signal that will allow for alerts to be received in that whole area.

South Gippsland Hospital

Ms BATH (Eastern Victoria) (17:22) — My adjournment matter this evening is for the Minister for Health, the Honourable Jill Hennessy, in the other place, and it relates to much-needed upgrades to the South Gippsland Hospital based in the beautiful community of Foster. The hospital also services wonderful towns such as Fish Creek, Yanakie, Toora, Welshpool and the beach resorts of Waratah Bay, Sandy Point and Wilsons Promontory, which treble in

population during the summer months. South Gippsland is a vibrant, growing community. It is a destination for families and for retirees, and it needs to have appropriate, current and up-to-date facilities.

The action I seek is that the minister review the submission for refurbishment of the theatre and maternity areas of the hospital that the CEO, Mrs Chris Trotman, has put into the Regional Health Infrastructure Fund and approve funding of \$1.6 million for the upgrade.

The hospital was built in the early 1950s. Aside from receiving a small grant almost 20 years ago, the theatre and birthing suite remain virtually unchanged. Indeed, although I cannot remember the event, the theatre has not changed since my birth there many, many years ago. The theatre and birthing suites are incompatible with contemporary design and emerging best practice guidelines. Having recently toured the hospital once again, I observed the less-than-perfect conditions for staff, doctors and patients.

While health and safety are not compromised, patients waiting for and recuperating from operations are only metres away from the birthing suite, separated by a thin dividing wall. Indeed Mrs Trotman told me that on one occasion one of the people waiting for an operation actually yelled out encouragement to the birthing suite next door, which I think is far less than helpful for anybody. The pan room is circa 1950s, and the hospital has had to transform a cupboard into a consulting room in order to cope with the lack of privacy — a cupboard.

The clinical services plan identifies that the hospital will be non-compliant in two to three years if upgrades do not occur, and this is a most serious situation. The current proposal includes the use of new technologies to ensure the local community members have access to safe and affordable care at South Gippsland Hospital and avoid the cost and time burden of having to travel to Melbourne, across into the Latrobe Valley or elsewhere. Maintaining a contemporary maternity ward capable of emergency caesarean operations is vital to serve our local community and takes the pressure off other overstretched regional hospitals. South Gippsland Hospital is part of a vibrant community, as I have said, and it needs to remain fit for purpose. I commend the CEO and architects for coming up with a very low cost refurbishment and upgrade plan, and I trust the minister will expedite the grant process as quickly as possible.

Try before You Ride

Mr LEANE (Eastern Metropolitan) (17:25) — My adjournment matter is directed to the Minister for Public Transport, Jacinta Allan, and it pertains to a program called Try before You Ride, as part of which an event was held recently in Box Hill for elderly and disabled people around the accessibility of public transport. The action I seek from the minister is that she consider asking her department to extend this program, whether it be by running it more frequently or holding it in other locations, because I found it to be a great program, and the people who were there appreciated it very much.

Williamstown level crossings

Mr FINN (Western Metropolitan) (17:26) — I wish to raise a matter this evening for the attention of the Minister for Public Transport, the Honourable Jacinta Allan. It concerns the very real worry that a growing group of people in Williamstown have — that they are about to have sky rail inflicted upon them. The removal of level crossings at Williamstown, particularly at Ferguson Street, is something that does not concern these good people significantly enough for them to have formed themselves into an official group and to have lobbied local MPs, but they have certainly come to see me and have kept me in contact with the problem over a number of months now. Whilst they have been prosecuting the case they have also been attempting to gain a meeting with Minister Allan. That unfortunately has not come to pass. I understand that they have tried just recently again through the member for Williamstown, Mr Noonan, who has, I am reliably informed, not been able to organise such a meeting.

It seems to me that this is an issue that does impact a huge number of people in the Williamstown area. The people of Williamstown are seeing what is happening on the Caulfield line in some of the areas Carnegie-way over on the other side of town, and they do not want to see that happen in Williamstown. Williamstown is a great place; it is a very, very nice place. I wish I could afford to live there, in fact, but it seems the only people that can afford to live there these days are Labor MPs —

Mr Ondarchie — Not in their electorates.

Mr FINN — Not in their electorates, but that is beside the point. My concern is that Williamstown will be ruined by a sky rail or sky rails. That is something that also obviously is of great concern to the people of Williamstown. So I am asking the minister, given that she obviously has a very, very busy schedule and it is a

tad impractical to expect her to meet every one of these people in Williamstown individually, to join me at a public meeting in Williamstown to meet with the local community. They say that they have not been consulted at all, and I understand that to be correct. Here is an opportunity to hear not from the Liberals — because I know the minister is going to say, ‘Oh, this is all a Liberal plot to stop the removal of railway crossings’ — but from the community. I ask the minister to make a time, and I will make a time, so we can meet with the local community in Williamstown to hear their concerns.

Respect Is the Rule

Ms PATTEN (Northern Metropolitan) (17:29) — My adjournment matter is for the Minister for Consumer Affairs, Gaming and Liquor Regulation. The action I am seeking is in relation to Victoria’s liquor licensing and responsible service of alcohol training. Last week I had the pleasure of meeting a really impressive woman, Nikki Keating, who founded Respect Is the Rule, a campaign around protecting hospitality staff from sexual harassment in the workplace.

When we come to work, we do so with pretty strong confidence that we are going to do that fairly safely, but a staggering 89 per cent of young women working in hospitality report being sexually harassed at work, and many have reported not only harassment but also assault. The problem seems to be that customers forget that they are in someone’s workplace: it is their place of relaxation and entertainment, and they forget that it is someone else’s place of work.

I just want to share some of the examples that hospitality workers have reported — things like, ‘How do you get that arse in that skirt?’. One woman said, ‘My boss tried to make a \$100 bet on what colour underwear I was wearing’. Another example was, ‘My boss would always ask me uncomfortable questions regarding my sex life’. It goes on. Examples include things like, ‘I had men grab my arse, come around the bar and get too close’, ‘My manager followed me into the women’s bathrooms’ and ‘Customers would make me feel ... uncomfortable by making inappropriate sexual jokes and looking me up and down’. These are things that none of us would expect or indeed tolerate in our workplace.

Nikki has been bringing together a lot of hospitality workers to join her in making venues safe for everyone. They have been getting dozens of venues to sign a Respect Is the Rule pledge to create safe and respectful environments for their staff. I think this is a great idea;

it is a great initiative. Where I think we could really do some work is in incorporating some sexual harassment and respectful relationships training into our responsible service of alcohol training, so that everyone who is going to work in hospitality who undergoes this training learns not only how to serve alcohol responsibly but also how to act responsibly in their workplace.

Point Lonsdale Surf Life Saving Club

Mr RAMSAY (Western Victoria) (17:32) — My adjournment matter is for the Minister for Emergency Services, the Honourable James Merlino, and the action I seek from the minister is to assist the Point Lonsdale Surf Life Saving Club in a funding application to respond to significant concrete cancer in their back beach surf club. The surf clubhouse is deemed unsuitable and unfit for purpose. Given it overlooks the fourth most dangerous beach in the whole of Victoria, I believe the minister needs to see this as an urgent matter. I understand he does have capacity in his emergency services fund to be able to provide emergency funds to the Point Lonsdale surf club to help respond to the crumbling foundation of the clubhouse, given its important role in providing oversight on that beach and safety to the community who use that beach. And it is well used. I believe this is a matter of urgency that the minister needs to respond to.

In the same breath I do congratulate the government on its commitment of \$1.5 million for a new surf club at Point Lonsdale, but that is very distinct from the back beach surf club. My constituency question on this matter to Mr Merlino showed that he was somewhat confused by the fact that Point Lonsdale has two surf clubs. One is on the front beach, which there has been an allocation of funding for, but the more urgent issue is the back beach, where, as I said —

Mr Finn interjected.

Mr RAMSAY — Actually that beach is infamous, if I might say, Mr Finn, given Harold Holt decided to use that beach for a swim, never to be seen again. I think I have got the right beach. Nevertheless, it is an extremely dangerous beach and potentially could have lost a Prime Minister or two — I will get my facts right on that down the track — but the urgency of my adjournment matter for Mr Merlino is to have the government commit funding to deal with the issue around the concrete cancer of that building and to make it safe and usable for our volunteers.

I want to take the opportunity to thank all our lifesaving volunteers that do an incredible amount of hard work

over the summer period in protecting our communities and making them safe on the beach and in the water. But to do that they obviously need facilities to provide the equipment, personnel and oversight to be able to maximise the opportunities of them doing their job. I implore the minister, as a matter of urgency, to provide funding for the back beach surf club at Point Lonsdale.

Wilsons Promontory commercial boat tours

Mr O'DONOHUE (Eastern Victoria) (17:35) — I raise a matter for the attention of the Minister for Energy, Environment and Climate Change, Minister D'Ambrosio. It relates to the beautiful Wilsons Promontory, which is one of the most beautiful parts of my electorate of Eastern Victoria Region, one of the most beautiful parts of Victoria and a key place for Victorians and tourists from interstate and overseas to visit, to walk, to look at the wildlife, to swim and all the rest of it. It is a great spot and one which Victorians cherish.

I have been contacted by a constituent who is a long-term user of Wilsons Promontory, and he advises me he has been visiting Wilsons Promontory since Christmas 1959. He has raised with me a concern around the proposal to run commercial boat tours from Norman Bay beach near Tidal River, which as the minister no doubt knows is the main camping area on the promontory. He is concerned about what impact commercial boat tours may have on the environment in the area and on the amenity for other users and what will be required to accommodate a commercial boat tour operation operating from this location on the promontory.

The action I would seek from the minister is that she provide a detail of what consultation there has been with the local community and the Friends of the Prom organisation and what impact it is envisaged this will have on the environment and on the amenity of the area. This is an important issue for an important part of Victoria, and I look forward to the minister's response.

Caulfield–Dandenong line elevated rail

Ms FITZHERBERT (Southern Metropolitan) (17:37) — My adjournment matter is to the Minister for Public Transport in the other place, and it concerns sky rail in the Murrumbeena area. It has come to my attention a number of times that a resident, whose name is Catherine Pendelich, has had ongoing issues in relation to sky rail and her property. Her property backs onto the rail line in Murrumbeena, and it is subject to enormous overshadowing as a result of the structure that is going to be built literally at her back fence.

She has regularly provided photographs of what is happening around her home, and they are quite extraordinary. It is clear that the shade will severely impact her property on a permanent basis. Her property is several metres from the existing railway line, but now the edge of structure, the edge of the actual sky rail itself, is either right on the edge of her property line or slightly hanging over the fence.

She made some comments today which I have seen about the works that are going on while she remains in her home. When asked, 'What's it like at the moment?', she said, 'To be honest, it's really noisy and it's actually very scary. Really, really scary. I did write an email to my MP, Mr Steve Dimopoulos, and asked him to come here to be with me'. She was asked, 'Has he turned up?', and she said, 'No, he didn't want to come'. She has had a lot of noise, she has got permanent overshadowing to her property and, at the moment, she has got issues to do with the straddle carrier, which is now well and truly overhanging property lines. As she put it, something like 400 tonnes of concrete are jutting out over the back of the house.

She has quite reasonable fears about her safety. There is evidence of safety failures that have affected residents along the line. We have seen an example: on 27 September a spanner was dropped on a car in a driveway, and there were also bolts dropped a few days later. This is concerning, obviously, not least because of the distance from which they are being dropped, which adds to the potential danger.

Things have gotten worse this week, however, because Ms Pendelich's backyard, the roof of her home, the shading and her pet cat were all sprayed by hydraulic oil, which appears to be from some sort of accident that occurred on the site. It is not yet clear how it got there. The Level Crossing Removal Authority says that it is like synthetic oil and that they are investigating. The way Ms Pendelich became aware of this is that she was contacted by the Level Crossing Removal Authority, who told her that there had been an incident at her home. When she got home she said it looked like it had rained oil all over the back of the house.

Obviously there are some serious safety issues for anybody who is involved in or is adjacent to a major form of infrastructure construction like this. There are obviously some serious safety provisions for the workers and train passengers who are nearby. However, the residents are very close to the works and in some cases have machinery and activity overhanging their property. The action I am seeking from the minister is that she provide a copy of the safety policies as they

relate to residents and properties that are adjacent to the sky rail construction.

Taxi and hire car industry

Mr ONDARCHIE (Northern Metropolitan) (17:41) — My adjournment matter tonight is for the Minister for Public Transport, Jacinta Allan. It concerns my constituent Fadime Cihan, who is an Epping resident. She and her husband bought their first taxi licence in 2003 as new migrants, worked and saved hard and bought a second and third licence in 2013, putting their house up as security for the exorbitant purchases of these licences. Things have gone pear-shaped thanks to the current government.

I met with Ms Cihan today, when she came into the Parliament to chat about some things. She shared with me her economic circumstances as a result of the government's reforms to the taxi system and said that in fact her marriage has broken down. She is severely depressed, and to add to this her ex-husband, who she still cares for, has been diagnosed with a heart condition. The only income they have coming into the household now is \$273 a week from Centrelink.

Ms Cihan's husband cannot work very much due to his physical condition and she cannot work because of her mental anguish. She has been left to pay over \$300 000 in servicing her debt. The government have taken Ms Cihan's licences away. She applied to the Fairness Fund in April but has had no response, apart from an acknowledgement that they received her application. Ms Cihan told me that the minister and the Labor Party had destroyed the taxi industry. She said, 'We work hard, we pay taxes and now I can't even get a response'.

Ms Cihan has sent many emails to the minister and has not had any acknowledgement. In fact some sitting weeks ago she came into Parliament House and saw the minister outside Strangers Corridor and said, 'Can I have one minute with you just to chat about my circumstance?'. The minister declined to chat with her and in fact called security. Ms Cihan is depressed, she is very tearful and it seems like her family circumstances are such that she is not sure what she wants to do with her life. The action I seek from the minister is: would you meet with Ms Cihan, hear her plight and instruct the Fairness Fund to do something to help her and her husband?

Responses

Mr DALIDAKIS (Minister for Trade and Investment) (17:43) — We have had adjournment matters this evening from Dr Carling Jenkins to the Minister for Education, calling on the minister to reverse his decision to provide students access to school councils; from Ms Lovell to the Minister for Police to fund refurbishment of the police station in Whittlesea from the 2018 budget; from Mr Bourman to me in relation to Licola and Tonimbuk phone coverage and asking me to work with local and federal authorities, and I will provide information on that in time; from Ms Bath to the Minister for Health, asking that she fund the refurbishment of the theatre and birthing suites in the South Gippsland Hospital; from Mr Leane to the Minister for Public Transport, asking that the minister consider his request to extend a program that provides assistance to mobility-affected passengers in teaching them how to get around, which is currently available at Box Hill station; and from Mr Finn to the Minister for Public Transport in relation to meeting with Williamstown constituents to discuss the possibility of a sky rail.

I can advise Mr Finn that I can happily resolve that adjournment matter right now. Mr Noonan, the Assembly member for Williamstown and a former minister, advised me that two children were killed at the level crossing concerned in Williamstown North and that the community will indeed be consulted before any preferred design is chosen —

Mr Finn — That is not what I asked.

Mr DALIDAKIS — Well, you asked for the minister to attend a meeting, and I am telling you —

Mr Finn interjected.

Mr DALIDAKIS — I am now telling you that the local member has advised that there will be a meeting and community consultation —

Mr Finn interjected.

Mr DALIDAKIS — Well, you can take this up with the President, but I have now met with your adjournment —

Mr Ondarchie interjected.

Mr DALIDAKIS — You cannot take a point of order. I can do the adjournment any way I like, as the standing orders provide.

Mr Ondarchie — On a point of order, Acting President, I would just remind you that Mr Finn's adjournment matter was in fact directed to the Minister for Public Transport, not the local member for Williamstown. So I am not quite sure how the minister's response at the table can be from the local member and not from the minister who the adjournment matter was directed to.

Mr DALIDAKIS — On the point of order, Acting President, it is my entitlement as the minister on duty to deal with adjournment matters, and I can advise that in fact no consultation has begun. Consultation will begin in relation to the level crossing removal, and the minister will provide for the local member to undertake that consultation in relation to the level crossing removal.

Mr O'Donohue — Further to the point of order, Acting President, the minister referred to his 'entitlement'. I do not believe the standing orders refer to the minister's 'entitlement'. It is more about the minister responding to the matters raised and discharging the request from the member.

The ACTING PRESIDENT (Mr Purcell) — There is no point of order, because the minister has the right to respond in the way he sees fit. I ask the minister to continue.

Mr DALIDAKIS — I have further adjournment matters from Ms Patten to the Minister for Consumer Affairs, Gaming and Liquor Regulation, asking that Respect Is the Rule training be incorporated into the sensible serving of alcohol; from Mr Ramsay to the Minister for Emergency Services asking the minister to assist the Point Lonsdale Surf Life Saving Club with funding for its repairs; from Mr O'Donohue to the Minister for Energy, Environment and Climate Change in relation to the issue he raised in regard to Wilsons Promontory and seeking advice from the minister in relation to that process going forward; from Ms Fitzherbert to the Minister for Public Transport seeking that safety policies be distributed to local residents; and from Mr Ondarchie to the Minister for Public Transport asking the minister to meet with the constituent he named in relation to their application to the Fairness Fund.

Further to that, I have written responses to adjournment debate matters raised by Ms Lovell on 9 May, Mr O'Sullivan on 9 May and Ms Lovell again on 23 August — all in 2017.

Mr Finn — On a point of order, Acting President, Minister Dalidakis has said that he has discharged the

adjournment matter that I raised in the house this evening. Clearly he has not. What I asked the minister to do was attend a public meeting with me. At no time has the minister said that the minister either will or will not attend such a meeting, and I do not see how he would be able to without actually asking her. So in fact the matter has not been discharged, the matter is still alive, and I ask you to direct him to raise this matter with the Minister for Public Transport.

The ACTING PRESIDENT (Mr Purcell) — Does the minister believe that that was discharging the matter?

Mr DALIDAKIS — Yes. I can provide some further information if you like, Acting President. I can say that the Minister for Public Transport does not intend to meet at this point because consultations are yet to begin with the local community and the local member there, Mr Noonan, will indeed conduct those local consultations on behalf of the government.

The ACTING PRESIDENT (Mr Purcell) — Under those circumstances, I believe that the minister has discharged his responsibility.

Mr Finn — On a fresh point of order, Acting President, I fail to see how the minister can discharge this matter without actually raising it with the Minister for Public Transport. Unless he has a gift of clairvoyance — one of the few gifts that he has — and he is using that, I fail to see how he can judge what the minister will or will not do.

The ACTING PRESIDENT (Mr Purcell) — Under standing order 4.13 the minister actually has the ability to determine the response to that and to deal with it. He believes that he has dealt with it in these circumstances. So according to the standing orders he has dealt with the matter and I am powerless to intervene.

Mr Finn — Further on the point of order, Acting President, so the minister is saying that he refuses to raise this matter with the minister as I have requested. I just want to make that clear.

The ACTING PRESIDENT (Mr Purcell) — The minister has the authority and has dealt with the matter, and I have no ability to instruct a minister to deal with it any differently.

Mr Ondarchie — On the point of order, Acting President, I am just seeking some clarity from you on this matter. Are you now saying that the precedent has been set where a minister can determine whether an adjournment matter is passed on to another minister?

Honourable members interjecting.

The ACTING PRESIDENT (Mr Purcell) —

Thank you, members. At the moment my decision stands, but it will be referred to the President and the President will make a ruling tomorrow.

With that, I remind members of the joint sitting tonight at 6.30 p.m. in the Assembly chamber to choose a person to hold the seat in the Legislative Council rendered vacant by the resignation of Mr Greg Barber.

The house now stands adjourned.

House adjourned 5.53 p.m.

Wednesday, 18 October 2017

JOINT SITTING OF PARLIAMENT

Legislative Council vacancy

Honourable members of both houses met in Assembly chamber at 6.33 p.m.

The Clerk — Before proceeding with the business of this joint sitting it will be necessary to appoint a Chair. I call the Premier.

Mr ANDREWS (Premier) (18:33) — I move:

That the Honourable Bruce Atkinson, President of the Legislative Council, be appointed Chair of this joint sitting.

I understand that he is willing to accept the nomination.

Ms SPRINGLE (South Eastern Metropolitan) — I second the motion.

The Clerk — Are there any other proposals? There being no other proposals, the Honourable Bruce Atkinson, President of the Legislative Council, will take the chair.

Motion agreed to.

The CHAIR — Order! I draw the attention of honourable members to the extracts from the Constitution Act 1975 which have been circulated. Please note that the various provisions require that the joint sitting be conducted in accordance with rules adopted for the purpose by members present at the sitting. The first procedure, therefore, will be the adoption of rules.

Mr ANDREWS (Premier) (18:34) — Chair, I desire to submit the rules of procedure, which are in the hands of honourable members, and I accordingly move:

That these rules be the rules of procedure for this joint sitting.

Ms SPRINGLE (South Eastern Metropolitan) — I second the motion.

Motion agreed to.

The CHAIR — The rules having been adopted, I now invite proposals from members for a person to occupy the vacant seat in the Legislative Council.

Mr ANDREWS (Premier) (18:34) — Chair, I propose:

That Dr Samantha Ratnam be chosen to occupy the vacancy in the Legislative Council.

She is willing to accept the appointment if chosen. In order to satisfy the joint sitting as to the requirements of section 27A(4) of the Constitution Act 1975, I also advise that Dr Ratnam is the selection of the Victorian Greens, the party previously represented in the Legislative Council by Mr Greg Barber.

Ms SPRINGLE (South Eastern Metropolitan) — I second the proposal.

The CHAIR — Are there any further proposals? Are there any further nominations? As there are no further nominations, I declare that nominations are closed.

Motion agreed to.

The CHAIR — On that basis I declare that Dr Samantha Ratnam has been chosen to occupy the vacant seat in the Legislative Council. I will advise the Governor accordingly.

In declaring the sitting closed, I congratulate Dr Ratnam, who is in the gallery tonight.

Proceedings terminated 6.36 p.m.