

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE COUNCIL**

**FIFTY-EIGHTH PARLIAMENT**

**FIRST SESSION**

**Wednesday, 22 February 2017**

**(Extract from book 3)**

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## **The Governor**

The Honourable LINDA DESSAU, AC

## **The Lieutenant-Governor**

The Honourable Justice MARILYN WARREN, AC, QC

## **The ministry**

(from 10 November 2016)

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Deputy Premier, Minister for Education and Minister for Emergency Services . . . . .	The Hon. J. A. Merlino, MP
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Minister for Local Government, Minister for Aboriginal Affairs and Minister for Industrial Relations . . . . .	The Hon. N. M. Hutchins, MP
Special Minister of State . . . . .	The Hon. G. Jennings, MLC
Minister for Consumer Affairs, Gaming and Liquor Regulation . . . . .	The Hon. M. Kairouz, MP
Minister for Families and Children, and Minister for Youth Affairs . . . . .	The Hon. J. Mikakos, MLC
Minister for Police and Minister for Water . . . . .	The Hon. L. M. Neville, MP
Minister for Industry and Employment, and Minister for Resources . . . . .	The Hon. W. M. Noonan, MP
Attorney-General and Minister for Racing . . . . .	The Hon. M. P. Pakula, MP
Minister for Agriculture and Minister for Regional Development . . . . .	The Hon. J. L. Pulford, MLC
Minister for Women and Minister for the Prevention of Family Violence . . . . .	The Hon. F. Richardson, MP
Minister for Finance and Minister for Multicultural Affairs . . . . .	The Hon. R. D. Scott, MP
Minister for Training and Skills, and Minister for Corrections . . . . .	The Hon. G. A. Tierney, MLC
Minister for Planning . . . . .	The Hon. R. W. Wynne, MP
Cabinet Secretary . . . . .	Ms M. Thomas, MP

### Legislative Council committees

**Privileges Committee** — Ms Hartland, Mr Herbert, 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 Elasmr, Mr Finn, Ms Hartland, Mr Leane, #Mr Melhem, Mr Ondarchie, Mr O’Sullivan and #Mr Rich-Phillips.

**Standing Committee on the Environment and Planning** — #Mr Barber, Ms Bath, #Mr Bourman, Mr Dalla-Riva, Mr Davis, Ms Dunn, Mr Eideh, #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 Elasmr, Ms Fitzherbert, #Ms Hartland, Mr Mulino, Ms Patten, Mrs Peulich, #Mr Rich-Phillips, Mr Somyurek, Ms Springle and Ms Symes.

# participating members

### Legislative Council select committees

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

### Joint committees

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

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

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

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

**Environment, Natural Resources and Regional Development Committee** — (*Council*): Mr Ramsay and Mr Young. (*Assembly*): Ms Halfpenny, Mr McCurdy, Mr Richardson, Mr Tilley and Ms Ward.

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

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

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

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

**Public Accounts and Estimates Committee** — (*Council*): Ms 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* — Clerk of the Parliaments and Clerk of the Legislative Assembly: Mr R. W. Purdey

*Council* — 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:**

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**Deputy President:**

Mr K. EIDEH

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**Deputy Leader of the Government:**

The Hon. J. L. PULFORD

**Leader of the Opposition:**

The Hon. M. WOOLDRIDGE

**Deputy Leader of the Opposition:**

The Hon. G. K. RICH-PHILLIPS

**Leader of The Nationals:**

Mr L. B. O'SULLIVAN

**Leader of the Greens:**

Mr G. BARBER

Member	Region	Party	Member	Region	Party
Atkinson, Mr Bruce Norman	Eastern Metropolitan	LP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
Barber, Mr Gregory John	Northern Metropolitan	Greens	Morris, Mr Joshua	Western Victoria	LP
Bath, Ms Melina <sup>2</sup>	Eastern Victoria	Nats	Mulino, Mr Daniel	Eastern Victoria	ALP
Bourman, Mr Jeffrey	Eastern Victoria	SFFP	O'Brien, Mr Daniel David <sup>1</sup>	Eastern Victoria	Nats
Carling-Jenkins, Dr Rachel	Western Metropolitan	DLP	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 <sup>4</sup>	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 <sup>3</sup>	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
Elasmarr, Mr Nazih	Northern Metropolitan	ALP	Ramsay, Mr Simon	Western Victoria	LP
Finn, Mr Bernard Thomas C.	Western Metropolitan	LP	Rich-Phillips, Mr Gordon Kenneth	South Eastern Metropolitan	LP
Fitzherbert, Ms Margaret	Southern Metropolitan	LP	Shing, Ms Harriet	Eastern Victoria	ALP
Hartland, Ms Colleen Mildred	Western Metropolitan	Greens	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Herbert, Mr Steven Ralph	Northern Victoria	ALP	Springle, Ms Nina	South Eastern Metropolitan	Greens
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Symes, Ms Jaelyn	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

<sup>2</sup> Appointed 15 April 2015

<sup>3</sup> Resigned 27 May 2016

<sup>1</sup> Resigned 25 February 2015

<sup>4</sup> Appointed 12 October 2016

**PARTY ABBREVIATIONS**

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, 22 February 2017**

**The PRESIDENT (Hon. B. N. Atkinson) took the chair at 9.36 a.m. and read the prayer.**

## PETITIONS

**Following petition presented to house:**

### Ormond railway station

To the Legislative Council of Victoria:

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

the foundation deck for the development of an up-to-13-storey residential tower on the Frankston railway line on North Road above Ormond station has been constructed without informing or consulting the local community;

established low-rise suburbs should not be destroyed and permanently scarred by the construction of inappropriate high-rise overdevelopment on railway land, particularly in the absence of community consultation; and

the local community does not support or consent to the construction of a residential tower of up to 13 storeys above Ormond station.

We therefore call on the Andrews Labor government to abandon its plans for the inappropriate overdevelopment of the Ormond station site and instead proceed with a development that is smaller in scale and more in keeping with the low-rise village atmosphere of Ormond.

**By Ms CROZIER (Southern Metropolitan)  
(31 signatures).**

**Laid on table.**

## SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

### Statute Law Revision Bill 2017

**Ms BATH (Eastern Victoria) presented report,  
including appendix.**

**Laid on table.**

**Ordered to be published.**

## PAPERS

**Laid on table by Clerk:**

Statutory Rule No. 1 under the Fisheries Act 1995.

## PARLIAMENTARY COMMITTEES

### Membership

**Mr BARBER** (Northern Metropolitan) — I desire to move, by leave:

That I be a participating member of the standing committees on the economy and infrastructure and legal and social issues.

**Leave refused.**

**Mr BARBER gave notice of motion.**

## MINISTERS STATEMENTS

### Youth programs

**Ms MIKAKOS** (Minister for Youth Affairs) — I rise to inform the house of the Andrews Labor government's commitment to empower more young people in Victoria by providing them with intensive support, engagement in education and training, and greater pathways to employment.

Recently I announced that the Andrews Labor government will provide the first funding in over six years specifically aimed at funding more youth workers. The \$4 million Empower Youth program will fund eight organisations in areas with high levels of socio-economic disadvantage and high crime levels to support more young people to reach their full potential. These organisations will be able to employ youth workers to support up to 100 young people in their community every year to develop and deliver individual plans that focus on the four elements of community participation, health and wellbeing, education and training, and employment pathways. Communities in Greater Geelong, Ballarat, Hume, Brimbank, Wyndham, Frankston, Latrobe, Whittlesea, Dandenong and Casey are all set to benefit from the program over the next three years.

Recently I had the pleasure of joining the South Sudanese Community Association in Victoria in Wyndham to announce that they are one of the organisations that will receive an Empower Youth grant. This grant will help support South Sudanese youth in Brimbank and Wyndham, by connecting them with a community mentor and youth worker to improve their access to local programs such as sport, art, employment and education.

Some of the other recipients include: Centacare Ballarat, which will partner with Headspace to improve the health and wellbeing of young people in the Ballarat region by offering intensive and coordinated health

services and the development of career pathways; the Islamic Council of Victoria, which will directly engage with Muslim youths in the Hume region to develop and deliver programs that will help overcome social, economic and community barriers; and the Victorian Aboriginal Child Care Agency Co-Operative, which will provide support for Aboriginal youth in the Latrobe and Whittlesea areas to engage with school, family and community, as well as access leadership opportunities.

In a similar initiative we are providing \$600 000 to the Centre for Multicultural Youth, which will be working closely with the United Pasifika Council of Victoria to give young Pacific Islanders targeted support and more opportunities to connect with their community through a new Young Pasifika program. Our government is smart on crime, preventing young people from social disengagement by linking them to community participation, education and employment, which puts young people on the pathway to a productive and positive future.

### Family violence

**Ms MIKAKOS** (Minister for Families and Children) — I rise to inform the house of action the Andrews Labor government is taking to address the scourge of family violence across all areas of the community to ensure the safety of every Victorian family. We are investing \$650 000 in 40 new projects which focus on prevention and raising awareness of family violence in Aboriginal communities across Victoria. Importantly, in keeping with the Andrews Labor government's commitment to self-determination, the funded projects have been recommended by the relevant local Indigenous family violence regional action groups. These groups have identified priority areas for funding in their communities. These projects will support communities across Victoria in both metropolitan and regional areas. They will be designed and delivered by Aboriginal communities so that they specifically meet and address their local community needs.

Just one of the important programs funded is one that supports Aboriginal women in outer eastern Melbourne who have been victims of family violence with legal, family violence and maternal and child health information sessions. Community projects such as Healing Our Mob in the Ballarat area will bring the community together to talk about the generational trauma that is the impact of family violence and how to end this cycle.

Cultural training and workshops will also be held to educate local family violence workers to provide a more supportive and culturally responsive response. The Aboriginal Family Violence Prevention and Legal Service has been funded for its Young Luv program, which will run in a number of locations, including Horsham, Bendigo, East Gippsland and outer eastern Melbourne. That program is designed by and for young Aboriginal women. The project engages young Aboriginal women aged 13 to 18 in a safe space to discuss issues such as the dynamics of healthy relationships, safety while dating and how to recognise inappropriate or unsafe behaviour, including safety online.

I also make the point that this investment in Aboriginal community programs is part of the 2016–17 Indigenous Family Violence Strategy Community Initiatives Fund. As members would be aware, the Andrews Labor government recently released its 10-year plan to end family violence — *Ending Family Violence: Victoria's Plan for Change*. We are going to continue to work very closely with Aboriginal families to address the issue of family violence. Unlike the opposition, who are yet to commit to implementing each of the Royal Commission into Family Violence recommendations, we are absolutely committed to addressing these issues and implementing each and every one of those recommendations.

## MEMBERS STATEMENTS

### Regional and rural transport infrastructure

**Mr RAMSAY** (Western Victoria) — I wish to draw attention to the ongoing failings of this government with respect to our regional rail and road network. When lives collide with shabby roads and rail, the outcome is dangerous and a very dark mark on this government. I start with the shambles of the so-called fast trains between Melbourne and Geelong and Melbourne and Ballarat. Capacities on these lines are already full to overflowing, especially at peak times. The \$3.65 billion spent on the regional rail link is money already outdated. That is not good news for commuters already living with this pain, and it is worse for those intending to move to regional areas. The Rail Futures Institute says patronage on the Geelong line jumped 57 per cent in the regional rail link's first year since opening in mid-2015, largely courtesy of new stations at Tarneit and Wyndham Vale. Can you imagine the impact another three new proposed stations would have? Good for access, yes, but bad for travel times.

Newspaper articles published as recently as last week quoted the institute. The *Sydney Morning Herald* states:

‘Instead of speeding Geelong trains, it slowed them, and the fastest journey is now no better than in 1958, almost 60 years ago. Hardly progress’, the institute says.

For Ballarat commuters, the new Caroline Springs station means just another stop on an already slow journey, especially in peak hours. Worse still for those who get on at Caroline Springs during those times, the trains are already full. Again the population is growing.

Moving further west the Murray Basin rail project continues to draw attention for all the wrong reasons. Take, for example, the anxiety of regional residents in the Maryborough region who are being advised of potential level crossing closures to enable the project to proceed. In the Central Goldfields two crossings have been proposed to close, and up to 19 have been earmarked for closure in the Pyrenees shire. Local landholders are rightly concerned about the impact of permanent road closures, increasing the risk of fire and reducing emergency vehicle access and farming efficiencies. But potentially more concerning is the very, very slow construction of this \$400 million project. Not only is it dawdling, but it is also substandard to the point —

**The PRESIDENT** — Order! Thank you, Mr Ramsay.

### Climate change

**Ms PENNICUIK** (Southern Metropolitan) — Last Wednesday I was pleased to attend a forum hosted by the Bayside Climate Action Group, which has just celebrated 10 years of advocacy for action on climate change. Speakers at the sold-out forum included Alison Rowe, CEO of the Moreland Energy Foundation and chair of the Future Business Council, and Laura Sykes, schools program coordinator of the Australian Youth Climate Coalition. MC for the forum was Victoria McKenzie-McHarg, president of Climate Action Network Australia. Keynote speaker, scientist, author, presenter and Climate Council councillor Professor Tim Flannery spoke about why we are in a climate emergency.

The year 2016 was the hottest year on record, as were 10 of the last 12 months. Heatwaves affecting people and animals are more intense and longer lasting. Aquatic warming is killing marine ecosystems, including the Great Barrier Reef. Drought, bushfire and flood cycles are getting deeper. Extreme rainfall is causing more local and coastal flooding. More detail is available on the Climate Council website, which I

encourage everyone to visit. Temperatures in eight months of 2016 broke global heat records, with March representing the highest departure from average for any month since records began in 1880. The year 2016 is the 40th consecutive year with above-average global temperatures, and no-one aged under 40 has lived in a year with global average temperatures at or below the global 20th century average. If you do not think this is a climate emergency, then you are just not paying attention.

### Treasurer

**Mr HERBERT** (Northern Victoria) — Well, there has been a bit said in this chamber, a bit of criticism of the Victorian Treasurer from those scoundrels opposite lately. But what they do not say, and what is worth noting, is the fact that the Treasurer has presided over fantastic financial stewardship for this state. In fact he has positioned Victoria as the economic powerhouse of Australia. Here are a few points worth noting by those opposite when they speak. Victoria has the strongest growing economy in the country. We are seeing gross state product surge by 3.3 per cent. Household consumption, dwelling investment and underlying business investment are all strong. Victoria’s unemployment rate has come down by 0.9 per cent since we took office, and in the last year alone we have grown employment more than any other state in this country — that is, more than the other states combined. We have investment, and we have great, strong economic growth.

For Northern Victoria Region, which I represent, that strong economic growth is showing in the best infrastructure investment the area has seen: a new Echuca-Moama bridge, long on the cards, funded under this government, and a new Murray Basin rail project — massive growth for the entire northern part of Victoria in terms of rural and agrarian infrastructure. Can I say that there are new schools, new police stations, new hospital facilities and new TAFE facilities. The strong economic growth Victoria is experiencing is contributing to the biggest investment program this state has seen.

### Youth justice centres

**Mr FINN** (Western Metropolitan) — Last Saturday morning I was on my way to a very successful gathering in Sanctuary Lakes and was passed by a car with the very distinctive, personalised number plates COMMO 1. My initial reaction was to say, ‘I didn’t know that the Premier drove a Toyota’, but of course I soon realised how wrong I was, because that car was travelling in the direction of Werribee, and as we know

there would not be a member of the state Labor Party alive who would be seen dead in Werribee just at the minute.

That was abundantly obvious for all to see last Monday night, when thousands of Wyndham residents gathered in the centre of Werribee. It was a cold and wet summer's night — so global warming had really kicked in — but where were the Labor state MPs? Where was Tim Pallas? Where was Jill Hennessy? No appearance, your Worship. Presumably they were safely in their homes, well away from Wyndham. The minister for youth jails, Ms Mikakos, actually left the country to avoid the anger on display last week in Werribee. Such a pity that not one member of the Andrews government chose to join us. They would have quickly got the message that they had crossed the line with their proposed youth jail in Werribee South. The Wyndham community is furious. The Wyndham community — let me assure the house and the government — will not wear this jail, and their love affair with the ALP is over.

### *Victorian. And Proud of It*

**Mr MELHEM** (Western Metropolitan) — I rise to speak on the Andrews Labor government's new multicultural policy, *Victorian. And Proud of It*. President, as I am sure you already know, Victoria is a multicultural success story. Our citizens come from more than 200 countries, speak 260 languages and follow 135 different faiths. This diversity enriches us all. It brings new people and new ideas and adds in the order of \$1 billion to the Victorian economy every year. Our diversity does not limit our opportunities; it grows them.

Right now, some Victorians feel uncomfortable about the pace of our changing world. While this is understandable, it is never excusable to promote divisions based on race or religion. How we choose to respond to this challenge will define us as a state. *Victorian. And Proud of It* builds on Victoria's proud and rich immigrant history and reaffirms and celebrates the shared values that make us a stronger, safer and more harmonious Victoria. It aims to speak to those who are agnostic towards multiculturalism or who are supportive but have doubts.

The policy consists of a series of initiatives to encourage Victorians from all walks of life, all circumstances and all cultural backgrounds to contribute to belonging. This policy is underpinned by the Victorian values statement, which articulates the values all Victorians should live by: one law for all, freedom to be yourself,

discrimination is never acceptable, a fair go for all and that it is up to all of us to contribute. It will also help young people avoid being manipulated and drawn to extremism by way of a digital literacy and digital citizenship program.

I commend the Andrews government for its new multicultural policy. It represents a clear and strong rejection of the deteriorating support for multiculturalism and the rise of extremism, fear and discrimination that is currently stirring across — —

**Mrs Peulich** — Time! Time!

**Mr MELHEM** — That is coming from Mrs Peulich, who actually is the shadow multicultural minister. She obviously does not care about the subject matter. Thank you, Mrs Peulich.

**Mrs Peulich** interjected.

**The PRESIDENT** — Order! Thank you.

### **Ovarian cancer**

**Ms FITZHERBERT** (Southern Metropolitan) — I rise today to speak on Teal Ribbon Day. The story of Ann-Maree Mulders shows the massive challenge in combating ovarian cancer. Annie was diagnosed a number of years ago after going to the doctor with vague, everyday symptoms — general queasiness, bloating and occasional abdominal pain. After the diagnosis of ovarian cancer she faced much the same treatment options that her grandmother's generation would have faced. In her words:

The outcomes one is faced with, when diagnosed with ovarian cancer, are enough to scare the hell out of anyone.

She points out that it has a 43 per cent five-year survival rate and compares that with survival rates for breast and prostate cancer, which respectively have 90 per cent and 94 per cent survival rates after five years.

I pay tribute to Annie Mulders and all those who fight against ovarian cancer, be they patients, medical researchers or fundraisers, and I urge all women to follow up those vague but possibly deadly symptoms. As Ovarian Cancer Australia says, 'Know, ask, act' — it could save your life or the life of a woman you love.

### IslamiCare

**Ms SPRINGLE** (South Eastern Metropolitan) — An underpinning of what has made Victorian multiculturalism strong over the decades is the resilience of our communities. Through generations of migrants and refugees like mine, who have landed on these shores and made a life for themselves despite the hardships that have come before their arrival, so many have embraced the opportunities presented with both hands and triumphed. Our society has been enriched through that, not just because of the positive attributes each wave of migration infuses into our collective culture but also because each challenge insists that we hold a mirror up to ourselves to face the part we ourselves play in the current social dynamic and reflect on how we can work together to overcome that.

In this vein, a unique organisation in the south-east called IslamiCare launched a parenting helpline on Monday at the Brentwood Park Neighbourhood House in Berwick to support Muslim families through not just the challenges we all face as parents but the growing issues the Muslim community faces with the current challenges for multiculturalism.

The first of its kind, the IslamiCare helpline is not only a culturally and religiously appropriate support service for the Muslim community but also grassroots by nature, run by that community for that community, utilising community-based support principles, with professional counselling and ties with pivotal organisations such as Headspace, Victoria Police and local community and religious leaders. I commend Kuranda Seyit and his team for this initiative that will not only promote resilience within the Muslim community but also send a strong message that they are valued enough to be acknowledged and have their unique needs addressed.

### Road safety education

**Mr LEANE** (Eastern Metropolitan) — Today I want to acknowledge the work done by the Minister for Roads and Road Safety, Luke Donnellan, in that there was an important announcement last week that Museum Victoria and the Transport Accident Commission (TAC) have formed a partnership to develop the road safety education complex. This will be located at the Melbourne Museum in Carlton. This will feature a number of initiatives in digital and visual technology aimed at young students, around the year 9 or year 10 age, to really ground them on the importance of road safety early on in their lives. There will also be an outreach facility that will travel to regional areas and to schools where it might be difficult for them to travel

into Melbourne which will have very similar technology as well.

I want to thank the task force that has worked on developing this particular complex, along with other young driver safety education program providers, including Victoria Police, the TAC, the Department of Education and Training, VicRoads and many road safety experts. I have had the honour to chair this task force, and I look forward to the work this year and us actually being able to see this complex and other initiatives start early to mid next year.

### Heyfield timber mill

**Ms BATH** (Eastern Victoria) — It has been 817 days since the Honourable Jaala Pulford was elected to office as the Minister for Agriculture. During that time Australian Sustainable Hardwoods (ASH) directors have made numerous requests to meet the minister to secure a new timber agreement, to no avail. With the threat of the loss of 250 jobs at the Heyfield mill due to lack of security of supply and after 18 months of being repeatedly invited to tour the facility, Minister Pulford visited the mill last week on the quiet. The minister confirmed to the *Gippsland Times & Maffra Spectator* the visit was more of a familiarisation effort than an announcement. Quoting the paper:

'I learnt today there are 3000 products that come out of here, which is a slightly bigger number than I expected', Ms Pulford said.

The minister may also be surprised to learn that ASH processes up to 150 000 cubic metres of timber per year; it is the largest hardwood regrowth sustainable timber mill in the Southern Hemisphere; it achieves over \$60 million in revenue, exports \$7 million in product and creates \$40 million in import replacements; and it pays \$14 million in salaries and wages and \$23 million to VicForests.

The minister's own working group is due to report a resolution to this crisis next week, and she has only last week made a familiarisation visit. Minister Pulford must guarantee security of supply to ASH timber and save these jobs and the Heyfield community.

## MINISTER FOR FAMILIES AND CHILDREN

### Debate resumed from 8 February; motion of Ms CROZIER (Southern Metropolitan Region).

That the Minister for Families and Children no longer possesses the confidence of this house due to the minister's failure to —

- (1) accept responsibility for the ongoing crisis engulfing Victoria's youth justice system;
- (2) act on the numerous reports and reviews commissioned by her into the youth justice system;
- (3) comply with the Children, Youth and Families Act 2005 in relation to the transfer of young offenders from Parkville youth justice centre to Barwon Prison; and
- (4) provide accurate and timely information to this house and to the Victorian public in relation to youth justice incidents.

### And Ms Springle's amendment:

In paragraph (2) omit 'by her'.

**Ms FITZHERBERT** (Southern Metropolitan) — Before we took a break from debating this motion I had been speaking to the chamber about how unusual it is to be debating a motion of this kind, and I had been going through a bit of the time line of what has been happening in the minister's portfolio, in particular over the last year or so. I got, conveniently, to last summer, or the summer that we are just concluding, and the crisis that we have seen in youth justice that has boiled over yet again over the summer, when again we saw riots, violence and escapes.

I had just gone through the detail of that, and I do not propose to revisit it, but I was just about to say that at the height of the crisis over the summer, having been conspicuously silent for a time, the minister emerged to say that she was very angry about what had happened — very angry. It seems that the most profound contribution she could make to the management of youth justice in this state was to indicate her emotion over what was happening in a portfolio which she is responsible for administering. No-one really cares that the minister was angry about what happened; they care about what she has done as the minister up to that point and what she will do now to fix the problem.

Ms Mikakos has been the Minister for Families and Children for two years and for most of that time has come to this place with a number of set responses to questions about youth justice. I have sat through numerous highly detailed and very informed questions

that have been raised, in particular by Ms Crozier, and yet they have been batted away with setpiece speeches and with a failure to address the content and issues that have been raised.

It is obvious to the whole community that there is a big problem in youth justice and that it is part of the crime problem that confronts Victoria. The point that Ms Mikakos repeatedly makes is that this is nothing to do with her and that it is not the fault of this government but is all the fault of the former government. That is a bit rich when you consider her party has been in power for much of this century to date, with the exception of four years when the coalition was in power.

**Mr Dalidakis** interjected.

**Ms FITZHERBERT** — Quite a bit was done, but you can have your say later, Mr Dalidakis, as I am sure you will.

The minister says over and over that she is 'having an investigation'. Having an investigation is not actually doing anything about a problem that is obvious to everybody. The other response that we repeatedly hear from Ms Mikakos is one of ridicule, particularly of Ms Crozier. It is a pretty nasty sort of reaction that repeatedly comes from Ms Mikakos. I think of the occasions on which, for example, she referred to Ms Crozier as a 'slow learner'. For a Minister for Families and Children to ridicule a person in this chamber as being a slow learner is just nasty. That is a schoolyard term that should be stamped out, but coming from a minister it is pathetic. For people who look after children with special needs, for people who have an interest in the disability sector, it is a disgusting thing to say. It is the sort of thing that parents hear said about children, and we wince when we hear it. It is appalling for a minister of the Crown to say it. I note that it stopped after I raised it as an adjournment matter with the Premier. I got a pretty evasive answer from the Premier to that adjournment matter, but I note that it has stopped. I believe he possibly had a word with her, or maybe it was someone from his office, and said, 'You know, you shouldn't use these sorts of nasty and indeed politically incorrect comments in that fashion when you're talking to someone else'.

**Mr Dalidakis** — He's the first one to read your contribution.

**Ms FITZHERBERT** — I will take up that interjection from Mr Dalidakis. I do not think the Premier does read my contributions. I think he gets someone on his staff to do it because he thinks that the

issues that are debated in this chamber and this Parliament are irrelevant. He is off on a frolic of his own. So no, I do not think he did. Someone in his office responded to my adjournment matter, but it would also appear that someone intervened and spoke with Ms Mikakos because she stopped using the term 'slow learner'. She continues to use other terms of derision but not that particular one, so I suspect that someone in his office — and the minister is right, it probably was not the Premier — looked at it and said, 'Actually, that's a really bad look. Someone should step in and save this minister from herself on this occasion'. I invite the minister to do that later on today when he makes his contribution to this debate, and I look forward to that.

Let us move away from that regrettable incident of late last year in the Parliament when the minister talked about slow learners and get back to what she has done more recently in relation to her portfolio. Last year the minister said:

We are ... considering further legislation so that assaults on youth justice staff are taken into account as an aggravating factor in sentencing. We are working with the union —

to fix this problem —

who have been calling for many of these changes for many years ...

Those words suggest to me that they have been asking for these changes not only under a coalition government but probably earlier under a Labor government as well, because when you talk about 'years', it did not all happen on the watch of the coalition government. The ALP has been in control for many years. It needs to look to its own performance, well before 2010. She went on:

... we do take the safety of our staff seriously. This is why we are putting these measures in place.

It is a bit late for that now. These are issues that should have been addressed many years ago, not just now, and not just by talking about it but actually doing it. Here we are today, and the minister is still thinking about what to do. There is not much taking action, and the consequences of that are pretty obvious. I think it is a bit rich to talk about taking action when we have the effects of crime visible on the highways of Melbourne leading away from Malmsbury.

**Mr HERBERT** (Northern Victoria) — This motion is an absolutely disgraceful motion. It is hypocritical in the absolute extreme. The facts are that Ms Wooldridge, who is not here in the chamber and who was the previous minister, knew all about the

problems in our youth justice system. She was the one who put the pause button on youth facilities. It was her government that failed to monitor the pressure and failed the task of futureproofing our youth justice and criminal justice systems. It is the previous minister who should be the one condemned by this motion. The fact that she orchestrated or approved this shameful motion is shameful in itself. It is a disgrace, because unlike the current minister she failed to act as the crisis in our youth justice system expanded and grew.

**Mrs Peulich** interjected.

**Mr HERBERT** — I know you do not like to hear it, but that is the truth of it.

Can I say, in relation to the current minister, that why this motion is so disgraceful is that it does not reflect who she is or the actions she takes. I have known Ms Mikakos for decades, and anyone who knows her knows that she is the hardest worker — —

**Mrs Peulich** interjected.

**Mr HERBERT** — Well, she is. She is the hardest worker and the most conscientious and most diligent MP and minister one could hope to get. If some of you over there put in even one-tenth of the workload — —

**Mrs Peulich** interjected.

**Mr HERBERT** — Mrs Peulich, I understand that you have had a bit of criticism for a lack of workload over the recent hearings we have had, but if you put in one-tenth, this state would be better. To suggest that she in any way sat on her hands or did not act in a diligent manner is simply nonsensical fabrication in the extreme. This motion flies in the face of reality, because anyone who knows Minister Mikakos knows that she is hardworking, is doing a great job in her portfolio and is implementing real change to improve Victoria.

Put simply, the antics of those opposite are not about reality; they are designed to cover up for the negligence they showed when they were in government and to cover up the fact that they acted as if they were in a bubble when the youth justice system was decaying. They were in a bubble when our prisons became overcrowded. They were in a bubble when our community correction orders ballooned out. They simply would not listen, would not hear and would not act. They were incapable of it.

Of course they say, 'You're in government'. What they should say is that after those years of neglect and as the system was decaying they simply handballed it to the new government and said, 'Hey, here's some mess. It's

your problem now. You should act quickly, unlike what we did'. They say that we have done nothing. I listened to the debate in the last parliamentary sitting week, and talk about fabrication!

Let us have a little look at the facts. In the two years that this government has been in it has addressed new laws to crack down on crime. There is a new parole system, there has been a massive boost to community correction orders underpinned by new laws on their usage, there are new laws on carjacking and home invasion and, when it comes to the youth justice system, we have acted strongly. We have implemented a major policy and funding shift to address the growing changes in youth offences in the state. We are moving youth justice to the Department of Justice and Regulation, including all custodial and community-based youth justice services. This recognises the increasing change in criminality in our youth cohort.

We have put 40 experienced corrections officers into our youth justice facilities, including the general managers who now run these facilities. There is a \$5.6 million youth diversion program for early intervention and new early intervention programs for Indigenous youth, a cohort that we know needs particular attention and in which we need to invest strongly. And of course there is the new \$288 million state-of-the-art high-security youth detention centre that we have seen those opposite flip-flopping on. Firstly, they supported the location, and then they did not. Secondly, they wanted a supermax prison, and now they do not. There is absolutely no consistency in their policy on this topic.

I do not mind opposition. That is what we are here for: we are here to debate opposition, we are here to debate different views, but be fair dinkum; be serious. Do you want a new facility or do you not? Do you want to go back to the days when you let it all decay and get out of control, or do you want a new approach and new facilities? If you want that, then say it.

**Mr Finn** interjected.

**Mr HERBERT** — Do not have Mr Finn say something different from Mr Guy. Do not have the leader criticised by the member opposite me.

**Mr Finn** interjected.

**Mr HERBERT** — You speak up a lot in here. I did not hear you say much about Ravenhall when that was built in your electorate. You authorised that. No, we did not hear anything about that one, Mr Finn — through you, President.

Let us continue. That is not the end of what are the most comprehensive changes in terms of youth justice in the state. We will legislate — and it will be interesting to see what those opposite say about this legislation — to increase the consequences of assaults on staff. There will be new youth control orders, new monitoring of bail supervision and the list goes on. The question here is not whether there is a comprehensive strategy underpinned by major funding being rolled out. The question is: will the opposition have a viewpoint on it and will that viewpoint be sustained by reason or will it be the flip-flopping that we have seen to date on this very topic? We have seen flip-flopping such as changes in policy, changes in their approach and changes in their tactics, day in, day out — changes that make it hard for any sensible person to actually understand what their position is on this whole issue.

**Mr Dalidakis** — Cheap, nasty political tactics.

**Mr HERBERT** — Indeed, Minister Dalidakis. They are cheap, nasty political tactics.

**Mr Finn** interjected.

**Mr HERBERT** — That is all very well. Say that is what you are doing. Say 'We're in opposition and we're going to have cheap, nasty political tactics. We're going to throw rocks at any attempt at reason. We're going to try and disrupt and dismantle in every way we can'. Do that, but do not then say, 'Oh, we want to have solutions. We want to be part of the solution', because you cannot have it both ways. We know you want to flip-flop, flip-flop, flip-flop, but at least be honest about your position.

As I say, this is a major, major task that is long overdue because of the inaction of those opposite, and it is being rolled out across the state. But as we have just heard from those opposite, apparently it is nothing. The biggest reform to youth justice in Victoria's history is nothing according to them. According to Ms Crozier, the author of this motion, they solved all the problems when they were in government. It was all — —

**Mr Dalidakis** — Who is not here.

**Mr HERBERT** — She is not here. It is her motion, but apparently she does not want to listen to the debate, even from those on her side.

Apparently they solved all the problems while they were in government. Indeed she praises her government's record. Goodness me! Seriously, what do people think of this? No wonder they think that some politicians talk the talk but do not walk the walk, as if words are reality. In this case they are not, and they are

also insulting. They are insulting to the general public that we seek to serve.

The fact is that Victoria does have complex problems. We have problems in growth, we have problems in crime and we have problems in a whole range of things, just as every country and every state in the world has. The issue is not whether you have problems; the issue is how you seek to solve them, because complex problems require complex solutions, not the simplistic slogans and rhetoric of those opposite. Indeed those opposite basically put Victoria on hold for four years, those Baillieu-Napthine years of dysfunctionality and inaction. It is as if they cannot remember that, but let me tell you, the Victorian public do. Remember those years? Total dysfunctionality which stopped anything happening, not just in youth justice or the criminal justice system but right across education, health and all the services — put on hold under their government.

Perhaps those opposite ought to start thinking about the next election as Mr Finn just alluded to. If they want to be successful, they are going to have to have policy positions that are more than just a Donald Trump-type tweet — little tweets —

**Mr Barber** interjected.

**Mr HERBERT** — Indeed. Mr Barber says he hopes I am right. Well, it would be a good thing for democracy to have an opposition that had more than a tweet policy — more than, ‘Let’s tweet it out there at question time. Let’s tweet it out there. This is our policy on complex issues’. The Donald Trump approach to solving the world’s problems. It is just ludicrous. I hope for this state they do, but when it comes to this motion the facts are that it is ill conceived, it is insulting, it flies in the face of the facts and it does not in any way, shape or form help this Parliament — this chamber — do what it should be doing, and that is having a serious look and working with the government to try and look to solutions for our youth justice issues. The government is doing it; those opposite are just throwing rocks.

In terms of rocks, one has to mention the fact that I sat here and listened in question time and during the speeches to comments about how there were no problems under the previous government and that this is all under our government. I had a chance to have a bit of a look at the media during their time in office. How short their memory is. I wonder if there is a memory problem over there. I wonder if there is actually a bit of an issue with some of those over there that have been here perhaps a bit too long, because when I had a look, unlike the rhetoric we heard from those over there, we

see headlines such as ‘Human services youth justice staff bashed and claim compensation’ and ‘Drugs rampant, assaults on staff’.

When was this? I think it was 2009–10 under Mary Wooldridge. Goodness me! Could that possibly be the case, given what we have heard from over there and what is on the record, that how there were no problems? And what did she say they had done? Apparently she, when she was a minister, said, ‘We’ve reformed the sector. A new college at Parkville, new CCTV cameras and a special response team’. Well, that did not work, did it? There are more headlines: ‘Guards in fear as youth detention centres on the boil’, ‘Guards brutally bashed and in hospital’, ‘Some youth transferred to high-security facility’ and ‘Inmates getting more and more complex and should be in prisons instead of youth centres’. When was that? Was that under us? Goodness me, no. That was August 2012.

Let us take it for what it is. We have heard a lot from those opposite. We have heard a lot of rhetoric, a lot of rubbish. We have a motion here, but when you look at the facts, the facts are very simple. The issues of changing youth criminality have been going on for a long time. There are different viewpoints about how you should address that criminality. The Greens have a viewpoint, I have a viewpoint and the government certainly has a viewpoint. We are acting. If you do not agree with those actions, then say so and put something forward, but do not pretend that this is something that has just erupted overnight. This is something that should have been acted on, should have been debated, should have been well thought through a long time ago and certainly when the crises were evolving under the previous administration.

Do not criticise this minister and this government because they are acting. Do not sit here and say ‘We need a new approach’ and then flip-flop on the laws that are brought in and the solutions that are being put forward. If you do not like the solutions, then say so and come up with better solutions. But quite frankly motions such as what we see here today are simply a waste of everyone’s time because they are insincere, they are insulting and they do not progress the debate in this state one iota nor make Victoria a better place nor a safer place. The government is doing that. It is about time those opposite got serious and started thinking how they can be part of the solution, not the problem.

**Ms BATH** (Eastern Victoria) — I rise to make my contribution on Ms Crozier’s motion this morning. It is a very serious state of affairs when we feel compelled to raise a motion of no confidence, but I am here to say

that I sincerely support this motion, and I will make a brief contribution on that.

In terms of the last two years the Malmsbury and Parkville youth detention centres have been trashed over 30 times — 30 times! I was just listening to the previous speaker's contribution, and Mr Herbert was continually taking out the previous government. I need to state quite clearly that during that four years there were no riots.

*Honourable members interjecting.*

**The ACTING PRESIDENT (Mr Melhem)** — Order! Mr Ramsay, Mr Dalidakis, that is true, but if you want to have discussions amongst yourselves I think you can go and have a coffee in Strangers Corridor. I think we should listen to Ms Bath.

**Ms BATH** — Last week we heard from the Public Accounts and Estimates Committee. We heard that — —

**Mr Dalidakis** — On a point of order, Acting President, for Hansard's sake, is this the leader or the deputy leader of The Nationals giving this contribution?

**The ACTING PRESIDENT (Mr Melhem)** — There is no point of order. Move on.

**Mrs Peulich** — On a point of order, Acting President, I have noted — and I am sure that if *Hansard* were examined carefully it would show — that Mr Dalidakis seems to be more profusely interjecting when there are females making contributions or to be targeting females in this chamber. He is a big man. He can come across as intimidating. Could I ask that you intervene by making sure that he observes the rules of the house?

**The ACTING PRESIDENT (Mr Melhem)** — Order! Thank you, Mrs Peulich. There is no point of order. Ms Bath, please continue your contribution, without assistance and without any interruptions.

**Mr Dalidakis** interjected.

**The ACTING PRESIDENT (Mr Melhem)** — Order! Thank you, Mr Dalidakis.

**Mrs Peulich** interjected.

**The ACTING PRESIDENT (Mr Melhem)** — Order! Mrs Peulich! As I said, I am happy to call the President to actually rule on this. Ms Bath to continue, without any interruption.

**Ms BATH** — Thank you, Acting President. In last week's Public Accounts and Estimates Committee hearings we heard that repeated rioting by dangerous youth offenders cost more than \$2.3 million in the year 2015–16, with more rioting and increased costs over the last 18 months. I have heard the minister say on a number of occasions that the conditions need upgrading.

Let me use an analogy that I know quite well — an analogy that relates to the school system. I have been in, taught in and seen 80-year-old schools where teachers are teaching out of portables. I have seen infrastructure upgrades that need to occur. However, my analogy is this: if we look inside those schools and if we see how the principal operates, the school structure, the leadership team and the leading culture across those schools, we identify that the culture creates a safe, orderly and structured environment with positive outcomes for students. What we see here in this — —

**Mr Herbert** — On a point of order, Acting President, as much as I like fantasy in terms of writing, this is really so far away from their own motion. It is not even talking about any of the minister's responsibilities. Seriously, you need to bring her back to the actual motion that they moved. It is their motion. If they want to talk about education, they should put that motion forward. This is not about that. It is not about Minister Merlino whatsoever, which is the area of responsibility she is talking about.

**Mrs Peulich** — On the point of order, Acting President, the debate has been wideranging, and that was demonstrated by the contribution of Mr Herbert. If he applies those rules to other speakers, he should have applied them to himself.

**Ms Shing** — On the point of order, Acting President, we are now 4 minutes into the member's contribution and we are yet to actually hear about the substance of the motion, so it would be good in fact if you could draw her attention back to the youth justice issues which are, by the coalition's own drafting, the subject of this particular motion.

**The ACTING PRESIDENT (Mr Melhem)** — Order! I have been asked to rule on the point of order. There is no point of order. I think we all know the motion, and various speakers on both sides over last week and this week have gone beyond the actual motion. I think it is important to note that if we can focus on the actual motion, it would be great, but let us not call points of order if members stray from time to time. I think everyone has in this debate. Ms Bath, to continue.

**Ms BATH** — Thank you, Acting President. The reason for speaking about structures and schools is to use the analogy that the principal within that school is in charge. The structure and the overall capacity within that school provides a firm but fair approach and also ensures staff within that school can feel safe when they go to their place of work. What we see in the youth justice system is a minister who has no control.

We see a youth justice system where staff members working within Malmsbury and Parkville do not feel safe as they attend their place of work. It must be a shocking thing to get in your car, go to your place of work and feel stressed in relation to how the outcomes will be. We have seen mass riots — over 30 riots in the last year. How incredibly uncomfortable it must be for youth workers to attend their place of work. Building a new facility will not necessarily see a cease in riots, as we have seen riots occurring in the Barwon detention centre in recent times.

I have been talking to a former staffer who has worked at both Parkville and Malmsbury. This person reflected on the early days of his career, when the units were run like small communities, responsibilities were given to the youths and there was structure and a sense of purpose there. There were consequences for poor behaviour, unlike today, said the person who had worked there — the former staff member — where there are concurrent sentences handed down and the boys are rewarded with treats. In 2015 youth rioters at Parkville were offered KFC to surrender, and in September of that same year a group of youths enticed down from the roof were bribed with pizzas and soft drinks.

The former staffer recalled overloaded caseworkers and a lack of support both for the staff and for the youths within the system. This is concerning to me because many of those youths arrive there as a result of drug abuse and mental health issues. Frustrated staff equates to a negative work environment and certainly creates a lack of morale. This is the fault of the minister. She should, like good principals in good schools, create a forceful, firm but fair approach to the way these systems are run.

I was told by this former staff member that there was a concern that there would actually be loss of life. This worker advised me that there was a meeting facilitated with the minister — a round table to talk about and resolve the management of staffing issues. But despite agreeing to intervene and remedy safety issues, the minister failed to do so. I am told that the Community and Public Sector Union refused to intervene and provide support to the staff because this would seem to

be, according to the former worker, bagging the government.

In January this year the human services department also recognised that drug use was certainly a significant impact, and I will finish my contribution by relating the story of a youth who is known to me who has related some information about his friends, who have had frequent stays in Parkville and Malmsbury. He said to me that they have likened Malmsbury to a holiday camp — ‘It’s easy as’, he said to me. His friends were incarcerated due to crimes committed while they were high on drugs, particularly ice. He said, ‘Ice makes you feel incredibly invincible, and you find things to do that fuel the high — for example, carjackings, home invasions and burglaries. You do it for the excitement and the rush and not for the stuff that you steal’. So it is not about the things; it is about the high.

He also said youth detention centres, as well as prisons, should offer drug detox and rehabilitation within the system to help break the cycle of reoffending. These youths have started off on the wrong track; they need support, but they need firm but fair supervision within that system. This minister is not providing that, therefore I will be supporting this motion today.

**Ms SHING** (Eastern Victoria) — I rise today to speak in relation to the motion drafted by Ms Crozier of the opposition benches seeking to express no confidence in the minister responsible for the youth justice portfolio, the Minister for Families and Children. In doing so I would like to be able to take up a number of the points made by previous speakers on the basis that they are fatuous, fanciful, hysterical and scaremongering in relation to a particular part of the youth justice challenge. The issue of good policy and good lawmaking need to be approached with a clear head and with reference to actual evidence, not simply stories that might make for a good yarn when seeking to undermine the work that government is doing.

What we have had here is not, despite the assertions of previous speakers, a situation where young offenders in youth justice facilities have rioted more than 30 times and been bribed with pizza and KFC. What we have here is a situation which, as outlined by the Secretary of the Department of Health and Human Services in the Public Accounts and Estimates Committee hearings which took place in this Parliament last week, is not the subject of inducements or incentives along the lines of the quick three-word news grab headline of certain outlets that those opposite might be seeking to promulgate. What we have here is not in fact a situation of business as usual in relation to the nature of offending and of offenders in Victoria.

Those opposite who have made contributions in the course of this particular motion would know this if in fact they had any interest in the evidence given by Chief Commissioner of Police Graham Ashton, along with the Secretary of the Department of Justice and Regulation, and other witnesses who presented evidence at the Public Accounts and Estimates Committee hearing last week in the Parliament building. It is very, very easy and it is very convenient as part of a corner-cutting exercise in being a lazy, sloppy opposition to simply identify problems that may or may not be based in truth. What we saw just yesterday was Assistant Commissioner Leane refer to the nature of young offenders as not actually being comprised of the coordinated cohorts that many in the media, that many in political circles would seek to brand them as, but rather as being a loosely coordinated approach to a very high intensity level of youth offending by a comparatively small cohort of people in a way which departs from earlier trends around youth offending.

This is, as Chief Commissioner Graham Ashton indicated in his evidence to the Public Accounts and Estimates Committee last week, part of a global trend. There are trends appearing in relation to youth justice and in relation to the nature of offending that do not simply confine themselves to Victoria's borders; however, that is a very easy thing for those opposite to dismiss. What they do is take the efforts and endeavours which are designed to address not just the immediate problem of accommodation, services, support and rehabilitation for young offenders, but they also take the issue of what needs to be done as far as investments in prevention, in diversion and in fact in tackling the whole of what is a complex policy problem, what is a complex and difficult community challenge, and they seek to distil it to its lowest common denominator.

What we see from those opposite is in fact something that flips and flops and switches and changes, depending on who you are listening to or who might want to make a comment in the media at any given time. We have seen the member for Gippsland South in the Legislative Assembly, Danny O'Brien, refer to Sale and to Fulham being an ideal location for a new youth justice facility. We have seen the member for Morwell in the Assembly, Mr Russell Northe, refer to the Latrobe Valley being a potential location for a youth justice facility. We have seen the Leader of the Opposition, Mr Guy, refer at various stages and at various times to the location of the facility being not an issue, then it being an issue and then again it not being an issue.

To quote Ms Crozier, the drafter of the motion itself, on Friday, 27 January, she did in fact issue a statement as the spokesperson for the opposition, in which she said she 'supported the idea of a youth ... prison for repeat violent young offenders'. This is an interesting development, given that for the four years that the former government had the capacity to do something about this issue, for the four years that it had the capacity to upgrade, to fix, to repair and to reduce the want in the facilities at existing youth justice centres, nothing was in fact done.

What we have seen is that Mr Guy has in fact, on 1 February, backtracked from Ms Crozier's earlier statement, saying:

I'm still a bit perplexed as to why we need to build an entirely new facility.

Mr Guy then said that he supported a Werribee South site.

When on the Neil Mitchell program — a program which he is very comfortable appearing on — he indicated the following. Mr Mitchell said:

It's reported today that the new youth jail will be at Werribee. Would you support that?

Mr Guy then said:

Well, I think that it is certainly needed. I mean, when you look at the facilities in Victoria, we have — as I've said for some time, crime has changed in this state over the last two years —

I would just like to insert my own comment there that the crime rate has in fact been going up since 2011, something which those opposite conveniently forget —

and the government has been almost asleep at the wheel on this, very, very slow to act. So yes, get on with it; however, that doesn't solve the immediate problem we face in the bail system.

Then Mr Mitchell says:

But what about Werribee? Do you support Werribee?

At which point Mr Guy said:

Well, look, if there's a whole bunch of reasons why that site should be chosen, then let it be the case. I'm not going to argue over the site.

That is the transcript of the 3AW interview.

But within hours in a different media outlet Mr Guy is quoted as saying that he wanted to 'retrofit Parkville or Malmsbury', which in fact then undermined his shadow spokesperson, Ms Crozier, and his earlier comments. On 6 February Mr Guy flip-flopped yet again, saying:

We've been saying that a supermax facility, if needed, should be built as soon as possible. We've been saying this for months.

Then one week later, on 13 February, Mr Guy issued a statement flip-flopping yet again on his support for the Werribee South site, saying:

We believe that the best location for a new youth justice facility — —

**Mr Ramsay** interjected.

**The ACTING PRESIDENT (Mr Melhem)** — Order! Mr Ramsay, I have got you on the speaker's list, but if you cannot wait till then, maybe you should walk out and I will call you in about 7 minutes. I think Ms Shing should continue without any interruption.

**Ms SHING** — Thanks, Acting President. One week later, on 13 February, Mr Guy issued a statement which demonstrated more backflips than your standard Olympic gymnast when he said:

We believe that the best location for a new youth justice facility would be nearby to an existing corrections facility.

We then had comments from those who sit on the opposition benches which completely ignored the obligations that are set out very comprehensively in the Children, Youth and Families Act 2005. This is a piece of legislation which prescribes the range of factors that must be considered by the secretary in determining the location and type of youth justice facilities that are to operate. Section 482 of the act was in fact contemplated by the Secretary of the Department of Health and Human Services when she gave evidence at a Public Accounts and Estimates Committee hearing last week. Again it is so unfortunate that those opposite were not here and were more intent on drafting shoot-from-the-hip media releases calling on all sorts of things that changed depending on the hour of the day rather than actually listening to the evidence of the secretary and of other witnesses that presented to the committee.

Considerations that are prescribed by the act and which have also been the subject of consideration by the Supreme Court of Victoria include the following: the location of the facility, whether the land is government owned, the topography, access to public transport, access to car parking, access to educational services and access to court-related services. In particular, court-related services include the reporting requirements that operate in a very different framework for young offenders than they do for adult offenders. In particular during the evidence given by the secretary of Health and Human Services to the Public Accounts and

Estimates Committee it was made abundantly clear that in fact in order to provide the framework for youth offenders that is required under the legislation it must be ensured that family visitation is capable of taking effect on a regular basis, that in fact continuity of court and court services is retained and that in fact the staff are able to access the facility and to travel to get to and from work in a relatively straightforward way. We see here that as a consequence of this the preferred site — and it is a preferred site; that is a very important thing to note here — has been determined as ticking those boxes.

I go back to what Mr Guy has said on the Neil Mitchell program:

Well, look, if there's a whole bunch of reasons why that site should be chosen, then let it be the case. I'm not going to argue over the site.

There are difficult conversations going on about the location of a new youth justice facility. What the government is doing, however, for us here on these benches as part of delivering responsible decision-making, as part of doing things properly and as part of tackling conversations and challenges that are not easy is working through a process and doing it methodically. We are not doing it for cheap headlines. We are not doing it for the sugar hit to some media outlets that may want to run various campaigns based on what their deadlines for newsprint are. What we are doing is discussing the issues and working through them, and the minister is an integral part of that. What we have here is work being undertaken systematically, diligently and thoroughly by the minister to make sure that a range of competing challenges and positions are all considered. What we are making sure that we are doing is delivering a reformed system to that which was left in tatters when the government changed hands in 2014. It is very, very easy for those opposite, as they have done on a number of procedural and other items within this place, to call for all sorts of outcomes, but when it comes to the alternatives — when it comes to what we should in fact be doing proactively — they are left with nothing to offer. 'Anything but what you're doing' tends to be the clarion call from those in the coalition.

What we have seen is an unprecedented investment in staffing across the sector. It is these crocodile tears for the welfare of people who do a very difficult job, often under very difficult circumstances, that I find incredibly disingenuous.

**Mr Dalidakis** — We had one call it a summer camp.

**Ms SHING** — On the one hand we have a previous contributor referring to justice facilities as a summer camp; on the other hand we have the same person making a contribution about how the union has done nothing to talk about improved occupational health and safety. The thing is that you cannot have it both ways. You cannot have it both ways, and you cannot have a slapdash decision, taken on the run, without going through all of the processes that justify that this is the appropriate decision to take. We have not done that in relation to any of the processes that we have undertaken in delivering government.

That is not saying that we have at any point been inert. In fact what we have been doing is investing in people, investing in recruitment and making sure that we have seen more than 100 new custodial workers recruited since September 2016. What we do see is an active interest in the occupational health and safety and wellbeing of the people who work in these facilities every day. What we do see is a careful analysis of the facts, rather than the spin we see from those opposite. What we do see is a consistent approach to making sure that youth justice is not simply something that must be dispensed with from the front page of various newspapers as part of a scare campaign that exists simply to undermine the work we are doing.

We are doing the work, but as has been said, hard things are hard by their very nature, and they must be approached assiduously and diligently and they must be done above the petty interests represented by the contributions of those opposite both in this place and in the media more generally. I oppose the motion.

**Mr RAMSAY** (Western Victoria) — I rise to speak to the motion of Ms Crozier in relation to order of the day 1. This motion reads:

That the Minister for Families and Children no longer possesses the confidence of this house due to the minister's failure to —

- (1) accept responsibility for the ongoing crisis engulfing Victoria's youth justice system;
- (2) act on the numerous reports and reviews commissioned by her into the youth justice system;
- (3) comply with the Children, Youth and Families Act 2005 in relation to the transfer of young offenders from Parkville youth justice centre to Barwon Prison; and
- (4) provide accurate and timely information to this house and to the Victorian public in relation to youth justice incidents.

It has been said before by contributors on this side of the house that this motion is not taken lightly. We do

not on a regular basis move motions of no confidence in our ministers. I must congratulate Ms Crozier for the work she has been doing as the shadow Minister for Families and Children, particularly in making us in this chamber and, more largely speaking, the public aware of the failures and failings of the minister in her portfolio in dealing with what we have — a crisis in the youth justice system.

I say that on the basis that Labor has a track record in this respect of not being able to provide custodial centres — —

**Mr Dalidakis** — What is your track record, Mr Ramsay? Of doing nothing.

**Mr RAMSAY** — I am happy to go through that, Mr Dalidakis, at another point. I note that under the Bracks-Brumby Labor governments youth justice custodial centres were an absolute mess and under significant strain, notable for low security, poor safety for young offenders and staff and appalling and run-down living conditions. This was under the Bracks-Brumby governments. Labor left youth custodial offenders to their own devices by failing to implement any structural or formal education. The result was a toxic environment in which kids were left idle and more likely to be involved in critical incidents.

When we came into government in 2010 we had to significantly improve the safety and security of our youth justice custodial centres by upgrading and renovating the entire Parkville Youth Justice Precinct and increasing the capacity of the custodial system. We established Parkville College, a Victorian government school for young people detained in custody, with all young offenders receiving education for 36 to 40 hours each a week, significantly improving their literacy and numeracy skills and creating an appetite for learning.

We invested in and expanded youth justice diversionary options, which have been successful in reducing reoffending, and we passed legislation to further strengthen security and safety measures for custodial clients, staff and visitors. We significantly reduced the number of young offenders aged 10 to 17 who came into contact with Victoria Police — by 7 per cent. We reduced the number of young people committing violent crimes and reduced the number of young people on youth justice supervision orders for violent offences against the person by up to 33 per cent. We reduced the daily average number of young people on community-based supervision orders by 23 per cent. We reduced the daily average occupancy rate for young people in custody by 20 per cent. We invested

\$7.6 million in a range of drug and alcohol, health and rehabilitative services for youth justice clients.

We delivered \$55.4 million into infrastructure investment to improve the safety and security of youth justice custodial centres, and we built dedicated visitor centres at the Parkville and Malmsbury youth justice precincts. We introduced highly trained incident response teams to prevent serious incidents and ensure the safety of clients and staff during such incidents. We invested in a new 45-bed facility and training facilities for young offenders at Malmsbury. We also installed over 500 CCTV cameras in youth justice custodial centres and delivered a single entry point at the Parkville Youth Justice Precinct.

In fact with all of this work that was done by the coalition between 2010 and 2014, the Victorian Ombudsman said of the Victorian coalition's improvements that they had led to an impact on youth justice services for children that 'has been both effective and commendable'. So that is what we did after the mess that the Bracks-Brumby governments made of the custodial centres.

What we have now — and the reason Ms Crozier has brought this motion to the house — is that the minister for families and other things, Jenny Mikakos, has lost total control of her portfolio and her responsibilities in relation to youth justice facilities. In fact if it was not for the efforts of Ms Crozier, I am sure we would not know about and would not have had an account of the plethora of problems associated with the incidents at the different facilities across Victoria and also the pathetic way the minister has responded to those incidents.

I want to remind the house of some of the problems associated with our youth justice system and facilities across Victoria and what has happened under the minister's responsibility in this portfolio that has led to this motion being moved today.

On 31 October 2015 six inmates armed with cricket bats and tennis rackets climbed onto the roof at the Parkville youth justice centre. Four workers were assaulted, one during an attempted stabbing. It was also revealed in May 2016 that the teenage inmates who were involved in a tense stand-off with police were promised KFC in exchange for their surrender. In fact if the *Herald Sun* and the opposition had not highlighted these problems, the public would be none the wiser about what was going on at Parkville at that time in October.

On 6 March the Parkville youth centre was in lockdown after hammers, pitchforks and metal bars were stolen

from a horticultural shed. In fact the *Herald Sun* had been told that a victim's head was stomped on during that incident and the victim was taken to hospital for treatment. Again, at the time the minister was vague about the detail and had a head-in-the-sand approach in relation to a government response.

On 28 November 2016 a staff evacuation was called at the Malmsbury Youth Justice Centre, with two units reported damaged. Once again young offenders accessed staff and client files. In the Latrobe unit young offenders smashed computers; in the Monash unit staff were bombarded with human faeces by young offenders; and there were reports that the Deakin unit also went into lockdown, with potentially a further code aqua. It is totally out of control and the minister's response is fluffy at best — and she is non-proactive, I might add.

On 28 November 2016 there were reports that a worker at the Malmsbury youth centre, when trying to submit a WorkCover report, was asked by WorkCover staff, 'Is this because of all the *Herald Sun* stories?'. The staff member stormed off without submitting a report.

On 3 January 2017 thousands of dollars worth of damage was caused when a teen thug went on a rampage in a youth detention unit at Barwon Prison after becoming involved in an argument with the Department of Health and Human Services staff about his medication. The teenager lost his temper and ran off, throwing chairs behind him as he tried to get away. He then retreated into a room where he pulled a flat screen TV from the wall before smashing it. The rampage continued, with the teen smashing an air conditioning unit before moving into another room and throwing broken items at staff. Staff had to lock themselves in another room while the teen continued his mayhem. He turned over washing machines and dryers before trying to smash windows in the room in which the terrified staff members had taken refuge. Again, even though all this information was coming out in the public arena, the minister was in total denial.

On 7 January 2017 six offenders, some of them involved in past riots, ran off from a supervised basketball game at the Parkville youth justice centre in Melbourne's north — on a Saturday night — and climbed onto the roof of one of the units. The teenagers sprung another inmate from a locked cell before the group started damaging property and acting violently towards staff. It was later revealed that the young inmates threw an unauthorised pool party shortly before they went on the rampage. I remember this incident, and I remember the minister being in total denial. In fact she has even denied that there were pools at the

centre, far less than acknowledging the throwing of a pool party. Again no responsibility was taken by the minister in relation to what was happening in this facility and also what the government was going to do to respond.

On 7 January again, the mother of a boy who refused to join rioting in a youth justice centre was called by the rioters and told she would one day have to come and collect his body. It is understood that the inmates, annoyed by the boy's reluctance, got into an office and found his mother's phone number and his records. A source told the *Herald Sun* his mother received a call from one of the guys. The words used were to the effect of, 'One day you'll be coming here to pick up his body'.

On 12 January 2017 police were called to Malmsbury at 1.50 p.m. after reports youth had locked themselves in a secure yard and were causing trouble. A police spokesman said that sources said that some teens had armed themselves and that staff had retreated from the unit. The coalition has also been informed of serious and significant incidents at the facilities on Friday, 9 September; 28 September; and 12 and 23 October last year.

I think I have covered most of the chain of events under the Mikakos administration of this portfolio. Just to summarise, there have been 30 riots or serious events at youth justice facilities since October 2015. In the coalition government's reign between 2011 and 2015, there were zero. Education facilities at both Parkville and Malmsbury have been trashed. There has been a loss of experienced youth justice workers as a result of ongoing violence. In the year 2015–16 the Andrews government cut 11 youth justice workers from the Department of Health and Human Services and they had to subsequently advertise with 'No experience necessary', so desperate were they to fill the positions.

Category 1 assaults in youth justice centres have risen by more than 263 per cent in the past year. Between January and September 2016 ambulances attended the Parkville youth justice centre a total of 57 times. Between January and September 2016 ambulances attended the Malmsbury Youth Justice Centre a total of 43 times. The number of unsentenced 10 to 17-year-olds in youth justice centres has risen from 3.79 per cent to 37.3 per cent. The average length of time young people spent in unsentenced detention during the year increased from 33 days in 2014 to 42 days in 2014–15. Young people aged between 10 and 17 in detention in Victoria has increased from 405 in 2013–14 to 471 in 2014–15. The percentage of youth justice criminals participating in community

reintegration activities has dropped to 58.7 per cent. It was 80 per cent under the coalition, I might add.

More than 50 youth justice questions without notice have not been answered by the Minister for Families and Children, Jenny Mikakos, during question time — despite the valiant efforts of the shadow minister, Georgie Crozier. As she has indicated, there will be more — and there will be more by the end of the week, I am sure.

Reports to child protection services about the wellbeing and safety of children have increased from 21 048 in September 2014 to 29 000 in June 2016, and the average number of unallocated child protection clients has increased from 3326, 15 per cent of clients, in September 2014 to 6000 — that is nearly double! — 20.7 per cent of clients, in June 2016. The daily average of children in out-of-home care placements in Victoria has increased from 7716 to 8752 in June 2016.

I have actually gone to some length, firstly, to show what was happening in the Bracks-Brumby era of youth detention centres — and we knew it was a mess then — and then I highlighted what the coalition did in response to that shambles and mess that was given to us on our election in 2010.

*Honourable members interjecting.*

**Mr RAMSAY** — Yes, there was a lot. We actually reduced the amount of youth detention during that period, and also we provided significant programs to help educate and improve the literacy of the offenders that were incarcerated in those centres. But what we have seen since, and this goes back to the Premier's policies while he has been in government — it seems forever, but it has only been two years — is a soft-on-crime approach. We are seeing that throughout Victoria. Law and order is a huge issue. Community safety is a huge issue. We know a lot of these youth offenders, and they are always reoffending and have no respect for law and order. They have no respect for our police. We know that per capita you are not increasing police numbers. You squawk about police numbers, but they are actually decreasing per capita. We know we do not have enough rehabilitation centres and beds across Victoria to help some of the drug offenders that are going into the system. So that is why I support Ms Crozier's motion — —

**The ACTING PRESIDENT (Mr Melhem)** — Order! Thank you, Mr Ramsay. Your time has expired.

**Mr DALIDAKIS** (Minister for Small Business, Innovation and Trade) — I appreciate the opportunity to rise to speak on what is really one of the most

disgraceful, partisan political motions put before this chamber. Unfortunately Ms Crozier left the chamber as I began my contribution, because the contribution is in response to the motion that she actually put. I would have thought that, given that she feels that the motion has such gravity to it, she would want to be in the chamber to listen to all of the contributions.

**Mrs Peulich** — On a point of order, Acting President, I believe that Mr Dalidakis is reflecting on the member. The member has gone to lower house question time, where important questions in her portfolio are being asked of the Premier.

**The ACTING PRESIDENT (Mr Melhem)** — Order! There is no point of order; there was no reflection.

**Mr DALIDAKIS** — Thank you, Acting President. As I was saying, I would have thought that the gravity of the motion before this house was such that Ms Crozier would have wanted to be here. I can only assume that she really does not care, other than for the political facade — the tactic of attempting to smear a fine minister undertaking her role and her portfolio under extraordinarily trying and difficult circumstances.

The motion before us has four parts to it. All four of those parts are pathetic. They are puerile, they are distasteful and they are everything that is wrong with politics. Is it any wonder the community has such scorn and disregard for politicians when those opposite wish to undertake such a partisan attack on a minister? That is really beneath this Parliament and this chamber. But let us deal with them one by one.

Number one, the motion, of course, has attempted to attack the minister for failing to accept responsibility for the ongoing crisis apparently engulfing Victoria's youth justice system. I find this amazing because in the last term of government we had the then government, now opposition under Napthine and Baillieu before him and I think Geoff Shaw in between them, sit on their hands — which is why they are now in opposition. In fact the Leader of the Opposition in this place, none other than Ms Wooldridge, was the minister who actually had to look at implementing a report on our youth justice facilities by the Ombudsman, a report that was provided in 2010 — I think it was October, one month from the election — and that said that Parkville needed to be replaced. That is what the Ombudsman recommended — that Parkville needed to be replaced — but what did Ms Wooldridge do?

The silence was intended, because that is what Ms Wooldridge did — nothing! Not one thing was

done in response to the Ombudsman's report of October 2010. Ms Wooldridge sat on her hands. It is a bit like those three monkeys — see no evil, hear no evil, speak no evil. Unfortunately, in this particular instance the fact that Ms Wooldridge did nothing has actually only added to the gravity of the situation today. While Ms Crozier puts forward a motion attacking Ms Mikakos, I think what she should really be doing is putting forward a motion that attacks the work of the Leader of the Opposition in this place, who wasted four years that saw the youth justice facility at Parkville have next to no work done on it — a little bit of work but next to no work.

Certainly the Honourable Mary Wooldridge — forgive me for not using her correct title, given, as *Hansard* will prove, she has asked me to refer to her as 'the Honourable' — did nothing. She refused to accept the recommendation of the Ombudsman in October 2010 and did not build a new facility. So when we go forward, of course, what has the minister in this place undertaken to do? Build a new facility — build a new facility that the Ombudsman called for and that the previous minister, none other than the Honourable Mary Wooldridge, ignored. We then come to this motion, where those opposite are attacking our minister for acting upon the Ombudsman's report to build a new facility. They have the galling hypocrisy to attack the government for getting on and doing something that they did not do six long years ago.

I think that is a great example of why this motion before the chamber is such a sham. It is a disgraceful, partisan, shambolic attack on a minister doing her job in difficult circumstances, with offenders who are not *Oliver Twist*. These are not children who turn up for lunch and say, 'Please, sir, can I have some more?'. These are some of our most hardened young offenders who are either on remand or otherwise. These offenders needed a new facility to be built when the Ombudsman referred to it back in October 2010, which the previous government and the previous minister, none other than the Honourable Mary Wooldridge, Leader of the Opposition in this place and colleague of Ms Crozier, ignored — —

**Ms Shing** — Did nothing.

**Mr DALIDAKIS** — Did nothing — not one thing. She ignored it. So when we come forward to today, is it any wonder that those offenders who have become more hardened and more used to the system — the report was released in October 2010 and the election was in November 2010, so we are talking about six years later — are taking a greater opportunity to attack the system that had been left to languish under the gross

incompetence of the previous government? That is why for the first time in some 50 or 60 years a government lost office after one term — because this was symptomatic of the malaise across the whole of the Victorian government.

**Mr O'Sullivan** interjected.

**Mr DALIDAKIS** — Luke O'Sullivan from the other side is attempting to interject. If I was him I would be very quiet. Are you the Leader or Deputy Leader of The Nationals in this place, Mr O'Sullivan? Can you give us some clarity? Which one is it? Either way, Mr O'Sullivan was chief of staff to a minister in the previous government that did nothing. I wonder what cabinet papers you saw, Mr O'Sullivan, and whether you briefed your minister at the time on whether he should accept the Ombudsman's report. What role did you play in doing nothing in the last term of government? What role did you play?

Acting President, I ask the member: what role did he play in doing nothing? This is kind of amusing because we have now got two members of the National Party in the other place calling for this facility to be built in their electorate. Is it the electorate of Danny O'Brien or is it the electorate of Russell Northe? Which one, Mr O'Sullivan, do you wish to support? Acting President, I ask the member: which electorate do you wish to see this facility built in? Is it Mr Northe's electorate, or is it Mr O'Brien's electorate? Can you please elucidate this for us so that Hansard and the chamber can actually understand.

Mr O'Sullivan is very keen to try and throw barbs across the chamber, but he is not so quick to answer what his role was in a do-nothing government and what advice he gave his minister at the time or in fact what he wants and who he wants to support. Who is his favourite colleague? Is it Mr O'Brien, or is it Mr Northe? Is it now, or is it tomorrow? It certainly was not in the last four years, because in the last four years the opposition — the then government — did nothing, and that is why we are in the position we are in today.

If those opposite want to attack somebody for doing nothing, this motion is misdirected. It is ill directed. It should be directed to none other than the current Leader of the Opposition, the Honourable Mary Wooldridge, so called because she is deemed 'Honourable' in this place, despite the fact that for four long years she did nothing.

Let us move on. Let us get to the second point in this motion:

- (2) act on the numerous reports and reviews commissioned by her into the youth justice system ...

Given that we have just spent the better part of the last 5 minutes talking about Mary Wooldridge ignoring the Ombudsman's report, I think it is staggering that those opposite would be silly enough to actually put this in a motion attacking our minister — a minister getting on with the job of fixing the system and repairing the malaise, the incompetence, the do-nothingness of the previous government under Napthine, Shaw, Baillieu and any number of other people who put their hand up, including, I think, Murray Thompson in the Legislative Assembly at one stage.

To suggest that this minister has failed to act on numerous reports when in fact this minister has acted on the most important report of the time, the Ombudsman's report of October 2010, is ironic at best and mischievous almost at worst but also, quite frankly, hypocritical in its intention and its entirety. It is nothing short of scandalous and it is an abuse of this Parliament's time and a waste of its responsibility. It is disgracefully partisan and symbolises everything bad about what this Parliament stands for and nothing that is good. There is nothing in this motion about holding the government to account and nothing about making sure that we deliver for the citizens of our great state. No, this is a partisan attack on a minister who is finally getting off her backside and doing something for this community — creating a new facility that will provide some level of security, confidence and safety, which was missing during the previous government because it ignored the Ombudsman's report.

The third point in the motion relates to an apparent failure by the minister — because I refuse to accept the premise of this motion — to comply with the Children, Youth and Families Act 2005 in relation to the transfer of young offenders from Parkville to Barwon. The question should be: what is the opposition's actual position in relation to the creation of the Grevillea unit at Barwon Prison? What is their position? They cannot attack us for creating an area of Barwon Prison which is, through Governor in Council, an order that has been revised to make sure the facility was correctly gazetted as a standalone youth justice and remand facility in accordance with the act, but so far the whole of the community has not been informed of whether the opposition will support the facility or not. That is fine if you are playing student politics at university, but when you are in state Parliament and when you have control

of legislation that affects people's lives, they have the right to know what your position is.

Unfortunately this is a common theme. This opposition lacks leadership. Time after time we have seen this opposition try and use the lowest form of politics. Politics as a profession should be about reaching for the heights in terms of representing the community. Sadly, what we have seen from those opposite has been the very depths, and it has been despair. We do not know what the view of those opposite is. We do not understand what their view is, and we certainly do not know what they stand for. The community will judge them harshly at the next election because the community knows that they have a government that stands for a range of very important principles.

We stand for security — 3135 new police from this government under a recent announcement by the Premier and the Minister for Police. They understand that we stand for security, with the building of a new facility, which those people over there ignored following the Ombudsman's report of October 2010. We know that we stand for jobs, and can I just say on that that the latest unemployment rate has hit 5.7 per cent, which is still too high when people are looking for work, but it is a lot lower than what we inherited; I can tell you that, Acting President.

Furthermore, the creation of jobs, funnily enough, will be about 2500 as a result of building the new facility. But of course those people over there do not want it, they do not support it and they are not sure — maybe tomorrow, maybe later today; they do not know. That is part of the problem with this opposition; they stand for nothing.

We have got a member of The Nationals over there. We are not sure whether he is the leader or the deputy leader, but either way he was part of the problem in the old guard. He is not sure whether he is going to support Mr O'Brien's claim to the facility in his Assembly electorate or whether he is going to support Mr Northe's claim for the facility in his Assembly electorate. He does not know whether he is Arthur or Martha. It is not a surprise, because The Nationals do not know whether they are socialists, whether they are agrarian socialists or whether they are just place fillers for their city cousins, the Liberal Party.

That was better seen at the last election of course when they lost party status, and the reason they lost party status was because the community lost faith in them. It is not a surprise when they keep electing people like Mr O'Sullivan, who comes into this place and pretends

that he can contribute to public policy debate when he is part of the problem.

Lastly, we have point (4) of this motion dealing with a failure to 'provide timely and accurate information to this house'. Let me tell you that the minister concerned has provided the most information of any minister in this portfolio that I can recollect. I can tell you that we are very grateful to have somebody of Minister Mikakos's skill running a very difficult portfolio, and this motion is an absolute nonsense.

**Mrs PEULICH** (South Eastern Metropolitan) — I also wish to join the opposition in mounting the case against the minister, Jenny Mikakos, in her administration of this important portfolio. I will just make an observation. Number one: a beard does not maketh a man. It is quite clear from the previous speaker that it is high time that he got out of his short pants and actually started — —

**Ms Shing** — On a point of order, Acting President, Mrs Peulich's contribution along with her interjections referred to the minister being in short pants and being not a man but a boy, and she has just referred in fact to a beard not making a man. I think that is a personal attack on the minister and she should withdraw.

**Mrs PEULICH** — On the point of order, Acting President, for the previous 15 minutes the minister has targeted a number of opposition members in the most personal and disgusting ways. I think that people who live in glass houses should not throw stones.

**The ACTING PRESIDENT (Ms Dunn)** — Order! I note that when Mrs Peulich made those comments the minister was in the chamber. The minister did not draw those comments to my attention. I ask Mrs Peulich in her future contribution to go to the substance of the motion and not to personalise comments.

**Mr Dalidakis** — On a point of order, Acting President, I was actually on the way out of the chamber when some of those comments were made. I would ask the member to withdraw. They were extraordinarily personal in nature and they were abusive. She has form in attacking me, Ms Shing and other members on this side in very personal ways, and I would have thought that somebody who has a shadow portfolio of multicultural affairs would do well to be very careful in her choice of words for fear that such a smear would be seen as an attack on other ethnic people. It is absolutely disgraceful, and I ask her to withdraw.

**The ACTING PRESIDENT (Ms Dunn)** — Order! Mrs Peulich, I ask you to withdraw those comments.

**Mrs PEULICH** — Could I seek the guidance of the Chair as to which words precisely the member found offensive?

**The ACTING PRESIDENT (Ms Dunn)** — Order! I ask you to withdraw in terms of your personal commentary around your contribution. It is my view that the minister was asking for an all-encompassing withdrawal, without qualification.

**Mrs PEULICH** — Acting President, following your guidance I withdraw, but can I also point out that those — —

**The ACTING PRESIDENT (Ms Dunn)** — Order! No qualification, Mrs Peulich.

**Mrs PEULICH** — Perhaps we need some guidance in relation to the use of metaphors in debate. The metaphors I used were not — —

**Ms Shing** — They were not metaphors, they were similes.

**Mrs PEULICH** — They were metaphors. Find the definition. They were metaphors.

**The ACTING PRESIDENT (Ms Dunn)** — Order! Thank you, Mrs Peulich. I will certainly have a conversation with the President around the use of metaphors. I remind all members as part of this debate to stick to the substance of the motion. Let us not personalise our contributions.

**Mrs PEULICH** — Thank you, Acting President. Let me just refresh the chamber's memory of the language used by Mr Dalidakis in his contribution. He called Ms Crozier 'disgraceful' and 'partisan'. He referred to Ms Wooldridge and alluded in a metaphor to the 'three monkeys' — —

**Ms Shing** — A simile is different to a metaphor.

**Mrs PEULICH** — I think as an English teacher I know the difference between an analogy, a simile and a metaphor. I think I do know that, Ms Shing.

**An honourable member** interjected.

**Mrs PEULICH** — Yes, knows everything; 5 minutes in this chamber and knows everything.

What we saw was the art of smear, what we saw was the art of nastiness and what we saw was the art of character assassination. To use that and virtually the entire time to attack Ms Crozier and attack Ms Wooldridge rather than defend his own minister I think speaks volumes.

It speaks volumes about why the minister failed to actually defend his minister and talk about the motion rather than using more than 80 per cent of his time to attack the opposition.

**Ms Shing** — You have not started on the motion yet, and you are 5 or 6 minutes in.

**Mrs PEULICH** — It is context and rebuttal, Ms Shing. Perhaps with your legal background you might understand the importance of rebuttal.

The comment was made by Mr Dalidakis about how it was unprecedented that the previous government — the coalition government — lost office after one term. Yes — through theft and rorting, which the current government is still attempting to conceal, the rorting of public funds in order to pay for the red army. We had the previous speaker, Mr Herbert, desperately trying to find the high moral ground and talking about how the opposition have a poor memory. This is the man who forgot to place a house on his register. So what we have heard from successive speakers in relation to this motion is basically just an attack on the opposition rather than a defence of the minister and her record — and that record is quite clear.

As previous speakers for the opposition have mentioned, this minister and this government have presided over 30 riots in youth facilities — riots which had not occurred under the previous government. They have attempted to mount the argument that the previous minister and the previous government did nothing. Clearly there is evidence in the most recent Ombudsman's report, and certainly in media reporting, that the problems that we are now confronting did not exist in the system a few years ago.

Just to remind people of what the Victorian coalition did in its very short four-year term, overshadowed massively by the numerous years that the Labor government was in charge of the vehicle — the Victorian car — the coalition government reduced the number of young people committing violent crimes and reduced the number of young people on youth justice supervision orders for violent offences against the person by 33 per cent. The crime rate itself was massively lower. We have seen an absolute escalation in crime, including violent crime, in Victoria. Victorians feel that we are facing a tsunami of crime because of the policies and the failures of this government, and this minister, Ms Mikakos, is one element of this massive failure.

Under the previous government we reduced the daily average number of young people on community-based

supervision orders by 23 per cent. We reduced the daily average occupancy rate for young people in custody by 20 per cent. We invested \$7.6 million in a range of drug and alcohol, health and rehabilitation services for young justice clients. We delivered a \$54.5 million infrastructure investment to improve the safety and security of youth justice custodial centres. We built dedicated visitor centres at the Parkville and Malmsbury youth justice precincts. We introduced highly trained incident response teams to prevent serious incidents and ensure the safety of clients and staff during such incidents. We invested in a new 45-bed facility and training facilities for young offenders at Malmsbury, we installed 500 CCTV cameras in youth justice custodial centres and we delivered a new single-entry point at the Parkville Youth Justice Precinct.

These are not just my assessments; these were the assessments in 2014 of the Victorian Ombudsman, who said that the impact the Victorian government's improvements have had on youth justice services for children 'has been both effective and commendable'. That is a very, very different scenario to what the government is trying to portray as a way of defending the absolutely shambolic, chaotic performance of the minister. If it had been any other minister from another faction — from the right — that person would have been shafted already, but the Premier and the Leader of the Government in this chamber are standing by Ms Mikakos because she is a very important factional ally. The reality is that other ministers have gone for lesser reasons. Speaking of ministers going — —

**An honourable member** interjected.

**Mrs PEULICH** — In actual fact even Steve Herbert resigned of his own volition. Ms Mikakos would do more to save the government by creating a circuit breaker and going herself.

What have we had? We have had 30 riots or serious incidents at the youth justice facilities since October 2015. Between 2011 and September 2015 there were zero riots. Education facilities at both Parkville and Malmsbury have been trashed. There has been a loss of experienced youth justice workers as a result of ongoing violence. In the 2015–16 year the Andrews government cut 11 youth justice workers from the Department of Health and Human Services. Subsequently they have had to advertise for 'No experience necessary' positions on seek.com.au and have also requested youth justice workers from the Tasmanian government.

Category 1 assaults in youth justice centres have risen by more than 263 per cent in the past year. Between January and September 2016 ambulances attended the Parkville youth justice centre a total of 57 times. Between January and September 2016 ambulances attended the Malmsbury youth justice centre a total of 43 times. The number of unsentenced 10 to 17-year-olds in the youth justice centres has risen from 3.79 per cent to 37.37 per cent. There is a very long list. Unfortunately time is galloping ahead. I wish I had more time, but I will just quickly jump to a few others.

The average length of time unsentenced young people spent in detention centres during the year increased from 33 days in 2013–14 to 42 days in 2014–15. The number of young people aged 10 to 17 in detention in Victoria increased from 405 in 2013–14 to 471 in 2014–15. The percentage of youth justice clients participating in community reintegration activities dropped to 58.7 per cent from 80 per cent under the coalition. More than 50 youth justice questions without notice have not been answered by the Minister for Families and Children, Jenny Mikakos, during question time — and the list goes on.

This minister has been unaccountable to Parliament. She has been evasive as far as the media is concerned, and she has certainly failed to manage the serious matters confronting youth justice in this state. If there is any doubt, I think the fact that the Ombudsman had to produce a report tabled in February 2017 — a report on youth justice facilities at the Grevillea unit at Barwon Prison, Malmsbury and Parkville — is pure evidence of the minister's failure.

If you turn to the foreword of this report, on page 3 the Ombudsman states that the report:

... is also intended to give Parliament and the public a window into the actual state of affairs within Victoria's youth justice facilities and how oversight agencies hold government to account. The report evidences the close scrutiny of the Grevillea unit in Barwon Prison by the Commission for Children and Young People since the unit was hastily set up last November.

It also evidences the pressures on the Parkville and Malmsbury facilities: while staff shortages have long been a problem there, this has plainly been exacerbated by the creation of Grevillea, with the predictable effect that young people are kept in lockdown for longer periods, creating further unrest.

The reason that the Ombudsman had to produce this report is precisely the reason for this motion being brought to the house. In addition to that and in conclusion could I say that again in the Ombudsman's report there is reference to this problem being very

different to the trends which have faced youth justice for some time. I quote from page 8:

In response to the draft report the department advised:

... In many instances, stakeholder consultations have revealed a move away from opportunistic (typical adolescent) offending and towards more sophisticated, socially networked, calculated and callous offending, characterised by rapidly escalating levels of violence and disregard for authority and consequence.

Departmental data also show that in 2015–16, over 71 per cent of youth justice clients have been charged with crimes against the person. Of this cohort, 73 per cent committed acts intended to cause injury as their most serious offence.

The experience of youth justice has deteriorated dramatically under this government. The evidence is cited in the media, in the Ombudsman's report and in this Parliament. The minister has failed. She needs to go, and the government needs to appoint someone who can actually take charge of the situation to resolve it.

**Mr EIDEH** (Western Metropolitan) — As the house knows, there are few occasions when I rise to overtly attack the opposition. I usually focus on the positives of this government's many achievements and leave the criticism and attacking to others. However, on this occasion and with this motion there really is not an alternative. This motion is nothing short of frivolous and vexatious. For the opposition, after everything they did not do in Victoria's youth justice system, to put forward this motion is palpably absurd. Under the Andrews Labor government and under Minister Mikakos's stewardship Victoria's youth justice system has received the new infrastructure, tougher laws and effective diversion it did not receive under the previous Liberal government.

There has been much discussion about the new youth justice facility proposed for Werribee South in my electorate of Western Metropolitan Region. When the Premier, the Treasurer and Minister Mikakos announced that Labor would build this facility it was in direct response to the stresses the system was then enduring. It is this government's decisive action and commitment to creating a coherent youth justice policy that now translates into greater community safety.

In addition to this the new facility also means there will be thousands of initial jobs created in my electorate and hundreds of ongoing jobs into the future. We have heard from those opposite a lot of feigned outrage and indecision. The opposition leader has adopted just about all of the positions one could possibly take on this matter. He agreed with building the facility at Werribee, and then he disagreed with the decision. He then

announced that he wanted a location nearby to an existing facility. The National Party want a facility built near Sale and not Werribee. There is absolutely no doubt that the coalition has no unity on this issue and is utterly divided when it comes to Victoria's youth justice system. They languished for four years whilst in possession of a report into our youth justice system handed down in 2010, only one month before they came to office.

Minister Mikakos has put in place transparent and open reporting practices, above and beyond what was in place under the Liberals. She legislated to improve the independent oversight of the commissioner for children and young people, who now receives all reports of serious incidents and has the power to investigate youth justice. Public transparency has been increased by the publishing of quarterly category 1 incident data online. Under the previous Liberal government data was only ever published annually alongside the annual report. Since last year our government has been publishing online quarterly data relating to category 1 incidents, something the previous government failed to do — and on it goes.

This government's approach to our youth justice system is not of course just about building a new facility. As of 3 April this year the responsibility for the management of the youth justice system in Victoria will move from the Department of Health and Human Services to the Department of Justice and Regulation. This includes all custodial and community-based youth justice services. We are also investing in a youth control order, an intensive monitoring and control bail supervision scheme, a statewide youth diversion program and an expansion of the central after-hours assessment and bail placement service, early intervention programs and prevention programs.

Minister Mikakos has put in place transparent and open reporting practices above and beyond what was in place under the Liberals. She legislated to improve the independent oversight of the commissioner for children and young people, who now receives all reports of serious incidents and has the power to investigate youth justice. Minister Mikakos has been an outstanding Minister for Youth Affairs. No amount of bluff and bluster from those opposite will change this fact.

Let me point out some facts on this matter that others have already touched upon. Regarding new staff, while the previous Liberal government cut 20 youth justice positions, we have funded more than 100 new positions to monitor young offenders, both in the community as well as in custody. We have introduced 41 new staff positions to improve safety in our facilities and over

50 new workers to deliver tougher measures in the community. We have boosted the number of mental health staff and psychologists as well, with over 10 new positions to provide proper support for those with increasingly complex behaviours and mental illnesses coming into the system. Unlike the previous Liberal government, who slashed 20 full-time positions from the youth justice system, we have implemented rolling recruitment to ensure vacancies are filled as quickly as possible. Since September 2016 we have recruited over 80 new workers.

Regarding new infrastructure, Parkville was built in the 1990s to a residential standard; it was not built to hold the violent young offenders coming into the system today. Despite an Ombudsman's report of 2010 saying it needed to be replaced, the Liberals sat on their hands for four years and did nothing. We will build a new fit-for-purpose facility that Victorians deserve. Last year we began the work needed to complete a business case that will futureproof Victoria's youth justice infrastructure needs. We are finalising the details of this soon.

For the youth justice system review in mid-2016 we engaged experts Penny Armytage and Professor James Ogloff to review our youth justice service to pave the way for much-needed reform. This will update Victoria's 16-year-old youth justice framework.

We will introduce a new youth control order (YCO) to give the Children's Court the power to issue a more intensive and targeted supervision sentence for young offenders. YCOs can restrict where a young person can visit and who they can associate with, they can include curfews and they will require the young person to comply with an education, training or employment plan. Non-compliance will result in the court being able to place young offenders in custody.

Also we have got the intensive monitoring and control bail supervision scheme. The new scheme will be based on a successful model from the UK, which will mean young people have to report more regularly to the Department of Health and Human Services and Victoria Police and comply with education, training or work requirements. If they fail to meet these requirements, they risk having their bail revoked. We have also invested to expand the bail supervision program statewide. The Liberals only funded two workers for the entire state. Under Labor 17 workers will provide proper statewide coverage.

We are investing \$5.6 million over two years for a statewide youth diversion program in the Children's Court to intervene early and help young people get back

on track by addressing the underlying issues that contribute to criminal behaviour. The new program has been in place since 1 January 2017.

The Youth Parole Board is to be informed of participation in rioting, which may be taken into account when considering offenders' eligibility for parole. We are also requiring the Youth Parole Board to notify Victoria Police when specific youth offenders, such as violent and repeat offenders, are released on parole.

For strong independent oversight we have legislated to improve the independent oversight of the commissioner for children and young people, who now receives all reports of serious incidents and has the power to investigate into youth justice. We have also increased public transparency by publishing quarterly category 1 incident data online. Under the previous government data was only ever published annually. For assaults on staff, we are introducing new laws to increase the consequences of assaulting our dedicated youth justice workers.

In expanding the Central After Hours Assessment and Bail Placement Service, we have boosted the staff available around the clock to assist Victoria Police and bail justices to make the best decisions about how to deal with an offender who has been arrested out of hours.

The Empower Youth program is a new \$4 million program that will fund eight organisations in areas identified as priorities due to high levels of socio-economic disadvantage and crime to support more young people. These organisations will be able to employ youth workers to support up to 100 young people in their community every year to develop and deliver individual plans that focus on important elements of community participation, health and wellbeing, education and training and employment pathways. Communities in Greater Geelong, Ballarat, Hume, Brimbank, Wyndham, Frankston, Latrobe, Whittlesea, Dandenong and Casey will benefit from the program over the next three years. We oppose the motion.

**Mr LEANE** (Eastern Metropolitan) — I rise to oppose this motion, a vote of no confidence against the minister, which as we know is a political stunt, where there are members of this chamber who hope they can apply rule 20-plus-1 and hope they can make a big hoo-ha in implementing that 20-plus-1, but the basis of their motion needs to be fully examined, and in quite a simple manner.

We accept that there have been some bad and unfortunate incidents in the youth justice system, but we also need to accept — and this is the advice we are getting from the experts — that there is a small number of young men, as in 100-plus, who are the main offenders in this area. These are young men that unfortunately are a new type of offender that has no fear of consequences whatsoever. It is unfortunate for them and I think it is unfortunate for the community and unfortunate for the system, but obviously they have to be dealt with in a way that makes the community as safe as possible.

If this minister had cut funding from youth justice and if this minister had not created 100 new positions in the system — rather than the falsehoods that those opposite may want to say — then there may be some grounds for the motion, but this minister has been responsible as far as funding goes, as far as staffing goes and as far as affording the youth justice system everything it needs goes. If this minister had introduced laws that made it easier for this cohort to behave in the ways they have behaved, which she has not, I think there might be some basis for the motion, but that, as we know in this chamber, is far from the truth. The minister has increased the staffing in the youth justice system. The minister has increased the funding in the juvenile system. Any laws that have been introduced by this government in line with this minister have actually made the youth justice system a tougher place for these juveniles to act in.

**Mr O'Sullivan** interjected.

**Mr LEANE** — I am hearing from the man from the office of living it up on the Victorian taxpayer — the architect of the office of living it up on the Victorian taxpayers. Even with the Nats — the trough could not have been big enough for you, Mr Living It Up on the Taxpayer.

**Mr O'Sullivan** — Explain it. Explain what happened.

**Mr LEANE** — I think you know what happened. You know exactly what happened, and you were actually the architect of the trough. If you want to engage in that interaction, maybe we will put a motion on the notice paper and we will go through that at a separate time.

But as I said, if there had been laws that made it easier for this cohort to act in the poor fashion that they have acted, then I think there might be some basis for the motion, but that has not been the case. The previous government stood on a record when it came to youth

justice laws where there were zero bills. There were no bills introduced by the previous government pertaining to the youth justice system. Their big 'The sky's falling and we need to be tougher', this 'Tougher on crime thing' and their 'We're tough on crime and the other side isn't' rhetoric is not backed up by any facts; it is not backed up by any facts whatsoever.

Under this minister, who also has carriage for kindergartens and early learning, there has been a huge injection of funding, there has been a huge injection of capital works and there has been a huge injection in the curriculum. This is a minister who has that responsibility as well. That is an area where this minister has not baulked at her responsibilities and has actually improved that area. This is a minister that in a number of responsibilities, including family areas, as in family violence, has taken a lead role in what is being implemented in that area. If this minister had done anything as far as introducing adverse laws or cutting funding or personnel in that area, then maybe that would be something that the opposition might be able to stand on, but that is another area in which she has not done so.

So we basically have a vote of no confidence based on nothing as far as this minister's responsibilities go. It is based on absolutely nothing: no changes in legislation that have had an adverse effect on this area — she has actually introduced legislation that has toughened this area for this cohort — no cut in funding and no cut in personnel. She has actually increased funding and increased personnel.

Then, as I stated, there were some occurrences that we all did not want to see, but as a minister she has reacted to those situations and is actually doing something. I know that for people opposite the concept of actually doing something is probably very foreign after their recent stint in government where they had a four-year kip. The thing is that incidents need to be reacted to. They need to be reacted to quickly and they need to be reacted to on a factual basis, and that is what this minister does.

So basically we are in this position where once again the opposition believes that it can implement rule 20-plus-1 and that is all that matters, so if they get 20-plus-1 they will move to do this stunt — a stunt where they might get a headline here or there, but the government will move on. This minister would move on and continue to deliver on the responsibilities she has.

I have seen it before. I was here when they used rule 20-plus-1 and moved a no-confidence motion

against Justin Madden. The good news for you, Ms Mikakos, is that only a few weeks ago Justin Madden was awarded the Order of Australia Medal.

**Ms Shing** — By a coalition government.

**Mr LEANE** — The coalition government awarded him with an Order of Australia Medal. Justin Madden, who apparently did not have the confidence of these people, has been given an award by the Queen. That is the last person that this stunt was pulled off on. So, Ms Mikakos, I look forward to attending when you get your award in years to come, because that seems to be par for the course when stunts get used by the people opposite.

The people moving this motion have not detailed any legislation that has been delivered by this minister that has made this situation worse. They have not pointed to any cuts in funding, despite their effort when they were in government. They have not been able to show that there has been any reduction in staff in this area. Actually the facts are contrary to that, so keep running with your stuntarama. Good luck to you, good luck for your stuntarama, but the news for you is that this minister has the confidence of the government members of Parliament. This minister has the confidence of her colleagues in cabinet, and I have got to tell you — and this might be a shock to you — that we do not put much weight on your opinion. We probably put zero weight on your opinion when it comes to who we want representing us in certain portfolios. No weight whatsoever; actually we are probably more likely to do the opposite of what you think we should.

**Business interrupted pursuant to sessional orders.**

## QUESTIONS WITHOUT NOTICE

### Female genital mutilation

**Dr CARLING-JENKINS** (Western Metropolitan) — My question is for the Minister for Families and Children, Minister Mikakos, and is in regard to the response of child protection agencies to the increasing incidence of female genital mutilation here in Victoria. I think we would all agree that female genital mutilation is a heinous violation of the bodies of girls, usually inflicted prior to the age of 15 and often inflicted on baby girls. In recognition of the terrible effects of this barbaric practice the Royal Women's Hospital has a dedicated clinic to assist women and girls who have suffered in this way. It reports that 600 to 700 women and girls are being treated in this clinic every year. Given that it is a reportable offence to

perform this type of mutilation on children in our state and given that the incidence is being brought increasingly into the public consciousness — for good reason — Minister, what actions have you undertaken since coming to the ministry responsible for child protection to proactively stamp out this barbaric practice, which is being inflicted on girls in our state?

**Ms MIKAKOS** (Minister for Families and Children) — I thank the member for her question. She has raised a very important issue, and I agree with her that this is a barbaric practice that is absolutely abhorrent. Any abuse of children is totally abhorrent. On the specifics in terms of the number of incidents I would need to provide a written response to the member, but obviously if there are instances of such practices being engaged in in Victoria then it is important that these matters are reported and followed up appropriately. Obviously we have to work with newly arrived communities that may not be familiar with the legal position in Australia around these types of issues, and it is really important that we do work to raise greater community awareness and understanding of the legal position in respect of these issues, but I agree with the member: it is a totally abhorrent practice. We need to continue to be vigilant about it and work with those communities to stamp out this abhorrent practice.

I would be very happy to provide some further advice to the member about specific advice from my department in relation to these issues. I can advise the member that I believe I am having a meeting with some relevant organisations soon to have a discussion about this issue and other issues, including family violence, and I look forward to informing the member about the outcomes of those discussions. I do think it is important that we try to take community organisations on an educative path around these kinds of issues as much as is possible, because of course the last thing we want to do is have these types of practices swept underground. That just means that children will not be afforded the legal protections that they should have.

### *Supplementary question*

**Dr CARLING-JENKINS** (Western Metropolitan) — Thank you, Minister, for your answer and for your comprehension of the gravity of this issue. This may be something that you would need to take on notice as well, but related to that I just wonder if you could inform the house what training is provided to inform and assist child protection workers in dealing with the increasing incidence of female genital mutilation.

**Ms MIKAKOS** (Minister for Families and Children) — I thank the member for her further question around these issues. Obviously the child protection workforce is confronted with many different issues on a daily basis. In fact they are really unsung heroes, in my view, in terms of the gravity of the kinds of issues that they are dealing with. They face very challenging and confronting circumstances on a daily basis in relation to both abuse and neglect cases, so the department does strive to ensure that the workforce is adequately equipped in relation to emerging issues and that they are presented with continued education practices, professional development practices, to make sure that they are up to date on various issues in our community. I would be happy to provide the member with further details around this specific issue.

### Great forest national park

**Mr BOURMAN** (Eastern Victoria) — My question today is for the Minister for Agriculture, Minister Pulford. One of the premises for the creation of the great forest national park is the protection of the Leadbeater's possum. The Arthur Rylah Institute has commissioned a study which will give an update on the number of Leadbeater's possums in all areas of public land, not just the commercial areas, and this report is due in April. I am told that another organisation has also been funded by the government to give ongoing updates on the number of possums but is only checking in areas to be logged, which to me is pointless and nothing more than confirmation bias. I am also told that the institute report is finished and just awaiting its release date, and that Australian Sustainable Hardwoods — that is, the Heyfield mill, with all its jobs — has announced that should it not receive comfort that it will have sufficient allocation of timber before early March, it may be forced to start proceedings to wind the company up. My question is: will the government release the report from the Arthur Rylah Institute now and put to rest any questions about the contents of the report before it becomes too late to save the jobs?

**Ms PULFORD** (Minister for Agriculture) — I thank Mr Bourman for his question. Much of the content of Mr Bourman's question is the responsibility of the Minister for Energy, Environment and Climate Change, but I will do my best to satisfy Mr Bourman's interest in this matter. As all members in this place are well aware, there is a level of insecurity and certainly uncertainty being experienced by everybody who works at the Heyfield mill. The government is well aware of this, and we are working closely with the company to identify any possible measures that might enable that business to be on a firmer footing — to have

a viable business model going forward. I met with employees at Heyfield last week and certainly heard from them firsthand their own sentiments about this and their personal circumstances, which a number of people shared with me on that occasion.

The question around timber availability goes to the question of VicForests's ability to enter into contracts that they are confident they can actually fulfil. As Mr Bourman would also be aware, the former government put in place a regime to provide protection for the Leadbeater's possum — a special protection zone: a 200-metre exclusion zone — after any sighting. We had another sighting — I think yet to be officially confirmed — on Monday, but in terms of confirmed sightings there have been in excess of 400 since those arrangements were put in place by the former government in 2012. So the combination of this with measures of the commonwealth government in terms of the need to protect what is now defined as a critically endangered species is placing pressure on the availability of timber. This is known and understood across the timber industry, but certainly it is a cause of considerable anxiety in and around Heyfield at the moment.

Mr Bourman referred to a report that the government will receive around the suitability and effectiveness of those special protection zones. This is the part of the answer that certainly primarily rests with Minister D'Ambrosio. As I understand, that report will be completed by April, but the work is certainly well underway. Our job here is to manage the available resource in a way that supports a strong and healthy timber industry for the state. We know and recognise that there are many, many jobs in Victoria, both in eastern Victoria and in and around the Latrobe Valley, and really throughout many of Melbourne's suburbs — throughout the supply chain — many of which involve making beautiful timber products in industry and work we should be all very proud of. But these are, as I hope Mr Bourman and all members appreciate, difficult issues. We are acutely aware of the parent company's desire to make some decisions about their future, and we are certainly working to that end and to get the best possible outcome for everyone that we can.

### *Supplementary question*

**Mr BOURMAN** (Eastern Victoria) — I thank the minister for answering that for me. I have learned much more about Leadbeater's possums and the logging industry than I ever thought I would. My supplementary is: after watching a protest out the front of Parliament yesterday, with a cracking tram-load of protesters, probably from North Fitzroy, and with the

numbers of jobs supposedly created and new visitors predicted by environmental activists clearly being fanciful — just check the study that the Yarra Ranges council commissioned — it is undeniable that there will be not only job losses in the timber industry but many local job losses as well. They will be very tangible. Will the government side with its blue-collar base and ensure that dodgy science and fanciful numbers do not kill real jobs by publicly cancelling any plans to create the great forest national park?

**Ms PULFORD** (Minister for Agriculture) — There were lots of different spots in there. I just have to choose which ones to go with and which ones perhaps not to go with. No decision has been made by the government about a national park; let me start by saying that. There are competing views and conflicting interests in this area of public policy, and that is not new or news to anyone. There are people in the community that would like to see this industry look very different. There are also, I think, a lot of players in the industry that recognise this conflict and have a desire to change. Indeed in your substantive question, Mr Bourman, you asked about the mill at Heyfield. This is a company, among others, that has expressed a desire to change the way it is processing timber to put it on a more sustainable footing. That is one of the things that we are talking to it about.

In terms of where protesters come from or where people live who might have different views on this issue, I would not really want to speculate on that. But I just again reassure everyone who has an interest in this that we are very attuned to the issues and are working on them.

### Hyde Street, Yarraville

**Ms HARTLAND** (Western Metropolitan) — My question is for Minister Jaala Pulford for the Minister for Roads and Road Safety, Luke Donnellan. I have been working with a group of residents in Hyde Street, Yarraville, who are in an impossible situation. They live 20 metres from the Mobil petrol depot, and they are in the blast zone. They have 8000 trucks going past them each day. There is a large contaminated site at the back of their homes. Now with the plans for the western distributor they will of course again be impacted. Many of these houses already have VicRoads acquisition overlays on them because of previous projects. On 19 October last year John Merritt, the CEO of VicRoads, told the Standing Committee on the Economy and Infrastructure that he would be able to assist the residents. My question to the minister is: will his office and the VicRoads CEO meet with the residents to resolve this impossible situation?

**Ms PULFORD** (Minister for Agriculture) — I thank Ms Hartland for her question and her interest in this matter. The question around the minister's diary is certainly well beyond my capability to answer and certainly a very detailed question about a specific community and a specific project, so I will seek a written response from Minister Donnellan for the member.

### Sage Institute of Education

**Ms PENNICUIK** (Southern Metropolitan) — My question is for the Minister for Training and Skills. I have been contacted by a student at Sage Institute of Education who has been studying for a diploma of education and care, whose course is due to finish on 28 February and who has completed placements outside the institute. As you would know, Minister, the administrator has been appointed for Sage Institute, which runs courses in aged care, education, massage, child care and fitness. My constituent is concerned that if she is unable to complete her course, the fees that she has paid will have been wasted and she will have no qualification to show for the year that she has spent studying. So my question is: what is the government doing to ensure that students enrolled in Sage colleges are able to complete their courses?

**Ms TIERNEY** (Minister for Training and Skills) — I thank the member for her question. Yes, this is another case of problems within the private provider sector. The department was made aware of this situation on 8 February this year. They are currently holding a 2017 vocational education and training funding contract. The decision of Sage Institute to close was taken without prior notice to the department. The department has been advised that the institute intends to cease all training activity — I think as of yesterday — and that the registered training organisation (RTO) may no longer be able to carry on with its business generally.

To minimise the disruption and make sure all students are looked after, the department will write to all the affected government-funded students — and I have asked for a copy of that today — providing information on how we can provide some assistance for those students in transferring to any training provider of their choice. The department will work with the institute to assist students, reminding them of the need to provide students with statements of attainment as well as information on how to transfer to another training provider and complete their studies.

It will be made clear to all government-funded students that their eligibility for government-subsidised places is

not going to be impacted by the planned closure of this RTO. Any student who wants to discuss their training options can call the TAFE and Training Line on 131 821 for support, and students can also contact the Australian Skills Quality Authority on [studentenquiries@asqa.gov.au](mailto:studentenquiries@asqa.gov.au) or they can call the 1300 701 801 number.

*Supplementary question*

**Ms PENNICUIK** (Southern Metropolitan) — Thank you, Minister, for that answer. It is very concerning. Would you be able to tell the house how many students you are aware will be caught up? Also, just in follow-up, you mentioned being able to get accreditation for coursework already done et cetera. One of the issues raised by the constituent was — if, as you said, the college stopped as from yesterday — having their work marked that has not already been marked and arrangements for that. Also in follow-up to your answer about writing to the students, it is fine that they can be told to ring this number, but I suppose they need to be reassured that all students will be actually contacted and there will be proactivity from the department to assist them.

**The PRESIDENT** — Order! I will allow the minister to answer, but I do note that there were essentially three supplementary questions there, and the basis of a supplementary question is actually to have one. The minister might well consider those three elements that you have sought further information on.

**Ms TIERNEY** (Minister for Training and Skills) — I thank the member for her supplementary. When this was first raised with me the whole modus operandi of the department and the ministerial office was completely about, ‘Well, what is going to happen to the students? How can we make sure that they are communicated with, and indeed how can we deal with particular issues such as unmarked work?’. What I could ask you to do is provide me with the actual concerns, the specifics, so that we can actually get to the heart of what the issues are and advocate on behalf of the student in relation to that. But we did secure, as I said in my substantive answer, agreement from Sage that they will do what they can to make it a smooth transition into whatever a student’s choice is. From that, of course, people need clear information in terms of their current status for that transfer to occur, so there is that aspect.

In terms of the actual numbers, I do not have a breakdown in terms of the courses that the students were actually enrolled in, but what I can say is that

there are a significant number of Victorians affected by this. I am happy to provide those numbers.

**Heyfield timber mill**

**Ms BATH** (Eastern Victoria) — My question is for the Minister for Agriculture. Minister, during the last Parliament sitting week and just now you said the 200-metre exclusion zone policy for Leadbeater’s possum colonies was ‘placing pressure on the availability’ of native timber for sawmills and that this policy was now under review. The future of the Australian Sustainable Hardwoods (ASH) Heyfield mill and more than 250 jobs will be decided next week, yet you say the exclusion zone review will not be completed for another few months. How can you come up with a viable native timber supply for ASH next week when the exclusion zone review will not be completed for some months to come?

**Ms PULFORD** (Minister for Agriculture) — I thank Ms Bath for her question about the special protection zones regime that her colleagues in the National Party helped to put in place when last in government. The Nationals are being exceptionally cute about this issue. They are repeatedly telling people, who are not unreasonably concerned about their own economic security, that this is a simple problem — and it is just a lie. It is just not true. The Nationals do one thing in government, do another thing entirely in opposition and then spend a whole lot of time and effort telling people, who are I think rightfully concerned about their own financial futures, that this is some kind of easy thing to fix.

We are doing everything we can to find a viable future for the mill at Heyfield. The some 3000 products that they make there is strong demand for. We understand absolutely the importance of this business to this community.

**Ms Shing** interjected.

**Ms PULFORD** — Ms Shing has been down there lots, as she says. These are complicated matters that we are working through, and frankly The Nationals would be well served to be spending a little less time just telling lies to this community about possible outcomes. We are committed to finding a solution, not just for this community but also for the timber industry to have a strong future in Victoria and to balance that with these environmental concerns and the protection of the Leadbeater’s possum habitat. The Nationals taking cheap shots on the sideline is literally their only contribution to this issue.

*Supplementary question*

**Ms BATH** (Eastern Victoria) — Minister, last week you said that there are currently 166 coupes on timber release plans that have been affected in part or in whole by the 200-metre exclusion policy. Given more than double the target of 200 new colonies have been found, will you authorise the release of at least some of the exclusion zones in order to save the threatened jobs of Heyfield's mill workers?

**Ms PULFORD** (Minister for Agriculture) — I thank Ms Bath for her further question. Ms Bath comes in here and asserts that the plan was to just find 200 Leadbeater's possums; is that right? The Nationals approach on this seems to change by the day.

As I have said on numerous occasions, we are working with the company and with the workers and their union to find a solution to this problem, but VicForests cannot legally or in good conscience enter into contracts to supply timber that they are not firmly convinced they are able to supply. That is why VicForests's offer to the company has been for a reduced quantity of timber, because of the pressures on the availability of the resource. These issues are well known and understood by everyone in this chamber. We are working with all the parties involved to get the best possible outcome we can for the Heyfield community, for the timber industry and for the environment.

**Timber industry**

**Ms BATH** (Eastern Victoria) — My question is for the Minister for Agriculture. Minister, why is the Andrews Labor government failing to finalise lease negotiations with Hancock Victorian Plantations, putting more Latrobe Valley jobs in jeopardy?

**Ms PULFORD** (Minister for Agriculture) — I thank Ms Bath for her question. The government is doing a great deal to create jobs across regional Victoria, with a particular effort in the Latrobe Valley, as the member well knows. The job creation efforts across regional Victoria of our government are something we are very proud of — 43 000 jobs in just a pinch over two years. It is a fair contrast to the 5500 created by the former government in twice the amount of time. We will continue to work around the clock in every part of regional Victoria to support job creation.

On the question of Hancock plantations, as Ms Bath may recall, back in 1993 the Kennett government put in place arrangements where these plantations, which are on land owned and managed by the Department of Treasury and Finance, were put into private leasing

arrangements. The minister responsible for this is the Treasurer, but I can certainly assure the member that the matters that she refers to, which are around the renewal of leases, are matters the Department of Treasury and Finance are working with Hancock on.

*Supplementary question*

**Ms BATH** (Eastern Victoria) — Minister, if your government believes that plantation forestry is the future of the timber industry in Victoria, why are you not assisting businesses like Hancock Victoria and providing certainty of supply to some of Latrobe's biggest employers, Australian Paper and Carter Holt Harvey?

**Ms PULFORD** (Minister for Agriculture) — As I indicated in my answer to the substantive question, the responsible minister for this issue is the Treasurer. I have sought to provide some assistance to Ms Bath and assure her that this question of the renewal of leases is something that the relevant department and the company are working through. They will continue to do so, as we will continue to support jobs growth across regional Victoria, conscious particularly of the challenges facing the Latrobe Valley at the moment.

**Food labelling**

**Mr O'SULLIVAN** (Northern Victoria) — My question is to the Minister for Agriculture. Minister, in 2015 you announced that you would examine policing of food labelling laws. Instead more than two years and \$600 000 have been spent on a desktop policy review, which we learned last week was going to lead to some education workshops in April. What happened to the compliance crackdown you promised for vendors who flout food labelling laws?

**Ms PULFORD** (Minister for Agriculture) — The answer to Mr O'Sullivan's question is that there was an intervention in this area by the federal government which has impacted the delivery of this election commitment. There is a much broader review that the commonwealth is running that intersects with this, and so for that reason that work needs to be concluded before this can be completed. But we have certainly provided information to fruit and vegie stores, for instance, around compliance, in part acquitting this. The ongoing work on food labelling needs to sit, as I think everyone would understand is reasonable, within the context of national reviews around food labelling. The last thing we need to do is be asking businesses to be changing labelling more than once.

*Supplementary question*

**Mr O’SULLIVAN** (Northern Victoria) — Minister, you also promised a food labelling regime that ‘aggressively promotes Victorian and Australian-made food products’, and you have failed to do that. Can you explain to Victorian farmers why the tough compliance crackdown you promised is now only a bureaucratic talkfest?

**Ms PULFORD** (Minister for Agriculture) — I think Mr O’Sullivan’s ears must be painted on; I just answered that question in my answer to the substantive question. But certainly our government’s work to promote Victorian produce throughout Victoria, around the country and indeed in international markets is ongoing. It is something that we pursue aggressively. In particular, opportunities for Victorian farmers to sell their products into export markets is a big focus of our work and will continue to be so. Indeed we have more than 50 exhibitors who will be at Gulfood in Dubai on the weekend and who will be putting forward Victoria’s best foot in terms of promoting our produce into what is a very fast growing Middle East and north Asia market but also to buyers around the world who attend this largest food trade fair in the world.

**Dairy development grants**

**Ms LOVELL** (Northern Victoria) — My question is for the Minister for Agriculture. The dairy development grants program opened on 19 October 2016 in response to the dairy industry crisis. A constituent of mine applied in mid-November, less than a month after the grants were open, yet received a letter dated 15 December saying the funding had already been exhausted. Despite this the government’s Grant Victoria site today still lists these grants as being open and remaining open until 30 June 2017. Minister, why is the Andrews government deliberately misleading dairy industry families and businesses by giving the impression that financial assistance can still be applied for?

**Ms PULFORD** (Minister for Agriculture) — I thank Ms Lovell for her question. It is nice to see some of the regional MPs getting a go for a change. The Victorian government, within a week of Murray Goulburn’s announcement on prices, convened a dairy industry task force to deal with what was an unprecedented set of circumstances facing our dairy farmers. We have through that provided an \$18 million package to support our dairy farmers in a range of different ways, and throughout the months immediately following the Murray Goulburn and then the Fonterra price shocks I certainly spent a lot of time talking to

dairy farmers about what a support package would constitute, what it would look like — —

**Ms Shing** interjected.

**Ms PULFORD** — As Ms Shing rightly points out — and indeed Ms Lovell’s question very much went to this question of ‘Is the program still being rolled out?’ — I can certainly assure Ms Lovell that the program is still being rolled out.

**Ms Lovell** — No, there’s no money. You say it’s exhausted.

**Ms PULFORD** — That bit is just not true. The package is still being rolled out in a number of different ways.

**Ms Lovell** — The grants?

**Ms PULFORD** — Yes. The main components of the package are Tactics for Tight Times and Taking Stock, which are about providing dairy farmers with the tools they need to make — —

**Ms Lovell** — We asked about the grants.

**Ms PULFORD** — You asked about dairy support more broadly. I will get to the grants.

**Ms Lovell** interjected.

**Ms PULFORD** — Hold your horses. I will get to the grants in a second; okay? The other parts of the program that are still being rolled out include, as Ms Shing points out, mental health support, the kinder fee subsidy and the sports and excursions fund. Of the over 1000 active rural financial counselling service clients Victoria-wide at the moment, 634 are from the dairy industry.

**Ms Shing** — Unlike the federal government package.

**Ms PULFORD** — Yes. Well, the federal government like to provide loans. I wish that they had been able to do something about access to a farm household allowance, because that was actually the biggest issue. That was the issue that came up the most — income support to be able to put food on the table.

On the loans, in the context of talking to a whole bunch of people across Victoria whose incomes had been cut to just about nothing — nothing or just about nothing; no milk cheque at all — the idea of having a grant program available for investment on farm was something that we thought long and hard about doing. I

was certainly concerned about providing an opportunity to a dairy farmer who does not have money to put food on the table to access a grant that would require a \$5000 co-contribution. It is a small part of the program; it is a really modest part of the program. But what we did when we spoke to dairy farmers was we also spoke to all the small businesses in these dairy towns, and they were impacted as dramatically and in many respects earlier. The milk cheques stopped coming about six weeks after the funding announcement. The impact on small businesses that support dairy farmers — the veterinarians — —

**Ms Shing** interjected.

**Ms PULFORD** — Yes, thank you, Ms Shing. For the machinery businesses, the people who provide services to our dairy farmers and the car dealerships in the south-west I spoke to, their impact was immediate. The grants program was a small part of the package, by design, and it was as much as anything about providing stimulation to those small businesses.

*Supplementary question*

**Ms LOVELL** (Northern Victoria) — It was a very small part of the answer too. Minister, at the time of the grant launch the Premier said:

We were elected to put people first, and that's exactly what we're doing with our dairy farmers during these tough times.

So it came as a surprise to many when dairy farmers who inquired about the possible additional funds were told, perhaps accidentally, by your department that the government believes dairy farmers have had enough support. Minister, do the comments that the government believes dairy farmers have had enough support represent the views of the Andrews government, and if not, will more finding be provided for the grant program?

**Ms PULFORD** (Minister for Agriculture) — If Ms Lovell cares to have a look at the information available on the department's website or through the Dairy Australia-supported single point of entry for dairy farmers, where all this information is available, she will see the Rural Financial Counselling Service; targeted technical dairy support, which is the main part of the project; Look over Your Farm Gate; small business financial counsellors; small business workshops; grants for employers through the Back to Work scheme; the kindergarten fee subsidy; dairy assistance; Camps, Sports and Excursions Fund; mental health and welfare support, which is also something that was determined to be a critically important part of the package; Rural Skills Connect; and mental health

and first aid training. There are so many community events right across each of our three dairy regions, and there are the dairy development grants. They have got to be seen in context, and when we had a choice between people being able to get their kids to school, get food on the table — —

**Ms Lovell** interjected.

**Ms PULFORD** — Yes, that was what dairy farmers told us ought to be the first order of business. The mental health support that was needed for people in a period of unprecedented uncertainty — that program is very much still being rolled out.

**Ordered that answer be considered next day on motion of Ms LOVELL (Northern Victoria).**

**The PRESIDENT** — Order! I indicate that I was concerned that in the course of that answer the minister was being verballed, and I do not think that is appropriate.

**Private members bill**

**Mr ONDARCHIE** (Northern Metropolitan) — My question is for the Leader of the Government. Minister, I refer you to the policy document of the member for Broadmeadows entitled *Creating Opportunity: Postcodes of Hope*, launched on 14 December 2016. On page 35 of this document the member for Broadmeadows reproduces his postcodes of hope bill to establish the postcodes of hope act 2016, that according to the member's document was introduced to the Legislative Assembly on 6 October 2016. Can the minister advise whether the government supports this private members bill?

**The PRESIDENT** — Order! Minister, can I just caution you again in that in respect of business in another house we are actually not aware of that business until it comes to us by way of message. The question is a little broader, and there is a document that Mr Ondarchie has referred to that is in circulation that may well go to the knowledge of the minister. However, as I said, the business of another house is not at this point our business.

**Mr JENNINGS** (Special Minister of State) — Thank you, President. You have provided an excellent answer to Mr Ondarchie. I am very reluctant to add to it in any shape or form, but I will, because in fact I want to make it very clear that the government is very supportive of the intent, the initiative and the political acumen of the member for Broadmeadows in the Assembly and his role within the Australian Labor Party in this Parliament and the determination that he

demonstrates each and every day to ensure that he makes this a fairer community, one that is actually full of optimism and hope and provides encouragement to those who live in his electorate for better outcomes and the appropriate degree of support that should be provided by state and federal governments, working in collaboration with the local government, with businesses and with communities to create a better environment full of optimism, security and hope for the future.

In that endeavour I can assure the member that the government is totally supportive of the policy intent that underpins both the document and the preparation of a private members bill that the member has been associated with and continues to be associated with. In terms of how this fits into the legislative program, the President is quite right to say that we have some consideration about whatever pieces of legislation are pursued on the notice paper in the other place, but I am concerned about what happens to pieces of legislation in this place. I put us on notice collectively that we have got a lot of work to do before we can work out the smooth passage of legislation in this place, so let us not get too far ahead of ourselves.

*Supplementary question*

**Mr ONDARCHIE** (Northern Metropolitan) — Thank you, Minister. The only person getting ahead of themselves is the member for Broadmeadows, to be honest with you. Minister, given that you support the thrust of the private members bill, can you advise: does the bill actually exist and have you been briefed on it?

**The PRESIDENT** — Order! I will allow the minister to answer. This also goes to our standing orders in terms of, certainly with substantive questions, a matter of opinion rather than government administration as well. The minister is required to respond in respect of government administration. A private members bill is not necessarily government business. It is a tenuous connection. At any rate, the minister may answer.

**Mr JENNINGS** (Special Minister of State) — Let me be generous. In the spirit in which everything I have said today is generous, can I say that it is a very good question, Mr Ondarchie. Well done! Great perspective has been brought by the Chair in relation to understanding the clarity and the functions of the Legislative Assembly and the Legislative Council and the way in which good governments should consider the legislative program and the legislative passage of any material that has been prepared for the consideration of the Parliament. So good work,

Mr Ondarchie, and thank you, President, good work to you. I have done as much as I am going to do on this subject today.

**Written responses**

**The PRESIDENT** — Order! In respect of today's questions, Ms Mikakos actually undertook to provide written responses on the substantive and supplementary question of Dr Carling-Jenkins — and that is one day. On Ms Hartland's question to Ms Pulford, Ms Pulford undertook to obtain a written response. That involves a minister in another place — so that is two days. In regard to Ms Pennicuik's supplementary question to Ms Tierney, I would seek a written response — that is one day. On Ms Bath's first question to Ms Pulford, both the substantive and supplementary questions, I would seek further written information, notwithstanding I thought the minister did provide quite a bit of information. But there was a specific matter in the question that I thought the minister might give some consideration to — that is one day. Ms Bath's second question to Ms Pulford, the supplementary question only — that is one day.

In regard to a question put by Ms Patten on 7 February in the house, the question related to ambulance costs associated with drug overdoses. The answer was in the context of an individual cost, which obviously will be variable, but the request was actually for an overall cost, and I will reinstate it to perhaps achieve that particular figure.

**Sage Institute of Education**

**Ms TIERNEY** (Minister for Training and Skills) — In light of the question that was asked by Ms Pennicuik, I now have the answer. There are 2000 students affected by the registered training organisation's closure, and around 600 are Victorian government subsidised students.

**The PRESIDENT** — Order! Thank you, Ms Tierney. I consider that matter discharged.

**QUESTIONS ON NOTICE**

**Answers**

**The PRESIDENT** — Order! I have had some requests from a number of members for the reinstatement of questions. The first one is Ms Hartland's question number 5281 on the notice paper in respect of traffic volumes. The question was to the Minister for Roads and Road Safety. A total figure has been provided but what was sought was a

breakdown on various roads, and I will reinstate the question.

Mr O'Donohue has asked for questions on notice numbers 7728–8510, 8525–8921 and 9720–10 180 be reinstated, and I do so.

Ms Dunn also sought the reinstatement of a question. The response provided to her was that the information was available on the website. I have actually had someone visit the website for me and the statistics that were referred to are for the most part provided on the website. I am satisfied that those statistics are there, with the one exception as to whether or not the motorcyclist was wholly at fault in the context of accidents that might have happened. This was question 7629 to the Minister for Roads and Road Safety. I do not know if that information is kept, but I will reinstate the question only in that narrow respect. In everything else I believe that the minister has more than satisfied the answer because the statistics on the website are relevant and up to date.

**Ms Crozier** — On a point of order, President, in relation to some answers I received from the minister following yesterday's question time, I am asking that the questions be reinstated. The first question relates to 15 other sites and how many of the sites assessed met the criteria. In the minister's answer it specifically said that these sites went under a detailed assessment through a full business case and went on to say the business case is cabinet in confidence. I am not actually asking about the business case; I am just asking about how many of those 15 sites actually met the criteria.

In relation to another question, 'Given 16 sites were identified, which other MPs did you speak to regarding a youth justice facility?', the minister again has failed to answer that adequately. In relation to the federal member for Lalor, Joanne Ryan, saying publicly that she had received a briefing, I am not asking again about any cabinet-in-confidence matters; I am just asking about which members from those 16 sites, if any, were spoken to regarding a potential youth justice facility in various areas across the state.

**The PRESIDENT** — Order! The minister has indicated in each case that that was a matter of cabinet in confidence — —

**Ms Crozier** — On the point of order, President, I am not asking for any material that is cabinet in confidence.

**Ms Mikakos** interjected.

**Ms Crozier** — I am not. I am just asking: did you speak to any other members regarding the 16 sites? I do not think that is cabinet in confidence surely, especially as the federal member for Lalor has publicly spoken and said she had received a briefing at last week's meeting. On the other issue, I was not asking about anything that is cabinet in confidence. It was just whether the sites met the criteria. Surely it is a yes or no.

**The PRESIDENT** — Order! The minister has indicated that that is subject to cabinet-in-confidence provisions, and to that extent I have to accept that answer. I am not prepared to reinstate those questions.

**Mr Finn** — On a point of order, President, I request that a question that I put to Ms Mikakos, which she has responded to today, be reinstated because the question as I asked it has not been answered in that the response does not refer to broader locations outside the City of Wyndham that the minister may be looking at for the youth jail that she is currently planning to build at Werribee South. I ask you to reinstate that question in the hope that I might be able to get a fuller answer from the minister.

**The PRESIDENT** — Order! I have looked at that question and I also believe that has been answered to the extent that is required. It might not be the answer that you wanted, but it has been answered.

## CONSTITUENCY QUESTIONS

### Eastern Metropolitan Region

**Ms WOOLDRIDGE** (Eastern Metropolitan) — My constituency question is for the Minister for Public Transport in the other place and relates to the train timetable on the Hurstbridge line. The question I ask is: when exactly is the government going to make good on its promise to provide any extra morning peak-hour services for Eltham residents? This was promised in 2014 by the then candidate, now member, for Eltham. She promised that two extra services would be added, starting at Eltham and Hurstbridge, and that a third, an existing service starting at Greensborough, would be pushed back to Eltham to accommodate more commuters during the weekday morning peak. She also promised that this would be delivered in 2015. This has not been delivered; there have been no extra services and Eltham residents are still waiting.

I have asked this question repeatedly of the Minister for Public Transport and she has repeatedly avoided answering it, saying that they are working on it. It is time for answers; residents want answers. We need to

know — not only from the Level Crossing Removal Authority, which has said two of them will not begin until 2019 — when the government is going to deliver those two services in 2019 as well as the third service. When can we expect these services to be delivered on these very overcrowded and busy trains?

### **Northern Metropolitan Region**

**Ms PATTEN** (Northern Metropolitan) — My question is for the Minister for Public Transport in the other place. I was approached by a wheelchair-bound constituent who is very supportive of having more operators with wheelchair access in the taxi and limousine services. She contacted me regarding London cabs, which I saw outside this morning. She used London cabs extensively while in London, but the taxis here do not meet the current Victorian standards by 1 centimetre in their ride height. Meeting this standard would enable them to qualify for the lifting fee. My constituent would love to see these 200 London taxis on the road able to service people in wheelchairs. Can the minister confirm that she will amend the regulations to ensure that London cabs are eligible for the lift fee?

### **Western Metropolitan Region**

**Mr EIDEH** (Western Metropolitan) — My constituency question today is for the Minister for Planning, the Honourable Richard Wynne. I read with great interest an article in the *Age* of 13 February relating to the ongoing Corkman pub saga, which of course involved my electorate of Western Metropolitan Region. As the minister already knows, the asbestos waste from the Corkman pub site was dumped in a residential area in Cairnlea, just across the road from my electorate office. This was a cause of great concern to my constituents, many of whom have maintained an interest in this matter. The *Age* article indicated that the two people responsible for this matter are now challenging the order to rebuild the Corkman Irish Pub. My question to the minister is: can the minister please update me on what compliance measures are in place to ensure that those responsible for this lamentable saga are forced to pay for the many laws and regulations they have broken?

### **South Eastern Metropolitan Region**

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — My constituency question this afternoon is for the Minister for Public Transport. It relates to the route of the 897 bus through the suburb of Lyndhurst in Melbourne's south-east. Local residents have raised various concerns regarding the route travelling along the quiet residential streets of

Freshwater Boulevard and Marriott Boulevard. They are concerned that these roads are too narrow for buses and that buses on these roads are causing unnecessary danger. I understand that the residents have taken this matter to the Ombudsman, who has verified that residents received no opportunity for consultation regarding the route of the 897 bus prior to it being launched. Subsequently commitments were made by Public Transport Victoria that they would meet and undertake belated consultation together with council and local residents early in February 2017. This commitment has not been delivered upon by Public Transport Victoria. I ask: why did the government neglect to undertake community consultation regarding the route of the 897 bus, and will the minister now consider the views of these local residents regarding a more appropriate and safer 897 bus route?

### **Western Victoria Region**

**Mr PURCELL** (Western Victoria) — My constituency question is for the Minister for Local Government. Three thousand seven hundred and twenty-three voters in south-west Victoria received failure to vote notices from the Victorian Electoral Commission following the local council elections in October. This has caused quite a stir in my community from voters who are adamant that they did in fact vote. It raises some concerns — that these people may face fines is one of the minor concerns. Some have asked whether their vote was in fact counted at all; others question whether the council election results can be valid if over 3700 votes were not included, when only a handful of votes decided elections. My question to the minister is: what percentage of failure to vote notices were sent out in error, and were any of those votes counted in the determination of the current local council make-up?

### **Eastern Metropolitan Region**

**Ms DUNN** (Eastern Metropolitan) — My constituency question is for the Minister for Consumer Affairs, Gaming and Liquor Regulation. The Wantirna Residents Action Group are advocating for fair treatment of the existing residents of the Wantirna caravan park. This caravan park was sold in August 2016 to a developer. Residents were told that it had been sold as a going concern and would continue to function as a caravan park. In December 2016 the developer advised residents that the park would close on 31 March 2018, with all residents needing to vacate in January 2018. There are some residents who bought homes within the park only weeks before the developer issued the closure notice.

The park is to be bulldozed to make way for a new high-density residential development. Many of the park's residents fear they will not be able to find affordable housing elsewhere. My question for the minister is: what is her response to the requests from the Wantirna Residents Action Group — namely, that residents should be granted compensation and practical support for the costs involved in their eviction; residents should not be liable for costs if their units need to be bulldozed and removed; residents should not be liable for costs if their units need to be moved to a new location; and residents must have confirmation that site rental costs will not be payable after residents have moved?

### **Eastern Metropolitan Region**

**Mr LEANE** (Eastern Metropolitan) — My question today in this portion of the parliamentary session is directed towards the Minister for Public Transport, Jacinta Allan, and it pertains to a recent stakeholder meeting that I was at, a stakeholder meeting that discussed the level crossing removals at Blackburn and Heatherdale. It is my understanding that that grade separation has actually occurred but there is still a lot of cosmetic work to be done around the new station at Heatherdale and surrounds.

Despite there being disruption in the last few weeks, other stakeholders were quite pleased with the outcome, which makes me wonder why the opposition do not support the level crossing removal program. That is neither here nor there today. The question I would like to ask the minister on behalf of the Heatherdale action group is when the digi-glass will be installed into the new station, because that is something they lobbied for during the project.

### **South Eastern Metropolitan Region**

**Mrs PEULICH** (South Eastern Metropolitan) — My question is for the Minister for Public Transport, Jacinta Allan, and it relates to the announcement made on 20 February 2017 by the government regarding the level crossing removals at Mentone and Cheltenham. It is my understanding that the government is planning to build multi-level car parking up to four stories at Cheltenham and Mentone, certainly according to the Level Crossing Removal Authority website. What I would like to ask the minister is: will there be user-pays charges applied to this parking and would it be linked to Myki cards? Clearly that would be a huge concern because it would drive up the cost of commuting for local public transport users, and I would like her to rule that out.

### **Northern Victoria Region**

**Mr YOUNG** (Northern Victoria) — My question today is for the Minister for Energy, Environment and Climate Change. Lake Cullen in the state's north-west is due to be filled at the moment in accordance with its seasonal watering plan, as endorsed by the Victorian Environmental Water Holder. It has been brought to my attention that currently the catchment management authority (CMA) responsible is holding off on filling the lake due to breeding events taking place with a number of waterbirds. Understandably it would not make sense to drown the nest; it would make sense to allow the young birds to fledge before filling the lake. This has already begun to occur, and I have no doubt the CMA will be keeping a close eye on it with continuous monitoring. Minister, in the interests of adhering to the seasonal watering arrangement, will you ensure that the fill of Lake Cullen happens immediately after the majority of young birds have fledged?

### **Northern Metropolitan Region**

**Mr ONDARCHIE** (Northern Metropolitan) — My constituency question is for the Minister for Roads and Road Safety, and it concerns the truck curfew on Rosanna Road that is causing traffic headaches in Northern Metropolitan Region. Truck traffic has increased by almost 50 per cent on some roads in the City of Darebin. Bell Street, Preston, for example, has registered a 45 per cent increase in trucks, High Street a 47 per cent increase, Grange Road an increase of 37 per cent, Plenty Road south of Grimshaw Street a 41 per cent increase, and Bell Street west of Oriel Road a 45 per cent increase.

The VicRoads traffic data that was recorded between August 2015 and March 2016 has indicated that when you move trucks off one road you simply shift them to somebody else's, and that has become an issue for the residents of Darebin and Northern Metropolitan Region. My question on behalf of constituents to the minister is: what will you do to resolve this problem for the residents of Darebin and the wider Northern Metropolitan Region?

**Sitting suspended 1.04 p.m. until 2.08 p.m.**

## **MINISTER FOR FAMILIES AND CHILDREN**

**Debate resumed.**

**Mr LEANE** (Eastern Metropolitan) — As I was stating before the break, this motion in no way at all stacks up as far as the minister's responsibility,

particularly in the youth justice area, where as I have stated, she has not been at the helm when there have been funding cuts and she has not been at the helm when there have been staffing cuts. She has not introduced legislation that has made it easier for the cohort that have been behaving badly to react this way. So I am not too sure what the expectation on the minister should be as far as acquitting these duties.

I think it is quite a shame that potentially this chamber might use rule 20-plus-1 to do a political stunt. As I said before too, we have seen this before and it puts Minister Mikakos on the same trajectory as Justin Madden, in that she will be awarded an Order of Australia medal in coming years. I would actually support that because Minister Mikakos has been a fantastic minister. She is all over her portfolio. As everyone can tell during question time, she is all over her brief. No-one works harder or as diligently as Minister Mikakos.

As I said, I think it is a shame that people here might be applying rule 20-plus-1. I do not understand the Greens party's position. I do not understand how they could possibly think about supporting this motion. With the Greens party members, it seems to be that their critique against the minister is that she is too hard on juvenile offenders. Their critique is she is too hard. Then we have the critique of the coalition that the minister is too soft on juvenile offenders. I think if we apply the three bears theory, the only thing that the minister could be is just right. She is just right. Because if she is getting criticised for being too hard on juvenile offenders and on the other hand she is being criticised for being too soft, you have to land in the middle like the three bears. This minister is just right. It is amazing that people will gang together on a motion when they actually disagree. They disagree on the position the minister is taking, and then they find a middle ground.

I think the problem with the Victorian Greens political party really comes from the leadership. I think the Leader of the Greens political party, Mr Barber, although he makes out that he works on all different planes and that he is some super intellect and some sort of hipster person that has complexities, is actually paper thin. I think the Leader of the Greens is only driven by his hatred for the Labor Party. I do not know if that goes back to when he was young and something happened, but the only thing that drives Mr Barber is his hatred of the Labor Party.

As I said, I think there is no complexity. I think Mr Barber is actually paper thin. You can just about see right through him. I think it is just unfortunate, and I

think the Greens party could do better than that, but actually that is the position that we are in, and they find themselves in the position of being allied with the opposition. Obviously in the two-party adversarial system, that is the opposition's job — to be critical. We accept that, and I think some of the crossbenchers work with the government of the day and actually get some things done sometimes that are to their own ends. I oppose the motion, and I will sit down.

**Debate adjourned on motion of Mr Melhem (Western Metropolitan).**

**Debate adjourned until later this day.**

**DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (PILOT MEDICALLY SUPERVISED INJECTING CENTRE) BILL 2017**

*Second reading*

**Debate resumed from 8 February; motion of Ms PATTEN (Northern Metropolitan).**

**Mr JENNINGS** (Special Minister of State) — On behalf of the government I seek to make a contribution to this chamber's consideration of Ms Patten's private members bill to deal with the introduction of a pilot medically supervised injecting centre. I acknowledge the spirit, the intent and the concern that underpins this piece of legislation and the desire of Ms Patten and other members of the Victorian community to try to prevent the incidence of untimely deaths in our community and the scourge of heroin use where it affects so tragically the loss of life and opportunity for many of our citizens.

I think it is very important for us to recognise the gravity of that situation, and on behalf of the government I will outline our recognition of the gravity of that situation, measures that we have continued to support to try to mitigate against the risk to the life and wellbeing of Victorian citizens and the various programmatic responses that the government has introduced during the course of this term and will continue in the support we provide to the Victorian community in the context of substance abuse and the ramifications of substance abuse in our community. Whilst I do that — and I will do that at some length — it is not at the expense of recognising the urgency and gravity of this situation.

Apart from the presentation of this bill today, it also coincides with not only the preparation of the bill itself

but a very important report that came from the coroner earlier this week in relation to the circumstances of tragic deaths that have occurred in Richmond, recommendations that have come from the coroner and the way in which the government could or should respond to her findings in relation to this matter, which indeed include specific recommendations about the way in which the government should respond to the issues that she reviewed. Indeed I am very confident that the government will take full and appropriate consideration of those issues and provide an appropriate response in a timely fashion.

The difficulty that the government is in today is that the government is not satisfied that we as a Parliament, we as a government, are in a position to positively support this piece of legislation in light of a variety of factors that I will talk through. I think it would be worthy for all of us in the Victorian community to consider in a fulsome way the appropriateness of interventions that have already been tried, the community's engagement, understanding and appreciation of these issues, the protocols that actually may import best practice in relation to drug treatment, the protocols and procedures that may actually support this through best practice in community policing methods, and the way in which we have an operational method that provides safety, security and certainty for the lives of our citizens in very many circumstances where their life is extremely chaotic in terms of dealing with their degree of substance addiction, in particular heroin. The government is actually trying to find ways in which we can have a balanced approach to the range of pressures that are exhibited in our community in terms of substance abuse, whether that be alcohol and drugs or other dependencies, and take appropriate action.

I was part of an incoming government that recognised at the time, in 1999, that there was value in introducing supervised injecting facilities, and in fact that was Labor Party policy at that time. I spoke at great length in relation to my support for the policy intent and the facilitation of such a facility being created. I think by the time the debate was actually on in the chamber it was 2000. The arguments that I mounted at great length at that time I have not resiled from, so people can go back and have a look at what I put on the public record back in 2000 if they so choose in terms of what is the policy position of the party and my personal position on that matter — and I have not resiled from that position ever. But what I am mindful of is that that piece of legislation was not successful in terms of its passage through the Parliament at the time. What I am also mindful of is the lost opportunity for that treatment method to be explored and to achieve a degree of

community acceptance. At the time it was actually quite controversial.

There was a blanket rejection by the opposition of the day, and its position may or may not have necessarily determined the outcome. They only speak on behalf of a constituency within the community rather than the entire community, which sometimes they can be confused about, but I have to say that from my vantage point not only was the opportunity not afforded to the Parliament at the time to accept that legislation but there was a contested view in the local community about the desirability of a safe injecting facility. If we have full memory of it, even progressive people who see themselves as progressive — those in the Yarra City Council, for instance — were not always supporters of this approach. They may be today. They may on balance be mindful of community values and a recent value system that is overwhelming in the North Richmond community in relation to the establishment of such a facility, but that has not always been the case. In fact the Yarra council for a number of years ran effective interference in relation to the development of that policy. I acknowledge that that is not their current position.

I would hope that in fact in the name of certainty for the community we actually have an agreed approach to the way in which we can provide for safety on our streets and protect the lives of people who are at risk because of their heroin addiction and the way in which they choose to inject heroin. In fact that was an inadvertent slip: choice actually may be taken out of the equation in relation to whether people feel as if they have a choice about the safe way and the safe practices by which they may use heroin. They may be in such a vulnerable position that choice is really not much of a factor in their daily circumstances. I acknowledge that. What I am hoping is that we as a community can rise up and provide some choice, some structure and some degree of safety.

If we as a government are not in a position to support this bill today, which we are not, I think it is incumbent upon us to reflect on the cumulative program that we have in place, to look at its strengths and weaknesses and to make some wise decisions about investments in resources and support for people who work in alcohol and drug services and how we support the facilities that may provide a greater quality of medical care, support and education for our community. It is incumbent on the government to come back and answer those questions in light of reflection on our current practice, the recommendations that have been made by the

coroner and the momentum that has been established by Ms Patten's introduction of this bill.

I give notice that the government will examine and reflect on the appropriate policy prescriptions and the way in which we provide for a greater quality of life for all our citizens, whether they be heroin addicts or people in local communities who feel threatened or vulnerable.

**Mr Davis** — You have already said no. Are you saying no or are you not saying no?

**Mr JENNINGS** — Mr Davis, I have already indicated, if you were listening previously, that we are not the blunt instrument that you choose to be. We acknowledge the lives that are being lost each and every day in our community. We acknowledge our obligation to do whatever we can, in the best balance of policy considerations, to address these issues.

**Mr Davis** interjected.

**Mr JENNINGS** — Mr Davis, I am not responding to your blunt, crude, totally inappropriate instrument.

**The ACTING PRESIDENT (Mr Morris)** — Order! Thank you, Mr Davis. Mr Jennings, could you please address your contribution through the Chair?

**Mr JENNINGS** — Thank you, Acting President. I referred to the commitment of the incoming government in 1999 and its policy prescriptions. I want to now fast-track to our recognition of unresolved health issues — alcohol and drug issues — that was our priority on coming to government at the last election in 2014. We did make a commitment that within the first 100 days of coming to office we would do something about ice in our community. We committed to an Ice Action Plan, which was implemented in the first 100 days. We allocated \$45 million to a range of services designed to address what had been identified, and continues to be identified in our community, as a major issue — ice.

That was the immediate priority of the government in coming to office. It was not the only issue that we recognised on coming to office. We have made ongoing investments in association with the Ice Action Plan. Indeed an expenditure within that program itself relates to a significant investment in the needle and syringe program, which obviously crosses over quite comprehensively with the incidence of heroin use. So the government is not blind to this issue. It is not negligent about this issue. It has actually elevated it as a priority issue to deal with the safety of our citizens and

try to protect lives from the scourge of drugs. I do not really want a narrative to be created that we have deserted the field and are negligent and blind to those considerations.

The government does understand that there is a broad range of issues in our community. As a member of this government who takes a lot of responsibility in relation to family violence, I actually understand the coincidence of alcohol and substance abuse generally in terms of being an undercurrent and its connectivity with the great misery that bedevils the lives of hundreds of thousands of members of our community each and every day.

In terms of loss of life, I am mindful that, according to the last reported data that I have been provided with, 217 citizens in Victoria lost their lives in 2015 due to illicit drug use, which is nearly as many as the much-reported and commented upon road toll, which was 252 that year, and below the number of people who actually die through a less discussed but very highly prevalent area of public policy concern — deaths through overdoses of prescription drugs. We estimate that somewhere in the order of 330 people lost their lives that way in that year.

In terms of the proportionate understanding of this, one life that is lost is one life too many. The incidence of loss of life through illicit drugs is significant in our community, as is the loss of life through overdose of prescription drugs. The impact is measured in terms of quality of life for people who are addicted to those substances along with that of their families and loved ones; the loss of productivity or the loss of productive life; the risk in terms of when their addiction is out of control; and the loss of the huge potential they bring to our community because of that. These warrant our consideration. They should not be dismissed out of hand. They should be dealt with fulsomely. I am acknowledging, on behalf of the government, that we cannot be complacent and say we are doing as much as we need to do. We need to come back and demonstrate our approach to these issues.

What we are doing, beyond the Ice Action Plan, is investing significantly in the needle and syringe program. On the most recent understanding of how widespread that program is, somewhere in the order of 10 million syringes are actually disseminated through that program at about 570 locations throughout Victoria. All these things should be measured on the basis of quality of life, but if you think about the level of investment that is made, for every dollar you spend on a needle and syringe program, you save

cumulatively somewhere in the order of \$27 through reducing the impact of disruption to our health services, loss of productivity and loss of capacity in our community and in our society. So we actually understand the value of that program.

We understand how the dissemination of syringes itself provides the opportunity for a human contact that allows for the ability to provide advice and support to try to make sure that precincts are kept in a more secure, sanitised fashion that reduces the risk of needlestick injury. We understand there is an obligation in relation to the disposal of syringes. We understand that within the wide distribution of points that have been available for the needle and syringe program we do rely very heavily on community health centres, hospitals and emergency departments, municipal councils, drug treatment agencies, youth organisations and 360 pharmacies. So there is a very extensive network of agencies that are involved in the needle and syringe program, and that does play a role each and every day in mitigating against risk. It does not remove the risk. In fact the misery, despair and loss of life has not been prevented, but it is mitigated by that program. The government has supported 20 locations that have been identified as particularly high volume areas that would warrant a deeper degree of investment in those programs, and that ranges in a number of locations across the state, which include Frankston, Geelong, St Albans, Morwell, Mildura, Footscray and Shepparton.

Of course there is a lot of emphasis on localised initiatives; what we have seen in the cities of Yarra, Melbourne and Port Phillip has been areas where we have provided significant support. Within that program there is also a recognition of broader options that should be available and responses, whether that be through mobile overdose response workers, who have been resourced across five metropolitan areas that have been identified as hotspots for drug overuse. They happen to coincide with the rollout of mobile drug safety workers across metropolitan and regional Victoria and the delineation of five primary health services in the inner northern, western and southern parts of Melbourne. That funding has been elevated to try to provide a greater structure and mitigation against the risks we have seen in our community.

We have also seen the development of peer-led networks in six locations. A lot of very deep and meaningful work has been undertaken where those who have gone through the experience of addictive behaviour and substance abuse and have resurrected their lives provide structure and support to those who

are currently experiencing that chaotic part of their life. In fact we would think, in relation to mental health, alcohol and drug services and indeed in the caring professions generally, that the experience of peer workers who provide guidance and structure should not be underestimated given the significance of the way in which they make meaningful connections and provide ongoing support to those members of our community when they are most at risk. In terms of the programs I have just outlined, of recent times my colleague the Minister for Mental Health has provided an additional \$500 000 to reduce overdose deaths, and the extension of that program has been rolled out in Port Phillip, inner Melbourne, Maribyrnong, Brimbank, Dandenong, of course the cities of Yarra and Greater Geelong.

We recognise there is a need to expand the naloxone program, and in fact that has been a feature of the coroner's consideration and a feature of investment strategies that we have made of recent times. We will continue to be alive to what the need may be in terms of that important program to try to increase the access to the care being provided through our emergency services, also exploring the ways in which we can extend that program to friends and family members and into localities and community centres. So that is a piece of work we have already embarked upon, and I understand that we will continue to look at the way in which we can improve access to naloxone for members of our community.

In terms of additional areas of programmatic support, there has been a post-overdose response that has been identified — particularly to work with people who have experienced an overdose previously in their life and survived it, recognising their precarious nature and their vulnerability in relation to subsequent overdoses. That is a cohort of people that are particularly vulnerable, and we recognise that additional combination of the programs that I have outlined are warranted to provide that support. Certainly we note that the coroner has recognised that as a significant issue, in particular in relation to the recommendations that come out of North Richmond.

Beyond that work, in terms of the further work we are hoping to develop in that field, the Pennington Institute has provided us with some guidance and continues to provide us with some structure and guidance about the way in which we can more effectively roll out those programs and how we can make sure that they have maximum effectiveness. That is an ongoing consideration — that we rely on their advice, particularly in relation to those issues.

Again I do not want to confuse the house or the community. In fact I was about to go on and talk about real-time prescription monitoring, but I will not. I will pull myself up there for a second. I just want to talk about pharmacotherapy in terms of the five areas that have been established in relation to that program, which has been currently supporting 14 000 people across Victoria in relation to accessing opioid pharmacotherapy. I think that with that program again we have relied significantly on a network of general practitioners and pharmacists in particular, who have provided significant support to strategies that try to reduce the use of heroin or other opioids in relation to a replacement treatment that is designed to reduce the addictive behaviour or the specific demand on illicit drugs. We will continue to monitor the effectiveness of that program. At the moment that has quite an extraordinary reach of about 620 active prescribers, as I indicated, primarily through pharmacies across Victoria. In fact 550 of the 620 are provided by pharmacies. So at the moment there is an extraordinary network of support and engagement.

Our great challenge is: where there is absolute despair and misery and a coincidence of factors that actually lead to substance abuse and trafficking and injecting in very unsafe practices, such as those that are evident in North Richmond, how do we address that? It seems that, despite all the programs that I have run through, despite the intent, despite the investment, despite the goodwill that may be evident at the moment, we still have loss of life each and every week on our streets, in communities, in families. That is a terrible, despairing issue that we have to be alive to.

I have spent many hours with my colleague the Minister for Mental Health and those who work with him and my other colleagues in trying to work through how the government does meet what is a moral obligation to do what we can to keep our citizens alive in an environment where we believe that the consideration of the policy that underpins Ms Patten's bill has been accepted in a number of communities around the world. It actually has a track record and experience in Sydney, which is well recognised in terms of its effectiveness. It has had at various times a degree of community support and engagement in the Victorian community — not a constant one, not necessarily one that is not subject to scaremongering or fear, but one that actually may come from those who seek very simple solutions or do not seek solutions but seek very simple political messages in relation to these issues.

The government recognises the complexity of these issues. It understands that there is a track record in Sydney of effective delivery of such a facility. We are mindful that the New South Wales legislation is slightly more rigorous, not terribly more rigorous than the model that is being proposed by Ms Patten, but it does have some safety net provisions in relation to locality, training and ways in which it may be operationalised. Again, this is not an overwhelming criticism of the bill or the policy intent or the desire for us to do something better. It would be a reason why the government, if we came to vote on the bill today, would not vote in support of it. But that is not to abrogate our responsibility for appropriately dealing with these issues or responding to legitimate community concern about the way in which we can provide greater safety for our citizens, a greater quality of life and prevent the early loss of life.

That is a policy intent that the government is happy to be put on notice on and actively pursued in relation to our ability to be able to deal with what has clearly been not satisfactorily addressed. We look forward to the time that may be available to us to do that. At the moment, within the consideration of the Parliament today, we may not have much time. That is why, as I have indicated, the government is not supportive of the legislation, but we are alive to being put to the mettle in relation to our programmatic response, the cogency of it, the comprehensive nature of it, the way in which we can address these issues into the future, and we are happy to come back to the Parliament and be reviewed in that effectiveness, evaluated, and to tease out as a Parliament how we might effectively address these issues into the future.

**Mrs PEULICH** (South Eastern Metropolitan) — It was a bit hard to follow exactly what position Mr Jennings was articulating in relation to the government's response to this private members bill.

**Mr Jennings** — Well, you could read it.

**Mrs PEULICH** — Your position?

**Mr Jennings** — Read it.

**Mrs PEULICH** — It was hard to hear it and it was hard to understand it. It was all over the place. Nonetheless, I assume that some sort of a deal has been done with Ms Patten to refer this to a committee. Obviously that is in part a reflection of the internal conflict of the Labor Party in relation to this bill. It is reported today in Richard Willingham's article in the *Age* that he wrote with Benjamin Preiss headlined

‘Andrews rejects call for injecting room’. In that there is a reference to:

Some Labor MPs, including senior members of government, privately support a trial of a safe injecting room.

I assume therefore that either the Premier has been rolled or the government is leaving the door open to not only the establishment of this shooting gallery or injecting facility — I will not call it a safe injecting facility; I think that is a misnomer — but also the prospect, given the admission by the proponent of this bill that drug users will not travel vast distances and that Victoria Street, Richmond, is a hotspot, that other hotspots, as have been identified by Mr Jennings, also therefore can expect, given that the government is leaving its door open, similar initiatives being established in their neighbourhood.

**Mr Jennings** — You’re scaremongering. That’s what you’re relying on.

**Mrs PEULICH** — No. Mr Jennings, people are scared about their kids ending up consuming illicit drugs — absolutely they are frightened. I note, in reviewing the *National Drug Strategy*, that it is far, far broader than what the proponent of this legislation addresses. In actual fact, just having a look at the *National Drug Strategy*:

Australia’s harm-minimisation strategy focuses on both licit and illicit drugs and includes preventing anticipated harm and reducing actual harm.

And:

It encompasses:

supply reduction strategies —

does this bill do anything to do with supply reduction; no, it does not —

to disrupt the production and supply of illicit drugs, and the control and regulation of licit substances ...

Does it actually do anything about demand-reduction strategies? No, it does not. What it does do is it actually just flies up the white flag to say — —

**Ms Patten** interjected.

**Mrs PEULICH** — Well, I have had a lifetime of teaching young kids, impressionable kids in secondary schools, hundreds of them in my time. Can I say that the way that illicit drugs are referred to in the media and in the Parliament, the coverage, all impacts on their perceptions of drugs. There is certainly research to indicate that the attitudes towards illicit drugs amongst

Australians are very soft — and you have got to question why. Part of that is that there are a number of peak bodies who — in the narrow scope of their own focus, as this bill is very narrow in scope — come up with solutions that actually go against the intentions of the broad national strategy. So there has been this longstanding undermining of the strategy by a range of proponents — and to be honest with you, I do not know what motivates them — to actually put a lie to the claim that somehow we have failed in the war against drugs. Australia has never had a war against drugs. We have been wimps. The strategy has been undermined. It has failed. There have been not enough resources dedicated to any of those multipronged strategies in our national drug strategy.

The supply reduction is certainly a problem across the south-east, and I will come back to that in a moment, but it is a problem right around the nation. Billions of dollars worth of drugs are routinely seized, but a lot of it is also now manufactured locally and in people’s backyards. We do not know what is in those drugs. How can you supervise the injection of drugs when you do not know what is in them? Of course some of the proponents of softer policies on drugs would actually say, ‘Let’s do some tablet testing or testing of drugs to make sure that they are safe’. There is no such thing. The safest response for society is actually to discourage their use. Everything else sends not only mixed messages but harmful messages and perceptions that somehow drug use is recreational and therefore not harmful.

In my view an arm of the national strategy that this bill sabotages is the demand reduction strategies to prevent the uptake of harmful drug use, because what it basically says is that drug use is legal. How can we therefore discourage young people from the uptake of harmful drug use? Abstinence-oriented strategies are obviously the best strategy, and treatment of related drug use is critical. We know, for example, that here in Victoria we only have 200 rehabilitation beds, in comparison to 800 in New South Wales. That is deplorable. This government needs to put more dough into rehab beds. There are families that are being ripped apart — lives that are being ripped apart — in particular through the scourge of the use of ice. We need to put more into rehabilitation so that the people who attended, for example, the community forum in Cranbourne the other day, people whose kids were lost to them, have some hope. This bill — —

**Ms Patten** — Stops people from dying.

**Mrs PEULICH** — You have had your turn. You have drafted the bill, and can I say — —

**The ACTING PRESIDENT (Mr Morris)** — Order! Thank you, Mrs Peulich, I ask that you address your remarks through the Chair.

**Mrs PEULICH** — Ms Patten’s oft-cited evidence, on closer scrutiny, is very thin and sometimes fabricated — indeed a little bit of scrutiny and it just evaporates. What Ms Patten does very well is she latches onto an issue that she thinks she is going to get a little bit of media attention on and she runs with it.

**Ms Shing** — You’re just describing yourself.

**Mrs PEULICH** — Have I been a media tart? No, I have not. I never have. I chase the policies. In actual fact I have a — —

**The ACTING PRESIDENT (Mr Morris)** — Order! I am finding it difficult to hear Mrs Peulich’s contribution due to interjections. Mrs Peulich, I would appreciate it if you would make your comments through the Chair. I ask members to cease from making unruly interjections.

**Mrs PEULICH** — I have a 20-year record of fighting this lunacy of an orchestrated, organised confluence of so-called progressive interests which will basically ensure that Australia ends up with weaker drug laws and greater prospects that our kids will end up with their lives lost to drugs.

Drugs do not discriminate across our community. They impact various classes and professions, youths through to older Victorians. Addiction, trafficking of illicit drugs and associated health and crime is a massive and growing problem of our society, the reason being the influence of ice and its common denominator in violent crime — and we see this in parts of the debate surrounding youth justice. Whether it is carjackings and home invasions or whether it is misconduct and destruction of youth facilities, often the consumption of ice is involved, where every dark thought in a person’s mind ends up being a reality — thoughts that we all have but rarely articulate, let alone act upon. Unfortunately for them it becomes reality, and they have the strength of 10 men. It is a huge problem, and yet so little is done to address the problem of ice. I was reading some articles in preparation for this debate and noted an article dating back three years.

**Ms Shing** — ‘\$1 million for the *Ice Action Plan*’; is that what it is?

**Mrs PEULICH** — Where is the result on the ground, Ms Shing? The yapper of Parliament never lets anyone else talk and has to talk over everyone else. It is a *Herald Sun* article quoting a person who is now our police commissioner and who was then involved in the federal police. It is a very good quote. Deputy Commissioner Ashton said at the time that bikie gangs and overseas criminal syndicates were taking advantage of the highly addictive aspect of ice ‘to actively hook thousands of young Victorians’. This is the problem that this Parliament and this government ought to be focusing on.

**Ms Shing** interjected.

**The ACTING PRESIDENT (Mr Morris)** — Order! I believe there are some interjections that are making it difficult for Mrs Peulich to make her contribution, but I would encourage Mrs Peulich also to direct her comments through the Chair. I understand she is responding to interjections from the other side, and she has done that many times, but if she could make her comments through the Chair, I would certainly appreciate it.

**Mrs PEULICH** — Thank you, Acting President. There is no reason whatsoever for us to cave in to drugs and those who are involved in benefiting from drugs or their manufacture or distribution. On the contrary, we need to redouble our efforts rather than capitulate in such a way that it would in actual fact increase the risk to our young people by sending a message that it is okay and that it is fine, thereby increasing the number of people who actually use drugs.

On our uniformed emergency services, we know, for example, the extent to which they are often at risk in having to respond, and clearly this is also an issue in our hospitals. I read an article in relation to drugs and driving in Australia which was basically saying that there is recent evidence to suggest that drugs other than alcohol, both licit — for example, pharmaceutical drugs — and illicit, such as cannabis, methamphetamines and ecstasy, are associated with impaired driving ability and thus road trauma. There is this proliferation of negative impacts on the community — dramatic impacts on the community, as well as individuals and their families — and we are saying, ‘Let’s empower them. Let’s facilitate them’.

In the treatment of addiction, empowering and facilitating is not recommended. We do not empower compulsive gamblers, so why would we respond otherwise in relation to drug use? This bill empowers drug use. In my view, it does not respond in a way that

derives a community benefit — that is, it does not reduce the number of people who use drugs, thereby over time reducing the number of people who are addicted.

What safe injecting rooms do is simply trap people into the position of being gripped by their addiction. It tells them that drug taking is okay and, in certain spaces, that it is legal. Whilst Victoria Street, Richmond, may be a hotspot, a good response might be the introduction of CCTV cameras. However, I understand that the local council, which is dominated by so-called ‘progressives’, discourages or perhaps does not allow this. Another response might be to get police to apprehend drug traffickers. As I said before, a safe injecting room will do nothing for the drug users and hotspots in the rest of the state because Ms Patten herself said in an interview that drug users will not travel vast distances in order to inject. What does this do for drug use in Dandenong, Frankston and other hotspots?

In Victoria we have a wide problem; it is not just based in Richmond. We know that there is a proliferation of methamphetamine in remote areas as well, and that is both injected and smoked. Without a holistic approach to policing, crime harm minimisation and health care, we are fooling ourselves if we believe that the war on drugs has ever happened. I do not believe it has. We are in the grip of an ice scourge. We are seeing drug-related violence at unprecedented levels, which is reflected in the crime statistics. Instead of having an actual war on drugs, which we have never had, this bill purports to be anti-drugs but it affects attitudes towards drugs and drug use, which I believe is the wrong direction to take.

There are other measures to deal with the proliferation of drug use, such as cracking down on crime, drug pushers and organised gangs. How about some mandatory sentences for those who are actually peddling ice, including bkie gangs? In the south-east there are many bkie gangs — for example, in Hallam and Seaford. I believe there is one that is currently moving to Cranbourne. Why is it that bkie gangs are descending on the south-east? What work is being done in relation to that? The other day when I attended the Public Accounts and Estimates Committee hearings the Chief Commissioner of Police did not mention this issue once. What he talked about was a list of multicultural events that he and his staff had attended, which was very interesting because I also go to these events, but people really want to hear about what is being done about this pernicious problem that is affecting our community, our families and individuals.

There are other measures that we can use to deal with the proliferation of drugs. As I mentioned, the proposal contained in this private members bill will see the introduction of so-called safe injecting rooms — although I do not believe there is anything safe about them — or drug consumption rooms. The advocates of these rooms often say the evidence is there that they are effective. This evidence is a very narrow portal, and it ignores every other element of the sort of multipronged strategy that we should all be focusing on and funding.

Methamphetamine — not just heroin — can be injected. It is also important to include recreational drugs in the discussion as well as illicit drugs. There are overdoses and deaths associated with recreational drugs. This is a proliferating drug culture, which is not the exclusive domain of heroin. The 22 overdoses as a result of recreational drug use that occurred at the White Night music festival at Federation Square is a tragic example of the problem we face as a society. Methamphetamines, also known as ice, have ripped families apart. Its increased consumption has in part led to increased violence, including domestic violence. That is because older children are staying at home longer or returning home when they have a life crisis, and that is often behind the very violent experiences of families. These are very tragic. Some of them have been reported in the media, but they are all felt very deeply.

Violent crimes occur across metropolitan and regional areas. To suggest for 1 minute that this private members bill, which responds to one isolated hotspot, is a solution to drug addiction, drug trafficking and the associated risks to the health and mental wellbeing of users is an insult to Victorians and to Victorian families, especially those who have been impacted by the ice scourge.

A drug consumption room would be a white flag to Victorians, especially those who are exposed through no fault of their own to a drug culture, that says that drug taking is okay — in fact it is legal. We know that addiction does not discriminate. Young people face specific risks in relation to alcohol, tobacco and other drug use. Rates of risky behaviour are generally higher amongst young people than the broader population. Research supports this. The initiative contained in this bill does not stack up to any standard of common sense.

We all know how statistics work. My first degree involved a substantial amount of research. I have a degree in psychology and sociology, so none of this is new to me. On Twitter people and in particular members of the Sex Party subject me to constant

bullying and abuse, saying that I do not understand how statistics work. I am sorry; you have got it wrong. I actually studied statistics.

The trafficking of recreational drugs in safe injecting rooms cannot be tolerated, and I think this would be a capitulation. It would send a message that we accept the results of trafficking, and we should never do this. We have had enough of soft policies on crime in Victoria and in this nation. Despite this bill targeting Victoria Street, Richmond, similar drug hotspots exist in Dandenong and Frankston, and of course the bill does nothing to respond to them.

To sum up, a drug injecting facility is about the injection of a range of drugs. There is no safe method of doing so, especially when users go off site, whether it is by driving away from the facility or returning home. There is no way of controlling that. The claim that our war on drugs has failed, as has been repeatedly articulated by Robert Richter, QC, who says that the war is unwinnable, is completely wrong. Governments should not capitulate to drug pushers and say it is okay to take drugs as long as it is supervised. As I said before, in reality Australia has never had a war on drugs. This bill does nothing about the demand for drugs and the supply of drugs, nor does it effectively respond to the need for harm minimisation, in particular the need to actually rehabilitate drug users by providing them with greater resources and support.

We have had lots of strong words, but often the policies have fallen far short of them, and of course what has happened is that many who peddle these soft policies on drugs advocate a position that I believe is ultimately not in our nation's interest. I am very disappointed that so many members of the medical profession and various bodies also get onto that bandwagon. With Ms Patten we know that she has called for the legalisation of ice, she has called for the legalisation of LSD, she has called for the legalisation of marijuana and now she is calling for safe injecting rooms. I know where Ms Patten stands, and it is not a position that I think the vast majority of the community shares.

Lastly, I would just like to say that the opposition will not be supporting this bill. I do not see a referral to a committee as something that will facilitate a resolution, because there is inadequate research in areas such as demand, in areas such as supply and in areas of the effectiveness of the various harm minimisation strategies. That research needs to be done. I was reviewing some of the research being undertaken by one of the universities in New South Wales. They were saying that some of the important research that needs to

be undertaken includes a content analysis of media portrayal of drug use and its impact on attitudes. There is a whole range of research that needs to be done. Who is funding it or why has it not been funded?

So to have a committee reviewing research that does not exist will certainly not be constructive in getting an outcome. It will certainly allow those who are lobbying for these soft positions a platform to do their work, but I think most importantly it keeps the door open so far as the government is concerned to the establishment of injecting rooms in every suburb, because this solution is not just about Victoria Street, Richmond. If there is an issue with the disposal of needles that people may legitimately be concerned about, there are logical responses to that. Clearly action has not been taken to respond.

I know other speakers have a fair bit to say. I note that there is also an attempt to truncate some of this debate, but the questions that remain are so many. Where is the empirical data in relation to the supply of drugs? Where is the data in relation to drug addiction, rates of drug use and attitudes of Victorians and Australians to recreational drug use? Where is that empirical data? Once you actually present that data, then perhaps we might also incorporate the oft-referred-to data that Ms Patten uses to promote this bill.

The question is: what is the best way to reduce the harm of drugs and to whom? Facilitating drug use does nothing to reduce broad social harm to the individual or to the community. As drug addicts are reported not to travel far to inject, of course it means that similar initiatives would need to be established elsewhere throughout our suburbs and probably country Victoria. Clearly this is something that I think would concern the community enormously. Softening attitudes to drugs by running up the white flag is not something that I support, and the opposition will be opposing this bill.

**Ms HARTLAND** (Western Metropolitan) — When I come into these debates I feel like I have actually been doing this for about 25 years. I listened to Mr Jennings; I heard all of those debates from 1999 on, because living in Footscray I attended all of those public meetings about whether we should have a supervised injecting room when the street use of heroin was at its absolute worst. We got Health Works, which has made a huge difference to the community, but we never got the supervised injecting room we needed.

I think it is time to move on. It is time to be realistic about this issue, and that is why the Greens will be supporting Ms Patten's Drugs, Poisons and Controlled

Substances Amendment (Pilot Medically Supervised Injecting Centre) Bill 2017, because it is sensible. It is about supervised injecting rooms; it is about a trial. It is a proven way to reduce harm. Supervised injecting centres save lives. When I speak to parents who have children who are severely addicted or parents whose children have died in dark back lanes on their own, they talk about how they support a supervised injecting room because it could keep or could have kept their child alive until that child was ready for rehab and until there was a bed available. The one thing I will agree with Mrs Peulich on is that we do not have enough detox beds to ensure that if someone at 8 o'clock in the morning decides that today is the day, they can ring up and be there — not the six, eight or 12-week waiting lists that we currently endure.

This bill allows for a trial of one supervised injecting centre for 18 months. It will be licensed by the government and there will be a review at the end of the trial. Let us look at some of the facts and figures. Mrs Peulich talked about there being no evidence; there is a huge amount of evidence. There were 172 heroin overdose deaths in Victoria in 2015 — a 27 per cent increase on the year before. Of those deaths, 34 happened in the City of Yarra, and this community is desperate for a supervised injecting room. I know that as soon as people hear the words 'heroin' or 'overdose' they switch off. They think that these people knew what they were in for so they deserved it. Does anybody's child deserve to die in a dark, dirty lane?

I do not believe that anybody deserves to die because they take drugs. I have worked with people who have had severe drug addictions because it is an escape from trauma, mental illness or a raft of social problems. Just consider the family that loses a child in a car accident or to a drug overdose: is one more tragic than the other? The pain and heartache experienced by these families and communities is just as harrowing.

The other numbers we cannot ignore relate to the impact this problem is having on the community. In 2015 the City of Yarra collected roughly 60 000 needles and syringes across the entire municipality. This included both those from street sweeps and those collected in syringe disposal containers — people will have seen these in many public places, and they work. Of the 60 000, 9000 were collected off the street, with around 8000 just in the North Richmond and Abbotsford areas alone. We have to remember that Victoria has been handing out clean needles for years. I can remember when the first needle exchange opened in Footscray. People said that it would be the end of the world as we knew it and we

were just encouraging drug use. But what we were stopping was bloodborne viruses. If we had not had a needle exchange for the last 20 years, what would our hepatitis and HIV rates be like now?

What does not make sense to me is how we can hand someone a clean needle and then send them off into a dirty, dark lane to inject. I have never used any kind of illicit drugs. I do not drink, I do not smoke. I am quite boring — a cup of tea and a biscuit is about as exciting as it gets for me. But while I have had no personal experience, I have seen firsthand the damage done. I live in the real world; I have seen it. We just cannot say no to drugs. It does not work. People die when we ignore these problems.

When I took a walk around Richmond a few weeks ago with a number of residents who had come to me because they want a supervised injecting room, it so reminded me of Footscray 20 years ago, when street drug use was out of control. Back then I lived next to the Footscray railway station, where people would buy their drugs and come into my street to inject. Sometimes they would actually be in my front yard, and I was terrified of coming home to find someone dead on my verandah. I attended the meetings that Mr Jennings talked about at the Footscray town hall because I did not understand what a supervised injecting room was then. All I knew was that there was this desperate problem on the streets. But out of that meeting I realised that this would be one of the solutions. I became involved with a group called Footscray Cares, and we as residents campaigned for a supervised injecting centre.

Yes, if we had got it, it would have been built near my house, because I was in the hotspot, and I would have welcomed it because I would have known that I would not be coming home possibly to find someone dead on my verandah. Yes, the community was divided over that issue — I am not pretending everybody would have welcomed it — but I also think we have seen a huge change in opinion over the last 20 years. I see a lot more acceptance of the idea; I see a lot more reality about it. Part of that reality is what has happened in Sydney.

I actually listed a whole lot of things that I thought would come up in the debate. In listening to the debate today I heard that CCTV cameras would stop the dealing. No, all that is going to happen is that people will not deal or inject under the camera. They will go to that dirty back lane, and they will die because nobody will know that they are there. How can the police actually stop this when we are talking about multiple

deals every day? How many police could we possibly put on the street to do that? Just say no to drugs — well, that has really worked in the last 20 years. At the end of the day if we really care about keeping people alive and keeping drug use off the streets, we need to have a look at the evidence and talk to the experts.

There are close to 100 supervised injecting centres around the world — in Germany, Spain, the Netherlands, Norway, Luxembourg, Switzerland, Denmark, Canada and of course here in Australia. We are actually fortunate to be able to look at Sydney's medically supervised injecting centre to see the kinds of results you could expect here in Victoria if we had a trial of a similar facility. Over the past 16 years of operation the Sydney facility has supervised a million injections and has had zero fatalities. In Victoria there were 172 fatalities in 2015, and 34 of them were in Richmond. Again, there were no fatalities at the supervised injecting room in Sydney.

It must be heartbreaking for families who have lost loved ones to know that if they had had access to this kind of facility, they would probably be alive today and would have had the opportunity to turn their lives around. I urge members to watch the 7.30 report from last night in which they talk to two families who have lost their children to heroin overdoses — ordinary families; not extraordinary, just ordinary. Both suffered from severe depression, and it was a form of self-medication. If they had been able to go to a supervised injecting room, they probably would not be dead now.

When the centre opened in Kings Cross all those years ago, ambulance call-outs to the area dropped by 80 per cent. Can you imagine the relief that must have been felt by the emergency services and hospital emergency departments? Countless experts have urged the Victorian government to trial a supervised injecting centre, and only two days ago the Victorian coroner, Jacqui Hawkins, said she was convinced that a supervised injecting centre is essential to intervention in Richmond. The coroner's recommendation came via an inquest into the death of a 35-year-old mother who died of a heroin overdose in Richmond last year. She was found in a toilet and was taken to St Vincent's. I do not think that someone who has a heroin addiction should be treated any differently from anybody else, and she should not have died in this way.

I was actually going to read out quite a bit from the coroner's report, but I think it would be much better if members took it away and read it for themselves. The evidence in the coroner's report is overwhelming. She

has spoken to experts. Members do not have to believe the Greens and they do not have to believe Ms Patten; they need only look at the coroner's report. She has spoken to doctors who work in the area, to pharmacists and to staff at the supervised injecting room in Sydney. There is a wealth of evidence to say that this works. I think we have to be a society that says everybody has value, whether you are a drug addict or whether you are a banker. You could be a very wealthy person and be a drug addict. It goes across all classes; it does not just stay with one particular group.

In conclusion, I have to say that I went into this debate hoping that the government would see sense, especially when the coroner's report came out. I thought that the coroner, from an authoritative organisation presenting evidence about how a supervised injecting room could help and how a supervised injecting room could keep people alive until they were ready to go into rehabilitation, until they were ready to actually address their addiction, would be persuasive. But no, the government has said, 'No. We like the idea. We're not really sure how we are going to do it'. I have heard those arguments for 25 years. It is time to move on. We have 15 years of evidence from Sydney. It is about time we used the Sydney-Melbourne rivalry to say that we can do it just as well as they do it in Sydney.

My frustration at this is becoming extreme. While the government has not explicitly said that they are voting against the bill, I presume that is what they are doing. But if this bill fails today, that is not going to stop this campaign. It is not going to stop the residents of Richmond campaigning for a supervised injecting room. It is not going to stop me campaigning for a supervised injecting room. You may be able to avoid it today, but it is actually just going to make the campaign that much stronger.

If we cannot deal with it in the Parliament, then the community will become more and more organised. They are the ones who are saying that they need this in their community — not just for the people who are drug addicted but for the people who live there and are tired of finding people in their front yards injecting, for the people who are tired of going through the back lanes of the community and finding people in a very distressed state or people who have died and for those who have found people dead in toilets. That is not the way people should live. The government should face up to what is required and get on with the job. If they will not accept Ms Patten's bill, which is a very sensible bill, they should bring in their own and do their own trial.

**Dr CARLING-JENKINS** (Western Metropolitan) — I rise this afternoon to speak on the Drugs, Poisons and Controlled Substances Amendment (Pilot Medically Supervised Injecting Centre) Bill 2017. I will say right from the beginning that I will be opposing the bill.

The proposer of the bill, Ms Patten, refers to the medically supervised injecting centre at Kings Cross as the model for the injecting centre her bill would allow to be set up and operate as a pilot for 18 months here in Victoria. She refers to 10 years of data and reviews of the Kings Cross injecting centre, claiming that this data demonstrates the merits of such an injecting centre for Victoria. I propose to examine her claims carefully, but first I wish to address the coroner's findings that were handed down this week.

I have read the findings of Coroner Hawkins into the death of Ms A in December 2016, which were released on 20 February 2017, and I do wish to extend my sympathy to Ms A's family. I note that the coroner's report states that the family was working towards funding a naltrexone implant for Ms A. Curiously, the coroner does not address the issue of funding for such implants, which may indeed save lives. Reading the findings, both Ms A's tragic personal history and the broader evidence about the current high levels of illicit drug use in North Richmond, strengthened my conviction that Victoria needs to seriously consider models such as a compulsory residential rehabilitation program for illicit drug users based on the successful Swedish model.

Coroner Hawkins asserts that Dr Jauncey's evidence led to the conclusion that the injecting centre in Sydney has helped save many lives. However, the only evidence from the doctor that is cited to this effect is a broad assertion that everybody agrees that the injecting centre saves lives. This is simply not a fact, and I will examine this claim in greater detail shortly. However, I note specifically the data in the findings that 70 000 needles per month are distributed in North Richmond and the injecting centre in Sydney averages only 150 injections per day. Translated to North Richmond, this would mean that only 4500 out of 70 000 injections per month would be likely to take place in the centre, with 93.6 per cent still occurring elsewhere. I am disappointed with the coroner's lack of thoroughness and believe her findings to be inadequate at best and misleading at worst.

So now I return to the specifics of the bill presented for debate this afternoon, and I will try and be as quick as possible as I go through this. I note that KPMG

conducted a review of the injecting centre for NSW Health and published it in September 2010 under the title *NSW Health: Further Evaluation of the Medically Supervised Injecting Centre During its Extended Trial Period (2007–2011) — Final Report — 14 September 2010 v 1.1*. I will analyse this review and the claims made by Ms Patten when she presented this bill to the house to demonstrate that this proposal is flawed.

The first claim that I wish to look at is the referrals. Ms Patten stated that 10 years of data and reviews demonstrated that the injecting centre had generated more than 9500 referrals to health and social welfare services. The KPMG report states that from 2001–02 to 2009–10 there were 8508 client referrals. It is instructive to examine this data for 2009–10, the most recent year covered by this final evaluation. Mrs Peulich, if you like stats, I have got some stats for you. In that year there were 648 clients referred, meaning that less than 1 per cent of all visits to the injecting centre resulted in a referral of any kind. Of these referrals only 322 were for drug dependence treatment, representing less than 0.5 per cent of all visits. That is on table 8-13 on page 123. Of these, the majority — 189, or 59 per cent — were referrals to the maintenance programs such as methadone. There were only 22 referrals, or 7 per cent, to drug-free treatment programs, such as residential rehabilitation programs or Narcotics Anonymous.

Curiously this report does not specify the percentage of individual clients who received referrals. However, a March 2007 report by the National Centre in HIV Epidemiology and Clinical Research indicated that as of 2007 only 17 per cent of clients had received a referral of any kind and only 11 per cent of clients had received a drug treatment referral. In other words, 89 per cent of clients using the injecting centre had never received a referral for drug treatment.

A second claim made is in regard to ambulance call-outs. Ms Patten stated that 10 years of data and reviews demonstrated that the injecting centre had decreased ambulance call-outs to Kings Cross by 80 per cent. The figure of 80 per cent appears to have been taken from a June 2007 evaluation report by the National Centre in HIV Epidemiology and Clinical Research, which indeed found — as indicated on page 27 — an 80 per cent decline in ambulance call-outs for suspected opioid overdoses in the Kings Cross area, or postcode 2011, during injecting centre opening hours from an average of 17 per month from May 1998 to April 2001, before the injecting centre opened, to an average of four per month from May 2001 to April 2006.

The more recent 2010 KPMG report used different data ranges and concluded that there had been a 64 per cent decline in ambulance call-outs for suspected overdoses in the Kings Cross area — same postcode — during injecting centre hours from an average of 10.2 per month from May 1995, before the injecting centre opened, to April 2001 to an average of 3.6 per month from May 2001 to March 2010.

It is relevant to compare this decline with the decline in three other areas of New South Wales overall, except for the postcode that I have already mentioned of Kings Cross: the neighbouring areas of Darlinghurst; Surry Hills, postcode 2010; and Cabramatta. The June 2007 evaluation report found a 60 per cent decline in ambulance call-outs for New South Wales as a whole, exclusive of postcodes 2011, but only a 45 per cent decline in ambulance call-outs in the Darlinghurst-Surry Hills area.

Interestingly, there was a decline of 83 per cent in ambulance call-outs for suspected opioid overdoses in Cabramatta, with a sudden decline from a high of 70 in December 2000 to less than 10 per month through 2001. This decline is reasonably attributed to the introduction of a sniffer dog policy in the area. The similar decline in the Kings Cross area may well be attributed to a similar sniffer dog program introduced there six months after the injecting centre opened. The comparatively lower rate of decline in ambulance call-outs in the Darlinghurst-Surry Hills area may well reflect a displacement effect of injecting drug use from Kings Cross due again to the sniffer dog program.

We need to be careful not to make wide, sweeping statements when we come to such serious issues. Another claim was made in regard to discarded syringes. The claim has been made that 10 years of data reviews demonstrated that the injecting centre had halved the number of publicly discarded syringes in the area, and the KPMG report does indeed note that the number of needles collected in the Kings Cross area more than halved during the reported period. However, it is quite without foundation to attribute this halving of collected needles to the establishment of the injecting centre alone. The KPMG report itself states:

It should be noted however, that in the absence of comparison data for the period prior to the MSIC commencement, it is not possible to infer a correlation between the reduction observed and the operation of the MSIC.

It is not possible to infer a correlation. Further, the KPMG report notes that the City of Sydney also collects needles and syringes via community sharps bins located in public places. KPMG were unable to

source data for collections of needles and syringes collected by the City of Sydney community sharps bins during the period of the evaluation. An increase in the number of needles and syringes being disposed of in these bins may explain the decrease in the number of needles and syringes collected in public areas.

Another claim has been made regarding drug overdose deaths. It has been claimed that 10 years of data and reviews demonstrated the injecting centre had successfully managed more than 4400 drug overdoses within the centre without a single fatality. The KPMG report refers to 3426 drug overdoses in the period of 6 May 2001 to 30 April 2010. Ms Patten has gone on to claim that the Sydney injecting centre:

... saved lives, and continues to do so. Over 4000 overdoses successfully managed within the injecting centre is over 4000 potential community overdose deaths prevented ...

This claim of 4000 community overdose deaths prevented is without any foundation in the data and is quite simply indefensible. Interestingly, the KPMG report from 2010 is reluctant to attribute any reduction in overdose deaths in Kings Cross directly to the injecting centre. It stated this, and I will quote:

The circumstances leading to overdose (and subsequent involvement of ambulance, emergency department and deaths) are complex. There is a level of caution needed when drawing conclusions from interpretation of this data. These events are impacted by a range of factors, such as changes to the availability, purity and price of drugs. While external data can be useful ... indicators for the environment that the MSIC operates within, it is not possible to ascribe causality of any one factor to changes in these figures.

The morbidity rate for heroin overdoses calculated by the National Drug and Alcohol Research Centre is 1 in 25, or 4 per cent. This means that the most that Ms Patten could defensively claim is that the injecting centre may have prevented up to 160 overdose deaths from 4000 overdoses. However, this conclusion would again only be valid if the negative effect of the injecting centre in increasing risky behaviour leading to a higher overdose rate is ignored.

In 2009–10 the overdose rate for heroin injections in the Sydney injecting centre was 14.6 per 1000. The overdose rate at the injecting centre from 2001–02 to 2009–10 was 3426 overdoses from 604 022 injections, or 5.67 per 1000. By comparison the prior overdose rate for clients registering at the injecting centre can be calculated to be 0.228 per 1000. This suggests that injecting heroin at the medically supervised injecting centre in 2009–10 increased the risk of overdose by a factor of 64. That is 6400 per cent. And overall

injecting at the centre in its first nine years of operation increased the risk of overdose by a factor of nearly 25.

If clients at the injecting centre had the same rate of overdoses at the centre that they do when they do not use the centre, there would only have been 137 overdoses instead of 3427. Applying a mortality ratio of 4 per cent, this means the injecting centre could be, at best, attributed in preventing a net of 5.48 deaths in nine years or roughly 0.6 deaths per year. So according to my calculations, Ms Patten has exaggerated the number of deaths prevented by 59 233 per cent.

More concerning than these exaggerations, though, is the underlying reality that a so-called medically supervised injecting room simply serves to increase the rate and intensity of inherently risky drug use by its clients and therefore to increase the profits of drug dealers. This is the last thing that I believe the people of North Richmond need, and for that reason alone I would oppose this bill. However, I further note that the whole notion of a supervised injecting room has been soundly condemned by the International Narcotics Control Board, which monitors the international conventions on narcotics, to which Australia is a signatory.

In paragraph 559 of its annual report for 2001 the International Narcotics Control Board states this:

The board regrets that local authorities in the Australian state of New South Wales have permitted the establishment of a drug injection room, setting aside the concerns expressed by the board that the operation of such facilities, where addicts inject themselves with illicit substances, condones illicit drug use and drug trafficking and runs counter to the provisions of the international drug control treaties. The board notes that the national policy in Australia does not support the establishment of drug injection rooms. The board urges the government to ensure that all of its states comply fully with the provisions of the international drug control treaties, to which Australia is a party.

I would also like to draw on the expertise of Mr Shane Varcoe, speaking for the Dalgarno Institute here in Melbourne, who has said:

Any enterprise that inadvertently enables, empowers or equips ongoing illicit drug use has already breached best healthcare practice. Harm reduction can never be about the support of ongoing, health diminishing substance use. Caring, responsible and civic-minded clinicians and policymakers will always be focused on movement toward exit from, and cessation of drug use. Mechanisms that enable any government agency to send a message to the community that we are not only supporting, but enabling taxpayer-funded illicit drug use, not only breaches care for the illegal drug user, but breaches international conventions. It also

demonstrates a lack of concern for the wider majority of the non-drug using community.

I do agree with the assessment of both the international narcotics board and the sound views expressed by Mr Varcoe. This bill quite simply is flawed. It fails academically. The evidence does not stack up. It fails vulnerable people, who are encouraged and indeed enabled to continue their risk-taking behaviour, and it fails the community as a whole. We must turn to best practice, and it is clear to me that injecting rooms are far from being a best practice model. So quite simply in summary, I will not be supporting this bill.

**Mr PURCELL** (Western Victoria) — Today I rise with pleasure to support the Drugs, Poisons and Controlled Substances Amendment (Pilot Medically Supervised Injecting Centre) Bill 2017 standing in the name of Ms Patten, and I thank Ms Patten for bringing this bill to the house. I do not claim to be an expert in drugs — never have, never will — and I do not claim to have a great deal of knowledge about them, but I must admit I do read a lot and take into consideration what people tell me, and for two reasons I will be supporting this bill.

I do believe it is in the best interests of the community. I think we do need to try new practices. The second reason I will be supporting it is because drugs have been around for thousands of years, and what we have been doing to date has not worked. I think it is time we started to do something different in this state. For that reason I will be supporting this bill, but before I go into my brief contribution I would like to move a reasoned amendment that stands in my name. I move:

That all the words after ‘That’ be omitted with the view of inserting in their place ‘pursuant to sessional order 6 this bill be referred to the legal and social issues committee for report, no later than 5 September 2017, on a review and consideration of the —

- (1) recommendations in Coroner Hawkins’s *Finding — Inquest into the Death of Ms A*, delivered on 20 February 2017, and other relevant reports;
- (2) nature and extent of current, relevant regulations; and
- (3) nature and extent of associated, relevant policing policy.’.

I will speak on the amendment first. I believe the amendment gives us time to have a decent look at the bill that is being put forward. That committee will have a chance to, within a reasonable time — it is September, so it is not a long time — have consideration of those particular aspects, in particular

the recommendations coming out of the coroner's report.

Considering the coroner's report was only handed down earlier in the week, it is important that the aspects that were raised in that report are considered and that we do have those to include in any items that are considered after that. The coroner's report, as has been stated earlier, is a detailed report and is certainly worthy of all members of this place — and I am sure they will — taking it into consideration. I believe this amendment does deliver on those particular considerations and gives us the opportunity to consider those particular aspects.

In regard to Ms Patten's bill, as I said, what we have done to date is not working, and it is quite obvious that there do need to be changes. I am not suggesting for a moment that this trial period of 18 months, as Ms Patten proposes, is the cure-all for drugs in the state of Victoria, but I can tell you that it may be a start. If it does work and if it is workable, we should try it.

I can tell you that in my part of the state every time you pick up the local newspaper drugs are the issue that is highlighted in item after item. The issues are from the youth right through to the elderly. It is not in one particular group; it is right through the community. All the police reports and court reports are in regard to that. We have a local group of council mayors and council officers, and a lot in the community are trying to work it out. The particular drug that is the biggest issue in my part of the world is ice, but that is another story.

When I was at university marijuana was the worst drug that was ever going to happen. Now ice certainly makes marijuana look like a very tame drug, and I am sure we are going to go through an era where there will be worse than ice that will come onto the market. But, as I say, what we have done to date is not working.

I will keep my contribution short, Deputy President, and I will tell you how I got to my position. I looked at what I thought were the reasons for and the reasons against, as I do before I make any decision. I thought: why would people oppose this? The first reason I thought of is that people would not want it next door to them. When you look at the arguments that are being put to us by many community members, they are actually saying it is going to be a good thing for their community. It is something that they are not going to oppose. In general they do support it, and it would be discreet. I do not believe there would be any flashing neon signs on the building, so it would be discreet.

The second reason they would be against it is that it is actually giving people permission to use drugs — but it also gives them access to community services. It is not permission to use drugs. People will use drugs anyway, but it is an opportunity to give them access to services at the same time. The third reason I thought they may be against it is that it looks like it is creating a marketplace for dealers to sell drugs, but this does not seem to have been the experience, from my reading, in Sydney and in many other places throughout the world.

The reasons in favour? It has been a great success in Sydney, with no deaths in the injecting rooms. It gives users access to public health services and clean needles, and this would certainly assist in reducing deaths. It keeps needles and users off the streets, which is a positive, and the police can concentrate on catching the dealers rather than cleaning up the users.

We must realise that many of the people using these rooms are not bad people; they are just people who have made bad choices. I said I would keep my contribution short, and in concluding I would just like to say the thing that made my decision quite easy was when I read the coroner's report. The coroner actually very clearly stated why we need to change our policies and why we need to make it a better place, so without further ado I would commend this bill and my amendment to the house.

**Ms PATTEN** (Northern Metropolitan) — I thank all the contributors here today. I understand that time is of the essence, so I will be incredibly brief. I do appreciate everything that everyone has said. Even Mrs Peulich and I do agree on one thing: that this is not going to solve everything. This is just one part of saving lives. Yes, we desperately need more treatment and we desperately need more treatment beds, but this bill is simple. It is about saving lives. I started on the road of developing this bill after a young mother of two children died in a toilet, having overdosed on heroin at lunchtime in a fast food restaurant. In some poetic way it has finished with the coroner's report coming out yesterday, and that coroner's report was on the inquiry into the death of that young mother of two children. She has left two children without a mother, and she has left a mother without a daughter and a brother without a sister.

The coroner emphatically recommended that there be a trial of a medically supervised safe injecting centre in North Richmond to save lives; to help a cohort of people that have fallen through our cracks, some who are homeless or suffering from mental health issues, to help them find treatment and to help them find

someone that cares for them; to reduce the ambulance call-outs; to help the residents in this area who are picking up needles, who are picking up people who have overdosed, who are providing CPR to people who have overdosed, who are picking up swabs and who are scared that when they see someone slumped on their front door that that person is dead; to help the traders who are feeling the same thing; and to help the paramedics and the police, who are going in there and spending their time dealing with overdoses when the police could be spending time dealing with drug dealers.

So I commend this bill. I commend the amendments that Mr Purcell has put forward. This is actually about sanctity of life. This is about doing something different. I look forward to the inquiry and commend the bill with the amendments.

**The DEPUTY PRESIDENT** — Order! The question is that the reasoned amendment moved by Mr Purcell be agreed to.

**Committee divided on amendment:**

*Ayes, 20*

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

*Noes, 18*

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

*Pairs*

Elasmar, Mr	Lovell, Ms
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**Amendment agreed to.**

**MINISTER FOR FAMILIES AND CHILDREN**

**Debate resumed from earlier this day; motion of Ms CROZIER (Southern Metropolitan):**

That the Minister for Families and Children no longer possesses the confidence of this house due to the minister's failure to —

- (1) accept responsibility for the ongoing crisis engulfing Victoria's youth justice system;
- (2) act on the numerous reports and reviews commissioned by her into the youth justice system;
- (3) comply with the Children, Youth and Families Act 2005 in relation to the transfer of young offenders from Parkville youth justice centre to Barwon Prison and
- (4) provide accurate and timely information to this house and to the Victorian public in relation to youth justice incidents.

**And Ms SPRINGLE's amendment:**

In paragraph (2) omit 'by her'.

**Mr MELHEM** (Western Metropolitan) — I also rise to speak on the motion of no confidence in Minister Mikakos moved by the opposition. In looking at this motion, I wondered what was the point of the opposition moving the motion apart from using the Parliament's time for political pointscoreing.

It has nothing to do with the facts and nothing to do with what this house can or cannot do in relation to the minister. I mean, I get it: you move a no-confidence motion in the other place, it might actually change the government. At the end of the day under our system, given a no-confidence motion in the Assembly, you have to actually change governments. But in here we can move motions as much as we like about there being no confidence in a minister or in a government, and it probably does not mean much.

To me this is only designed to do one thing: to smear the minister and to try to attack the integrity of what the minister is doing. It is really just a smear campaign against the minister, nothing else. The motion says:

... due to the minister's failure to —

- (1) accept responsibility for the ongoing crisis engulfing Victoria's youth justice system ...

I must be on a different planet; I thought the minister did exactly that — take responsibility and actually deal with things, and I will go through that for the next 13 minutes I have.

The motion continues:

- (2) act on the numerous reports and reviews commissioned by her into the youth justice system ...

Those opposite have forgotten about all the reports that were commissioned under them over the previous four years, commencing in 2010 — we have the former minister sitting in the house here — and they decided not to do anything. In fact they flipped and flopped. The former Premier at one stage was going to be tough on crime and later on decided he was going to be soft on crime. I will go through that later on. By the way, the minister did act on these reports, and I will come to that shortly. The third paragraph of the motion is:

- (3) comply with the Children, Youth and Families Act 2005 in relation to the transfer of young offenders from Parkville youth justice centre to Barwon Prison ...

That is another example: the minister was trying to do her job to deal with difficult offenders — to send them to a secure location where they can be dealt with. We are not talking about young offenders who made a mistake and are waiting for the court to deal with them. We are talking about serious offenders who are continuously breaking the law; they will wreck the place, and the only secure location was in Barwon. Now we have the opposition criticising the minister for getting tough on crime and getting tough on dealing with these people who regularly trashed the place — and they did that under the previous government as well.

**Mr Ramsay** — No, they didn't.

**Mr MELHEM** — Yes, they did. I will come to that shortly. So make your mind up. Do you want to be tough, or do you want to be soft? To me, you do not know what you want. If we are going tough on crime, you scream and say that, oh God, we have been too rough. If we are trying to do the right thing and be a bit soft, you say we are too soft on crime. So the minister is damned if she takes action and damned if she does not. You lot talk about how tough you are on crime, but when the minister tried to get this under control and send them to a secure location, instead of supporting the minister and saying, 'Good on you. You've done the right thing. We're going to support you', the response was, 'No, we're not going to support you. We're going to criticise the minister for doing this'.

What is the alternative? By the way, in terms of Parkville and Malmsbury, a lot of the work on these facilities was done under your watch. Basically after construction the detainees, to my understanding, were able to go through the roof because the ceiling was not

secure enough. They were able to access the roof, go and pick up their mates from various cells and get themselves onto the roof. We all know that these sorts of facilities are not fit for purpose in relation to dealing with serial offenders — with troublemakers who are hell-bent on just creating trouble and damaging facilities. There is only one way to deal with them. The Barwon Prison option, as much as we do not like it — we hate it; I do not like it — was the only secure facility for dealing with these serious offenders, and I want to congratulate the minister on making that decision. She should be congratulated on making that decision instead of engaging in scaremongering and playing on the nerves of Victorians, talking about the riots, the chaos and everything else.

Well, come up with a solution. If you think in your own heart that that is the right solution, then work together and say, 'Okay, that's a good solution. Let's work on it. Good on you.' But, no, you want to criticise for the sake of criticising, because you have your focus group research that has said to you 'Look, the Labor Party is always seen as not good on crime' and all this sort of thing and 'If you attack them on that, you might get some votes'. That is what is driving you. We know that is far, far from the truth.

I think a few of the coalition speakers talked about police numbers. If you look at the numbers for the past 15 years under Labor, under the coalition and under Labor again — go and find the real figures — you will find that we put more police on the road. We employed more police than you did. That is the truth. If you do not believe me, go and beg Victoria Police to give you the stats. I am sure they are independent enough to give you the statistics to verify those numbers. But 'No, we don't want to know about that'.

The other paragraph of the motion says:

- (4) provide accurate and timely information to this house and to the Victorian public in relation to youth justice ...

When the minister gives you an answer about something, you do not like the answer, so you accuse the minister of not giving the correct information.

**Mr Ondarchie** — Do you support Werribee?

**Mr MELHEM** — Well, I believe you support Werribee, Mr Ondarchie. Your leader supported Werribee, but then he flip-flopped and changed his mind. Make your mind up! The government made a decision. Whether it is the right decision or not, at least we made a decision. You cannot make your mind up. Do you support a high-security facility to house these people? Do you support the idea? We can put it at your

place, Mr Ondarchie, if you are offering. If you are offering a place in Northern Metropolitan Region and it is fit for purpose, we are happy to offer it to you. I give you the offer: create more employment! I have no issues with facilities in the western suburbs. I have got no issue with Ravenhall. And if Werribee is the right place, and if that is what the business case is, well, that is fine. I will live with that.

But if you come up with a better idea — and the minister already offered you and everyone this — and if there are other propositions that a business case can be built for, we are happy to look at them. The Treasurer has already said that in the other place. Guess what? We are happy to listen to ideas. At least we are doing something, unlike you lot. You do not want to do anything; you just want to whinge, you just want to complain about everything. When the announcement was made your beloved leader said, ‘Yes, it’s a great idea. I was calling for this. It’s about time’. Then he sort of sniffed and thought, ‘Some people don’t like it. The Liberal Party may be able to win the seat of Werribee. I might get into government. I should oppose it’. That was because he had a sniff.

We do not make decisions based on whether they are popular or unpopular decisions. We get paid to lead. I accept that the issue with that particular decision needs to be worked through.

**Mr Finn** — Go down to Werribee. Do you know how to get there?

**Mr MELHEM** — Well, mate, I know how to get there, but do you know how to get there?

**Mr Finn** — Have you been to Werribee?

**Mr MELHEM** — I have. Have you?

**Mr Finn** — I spoke at a rally last week.

**Mr MELHEM** — I am very happy for you.

**Mr Dalidakis** — On a point of order, Deputy President, the member opposite interjecting, Mr Finn, is speaking out of his place. Firstly, it is disorderly, but I ask you, Deputy President, to enforce the ruling that if he is going to interject he does it from his place.

**The DEPUTY PRESIDENT** — Order! Mr Finn, you should be in your seat if you want to interject.

**Mr MELHEM** — Going back to why we are in the situation we are in, the Ombudsman’s report in 2010 clearly said that the Parkville facility needed to be

replaced. What did you do? Really, what did you do when you got the report? You did nothing.

**Ms Wooldridge** interjected.

**Mr MELHEM** — Ms Wooldridge, you did nothing. You sat on your hands and you did nothing.

**Ms Crozier** interjected.

**Mr MELHEM** — Okay, well, you have done something. Apparently you commissioned three so-called — —

**Mr Dalidakis** — You were right. They did nothing.

**Mr MELHEM** — No, no.

*Honourable members interjecting.*

**Mr MELHEM** — Ms Wooldridge, you commissioned three so-called secure units as the cheap alternative at Malmsbury. I know what happened there. That is where we had the breakout — because they were not secure enough.

**Ms Wooldridge** interjected.

**Mr MELHEM** — That happened under your watch, not under Ms Mikakos’s watch. So at least do the right thing and say, ‘We stuffed up. We’d better go and work with Ms Mikakos and the government on fixing the problem’. Come up with a constructive solution.

I have not got time to talk about the stuff that we are trying to do to fix up your stuff-ups. We all know that dealing with youth crime in this state and worldwide is a difficult issue. I think maybe that is something we all can unite on and say, ‘Okay. Let’s put the politics aside and find a solution’, because we are still dealing with young kids — —

*Honourable members interjecting.*

**Mr MELHEM** — Ms Crozier is only interested in how she is going to get at Ms Mikakos and attack her. She hates her like there is no tomorrow. If we put a bit of respect into the process, we might find some way forward, instead of just pointscoreing. We all know it is one of the most difficult issues, and Ms Wooldridge knows exactly what I am talking about. We know about the difficulties that she faced in the four years in government. So from her own experience I think the offer should have been ‘How can we sit down and talk?’. We have got a good minister. I think we have got a great minister. I have full confidence in Ms Mikakos, who is doing a terrific job. She works

non-stop to make sure that she delivers in her portfolio. She is one of the hardest working of the ministers in this place and the other place, and she should be congratulated and supported in trying to achieve the best outcome in her portfolio. But, no. They said, 'We'll go and throw rocks at her. We'll throw mud at her so that some of it might stick'. That is an absolute disgrace.

At the end of the day it does not really matter. You put a motion up. What is the end point? The motion passes. What do you achieve? You achieve nothing. You have just had a talkfest for two days. You achieve nothing. This motion is not worth the paper it is written on. Let me give you the mail: it is not worth the paper it is written on.

Minister Mikakos will continue to enjoy my support, the government's support and Victoria's support. She is doing a fantastic job, and she will continue to enjoy the support of the community and the people in her industry and portfolio. She does not need your support. She does not need your scorecard that gives her a good tick or not. She does not need that, because unfortunately what you think does not really matter. I will be voting against the motion. Another day of opposition time has been wasted to just talk about basically nothing.

**Mr SOMYUREK** (South Eastern Metropolitan) — There are a number of issues surrounding youth justice which have resulted in unprecedented demand upon the system. The remand system is dealing with capacity issues as a result of a significant increase in the number of offenders, the level of recidivism and the significance of the types of crimes being perpetrated. It is imperative therefore that we understand the motivating factors for the increase in youth crime and address them as well as system capacity issues in response to the current landscape and not merely lay blame upon the system and the minister.

One significant cause of recent challenges in the system is the issue of overcrowding, which was first highlighted to the opposition as a priority when the opposition assumed office in 2010. An Ombudsman's report recommended that the Parkville youth justice facility be redeveloped. I quote from the report:

In my view, the design and location of the precinct is inappropriate for a custodial facility which houses vulnerable children ...

...

While the cleanliness, graffiti and security issues discussed in this report should be addressed promptly, I consider that the structural problems I have identified are beyond simply

maintenance and repair. As such, the only practical way to address the conditions at the precinct in the long term is to develop a new facility at another site.

Furthermore, during the 2010 election campaign Mr Baillieu, then opposition leader, said of Parkville:

The conditions are disgraceful, the management has been appalling, the centre is not fit for the job it is supposed to do.

The former deputy ombudsman, Mr John Taylor, also highlighted this failure of action by the former government by stating, and again I quote:

We have the recommendation and now you see the fallout from it. By not rebuilding Parkville in a more suitable environment, we now have these problems.

In contrast, Minister Mikakos has acted on all recommendations and initiated further reviews to determine if additional investment and structural amendments are required.

In relation to the allegations of non-compliance with the Children, Youth and Families Act with respect to the transfer of young offenders from Parkville to Barwon Prison, the Grevillea unit at Barwon Prison was gazetted on 29 December 2016 as a youth justice facility and indeed a remand centre. These orders were made by the Governor in Council, and the issues raised by the courts have been addressed. The Grevillea unit is a gazetted, standalone youth justice and remand centre, functioning in accordance with the act. Significant work has been done at the Grevillea unit in respect of the application of the charter and in compliance with the Children, Youth and Families Act. If the opposition had acted when in government, the existing outdated infrastructure would have been less vulnerable to abuse by young offenders; thus we would not have had to use the Grevillea unit.

It is clear that genuine structural and infrastructure improvements are desperately needed. That is exactly what this government and this minister are committed to doing. That is why this government has already legislated to improve the independent oversight of the commissioner for children and young people, who now receives all reports of serious incidents and has the power to investigate into youth justice. As well the government is publishing quarterly category 1 incident data online. That is why the government is moving the responsibility for the youth justice system, including all custodial and community-based youth justice services, from the Department of Health and Human Services to the Department of Justice and Regulation effective from 3 April 2017.

Corrections Victoria is assuming responsibility for maintaining the safety and security of youth justice facilities, building a \$288 million fit-for-purpose, high-security youth justice centre, which includes 224 beds for remand and sentenced clients, a 12-bed mental health unit and an intensive supervision unit of at least eight beds, with scope for further expansion within the 31-hectare government-owned site. With that I vehemently oppose the motion before the house.

**Ms SYMES** (Northern Victoria) — I rise to make a contribution on the motion put forward by Ms Crozier in relation to the Minister for Families and Children. The house can note that I am the second last speaker from the government side, I think, and this is a motion that every single member of the government has chosen to speak on over the course of the last two sitting weeks. It shows that we have a united team behind our hardworking minister, and certainly, as Mr Somyurek has identified, we vehemently oppose the motion that has been put by those opposite.

**Mr Ondarchie** interjected.

**Ms SYMES** — Vehemently oppose, Mr Ondarchie. I would contend that this no-confidence motion lacks any shred of advice on how to better manage youth justice in this state. It fails abysmally to contribute anything worthwhile to this challenging debate, and it really addresses not one single issue in relation to bringing about some improvements in this area. It simply attempts to inflame a very, very sensitive issue and get all ranty in a very, very personal way. It has become almost a weekly feature of this chamber — that it gets very ranty when we are attacking a minister for getting on with her job.

This house is very reminiscent of what I recall of my days of being in year 9 with groups of girls ganging up against another girl, like in a bully environment. That is often what I feel like in this house. It is like the sequel to *Mean Girls* nearly every week.

**Ms Wooldridge** — It's called holding the government to account, Ms Symes.

**Ms SYMES** — I just do not think it needs to be so nasty. I prefer to take a mature approach to most things and set an example for my children on appropriate behaviour. The level of behaviour in the chamber could be completely lifted in relation to this debate. Every time we start talking about this matter we actually lose sight of the fact that we are talking about damaged, traumatised children who are in a system where they need our support, not this ranty crap that goes on every week again and again. I actually really think that — —

**Ms Crozier** — On a point of order, Deputy President, is that a parliamentary term that the member just used?

**The DEPUTY PRESIDENT** — Order! Ms Symes, the term used is not appropriate. I ask you to withdraw.

**Ms SYMES** — I withdraw the word 'crap' and replace it with the word 'nonsense'. I think that the opposition would be better served by presenting an alternative government. That is really what they are supposed to be doing. They have failed in mammoth proportions.

Youth crime and the response to it in the form of youth justice is a major challenge, and we often lose sight of the individuals we are talking about. I do not know how many people in this chamber have visited a youth detention facility. I for one have, and without going into the details of that visit, I can say that when I left the first thing I wanted to do was run home and hug my children. It is not a nice place, and it is not nice thing to have to talk to these young people about their trajectory in life and how they ended up there in the first place. I think that we owe them a great deal of attention and support and an appropriate response to this sensitive issue.

**Mr Finn** — How about the victims?

**Ms SYMES** — Indeed what people really want in this space is effective answers and long-term solutions, not game playing and grandstanding in a chamber of Parliament. I have also spoken to many victims, Mr Finn. Most people would prefer some restorative justice approaches rather than locking everyone up. It is the case that we would all be better placed to represent all of our constituencies — victims, perpetrators and those who are fortunate enough not to come into contact with the justice system in any way shape or form, which is the vast majority of the community. We should all want to deliver outcomes that keep people genuinely safe whilst diverting and rehabilitating young offenders.

There is no denying that scenes of young criminals brutalising the environment that is intended to support them has been shocking for the community to witness. The circumstances that have brought these young people to this point, as I have outlined, are very disturbing and of course baffling to many of us. Of course there are no easy answers. These are complex human problems requiring equally complex solutions which take account of the behaviours involved, the individual motivations and the circumstances that brought them there. I do not believe that there are many

people in this house who are genuinely qualified to find those answers. Indeed we as a government know and understand that it must be a team effort. We will rely upon expertise and experiences drawn from the world over, which will ensure our understanding and, secondly, our effective responses.

The bigger questions of why and how violent youth offenders are in the youth justice system needs to be tackled, but we on this side of the house also know there are things that we can do, and indeed are doing now, to ensure the safety and protection of all of those who come into contact with the system, be it as employees or clients. We are getting on with the job of tackling this head on.

While the previous Liberal government cut 20 youth justice positions, we have heard — and I think most of our members remind everyone — that there have been 100 new positions created to monitor young offenders, both in the community and in custody, since we have come to government. We have also introduced 41 new staff positions to improve safety inside our facilities and over 50 new workers to deliver tougher measures across the community. We have boosted the number of mental health staff and psychologists working in the system, with over 10 new positions created to provide proper support for the increasingly complex behaviours, mental illness, drug addiction and other afflictions that we are seeing in these young people. We have implemented rolling recruitment to ensure that vacancies can be filled as quickly as possible, unlike those opposite, who actually slashed the number of staff.

What the opposition has failed to acknowledge and yet what remains an indisputable fact is that the facility at Parkville was built in the 1990s. I remember the 1990s, and I remember kids I went to school with going off to what was then called Turana. We are in a completely different world now. It is not that type of cohort. Well, that cohort still exists, but there is a whole new cohort of young offenders that we are dealing with. The system needs to respond to that.

Much of this was identified in the Ombudsman's report in 2010, which stated that the Parkville facility needed to be replaced. We have to understand that this was a 2010 report, so there was four years of a Liberal government that failed to act on it. We have heard selective quoting from the Ombudsman's report throughout the debate, but the one quote that stands out starkly to me is in relation to the replacement of the youth facility. It says:

In my view, the design and location of the precinct is inappropriate for a custodial facility which houses vulnerable children.

...

While the cleanliness, graffiti and security issues discussed in this report should be addressed promptly, I consider that the structural problems I have identified are beyond simply maintenance and repair.

As such, the only practical way to address the conditions at the precinct in the long term is to develop a new facility at another site.

The recommendation was pretty clear. It said:

Review the suitability of the precinct in light of my investigation with a view to replacing it with a new facility.

This was in 2010. We have committed to building a new fit-for-purpose facility that Victorians deserve and that responds to the circumstances we are now seeing. This process has started. In mid-2016 we engaged experts Penny Armytage and Professor James Ogloff to review our youth justice service and pave the way for much-needed reform. Their recommendations will provide a long-overdue update of Victoria's 16-year-old youth justice framework.

We will also introduce the new youth control order (YCO) to give the Children's Court the power to issue a more intensive and targeted supervision sentence for young offenders. YCOs can restrict where a young person can visit and who they can associate with. This can include curfews and can require the young person to comply with an education, training or employment plan. Non-compliance will result in the court being able to place the young offender back in custody. The Children's Court will get the powers they need to do the job under this government.

As well, we have invested to expand the bail supervision program statewide. Under Labor, there will be 17 workers who will provide proper statewide coverage to ensure bail obligations are being adhered to and consequences applied if they are not.

We are investing \$5.6 million over two years for a statewide youth diversion program in the Children's Court to intervene early and help young people get back on track by addressing the underlying issues that contribute to criminal behaviour. The new program is in place now. It is simply not enough to be reactionary; we absolutely must be proactive in how we tackle this problem.

We are making sure that the Youth Parole Board is told about any critical incidents involving youths in detention, such as assaults or rioting, which may be

taken into account when considering their eligibility for parole. Consequences will become a large feature of the overall system, making life more difficult for those who do the damage and of course acting as a deterrent to doing that damage. We are also requiring the Youth Parole Board to notify Victoria Police when specific youth offenders, such as violent and repeat offenders, are released on parole. This will give our hardworking police officers the information they need to help them do their job.

We have also legislated to improve the independent oversight of the commissioner for children and young people, who now receives all reports of serious incidents and has the power to investigate into youth justice.

We have increased public transparency by publishing quarterly category 1 incident data online. Under the previous government this was only done annually, so this is a welcome change for many. We are certainly not afraid of transparency or accountability on this side. We know that it helps us to do our job better and those in the system do their jobs better.

We are introducing new laws to increase the consequences for assaulting our youth justice workers. They are a very dedicated cohort of workers. They do the job because they want to help young people to get back on track, and I commend them for those efforts. We certainly want to do everything we can to help them to do their jobs. But the balance is shifting back in favour of the system, and the staff who work in the system should know absolutely that this government has got their backs.

We have boosted the staff available around the clock to assist Victoria Police and bail justices to make the best decisions about how to deal with an offender who has been arrested out of hours. We have got a new \$4 million program that is going to fund eight organisations in areas identified as priorities due to the high levels of socio-economic disadvantage and crime, to support more young people and to support the well-known fact that prevention is always better than cure.

This is really serious stuff, and it is worthy of a much more considered response than a motion of no confidence just put up for a political debate, which has now taken two weeks. On this side of the house we get the seriousness of this matter. We certainly do not want to waste much time on the politics of this; we just want to get on with it, get it done and make a difference. I really urge those opposite to cut the carry-on and work

with us to make our youth justice system more effective in this great state of ours.

On that note, I would like to finish by saying that I have personal admiration for this hardworking minister. I think we started today's debate with Mr Herbert, who has known Ms Mikakos for a lot longer than I; they have worked side by side. But from what I have seen in the short time that I have worked with her, this is a minister who is a workhorse. She is committed to this portfolio, she is committed to this government, she is committed to the kids and she is committed to the system. She wants to bring about changes, and I know she is going to get it done. So she has got my support. The opposition certainly does not have my support for its resolution.

**Ms TIERNEY** (Minister for Training and Skills) — I rise to oppose the resolution before the house this afternoon. I also wish to indicate my full support for Minister Mikakos and the work she has been doing for a considerable amount of time. I think she has responded appropriately to a situation that has been a long time coming, a situation which is very, very complex, has difficult causes and for which there are no easy, quick fixes. It is a situation where there are competing demands for government to simultaneously ensure the safety of the public and residents of youth justice facilities alike, while making every effort possible to advance the chances of rehabilitation for young offenders and those accused of offences.

I have no doubt that the minister has exercised responsibility in every sense of the word. I think it is disappointing to see members of the previous government attempting to take advantage of this situation, aiming to score political points rather than contributing positively to possible solutions. They inherited a youth justice system that in the first decade of the 21st century placed Victoria as a world leader in the juvenile justice system. Everyone you talk to says that. It is not a political point that is coming through from this side of the house; it is an absolute fact.

The fact is that we inherited a system in decline and neglect, a system that was facing major challenges. Strong leadership and positive action are necessary to provide solutions. This government is delivering on that leadership, and we are taking action.

In the three youth justice centres — Parkville, Malmsbury and Greenvale — this government, and specifically Minister Mikakos, is indeed addressing infrastructure needs and staffing issues, and working to strengthen the youth justice system to make the community safer and to enhance the welfare of

detainees. The leader of this house, the Special Minister of State, Gavin Jennings, has already noted Minister Mikakos's determination and commitment to her ministerial responsibilities under the Children, Youth and Families Act 2005 while seeking to keep detained young people in safe and secure environments that are conducive to rehabilitation.

You need to really ask the question: how did this current situation develop? Disadvantage among offenders and those on remand is clear. Ms Springle in her contribution emphasised that this is the case, and no-one is arguing with her over that. The link between family and social dysfunction, combined with socio-economic disadvantage, is long established and is a very common factor amongst those that are in youth detention centres. When you talk, as I have over the last few months, to those who have worked in the system and those who worked in the system, say, 30 years ago, they talk about young boys in particular — that they would go off the rails, that they would do a number of things in the community and that there was a general acceptance that you would go off to reform school and you would then be back on track and make — —

**Ms Symes** interjected.

**Ms TIERNEY** — Reform school; that is right. They would be back on track and hopefully be serious contributors in our community. Then of course as we developed as a community we also knew that it was important to deliver therapeutic and school curricula in youth detention centres so that there was a connection with those youths and they could reconnect with society when they departed.

But it became clear also in the last few decades that we were seeing a group of youths coming through that really did not have any idea of what is considered to be a normal family and living a normal family life — to actually sit around a dinner table and have a proper meal and have conversations, where there were good parental role models and an appetite for employment and engagement. More often than not we have seen unsuccessful engagement at school and non-participants, in effect. They are victims of intergenerational poverty, disadvantage and family dysfunctionality.

But what has happened of course while we were dealing with that generation is that there have been a number of other groupings that have emerged. I think in recent times we have spent a fair bit of time dealing with the specific issues that have come to the forefront in terms of the islander community, for example, and indeed the Maori community living here in Victoria. I

do not think that people were really in tune with what was happening in other communities with more recent arrivals from war-torn and stressed parts of the world. This is a new and very significant demographic change amongst the offender grouping. I would say that it has gone back some 10 years.

The facts in this area are also not in dispute, and while the root causes of disadvantage and damaged youth are as ever, different groups have emerged, and they do require different solutions. There is an increase in more violent repeat offenders. Some of these offenders and those on remand also have links with criminal groups in the wider community and indeed in the adult prison system. Many are impacted by trauma in their lives and those of their families. Many of those in youth detention are damaged individuals and many also have significant mental health issues. There has been a dramatic increase in the number of young people on remand who have been awaiting trial in our facilities, often for far too long. This is a direct result of the bail law changes which have seen many more people placed on remand.

As well as the fact that more offenders are entering the system, substance abuse has also exacerbated violent behaviour. The end result is a very volatile population with numerous detainees exhibiting very dangerous behaviours. Yes, many of these young offenders and those on remand are vulnerable, but to not acknowledge the issues that I have outlined I believe is to be both naive and disingenuous. Those issues are very significant and have impacted directly on the riots and incidents which have occurred in the facilities.

Parkville youth justice centre in particular was never designed, as we know, to hold young people like this. I have been to Parkville and it is clearly not fit for purpose. It was built in the 1990s. It was constructed to a residential standard, not to hold the particular cohort of young offenders that we are seeing coming into the system today. From 2010 it was clear that this facility was struggling to house young offenders, with incidents becoming more common as the years passed.

The last six months have seen a gradually developing situation boil over. I am referring specifically to Parkville on the eve of the 2010 election. I think it is important that we acknowledge that the candidate for the Premier's position, Ted Baillieu, was scathing about the facility. His government did nothing, despite saying the conditions were disgraceful, the management had been appalling and the centre was not fit for the job that it was supposed to do. Then of course we had John Taylor, a former deputy ombudsman, note that the consequences of the failure to act on the

recommendations relating to Parkville are clear for all to see.

We have all heard time and time again in this house of the 2010 Ombudsman's report, which was commissioned by the Brumby government to specifically deal with the issues that confronted it. What we do not understand is why those opposite are engaging in such hypocrisy. Why did they not take the time to act when they were in government? They did — —

**Ms Crozier** — There were no riots.

**Ms TIERNEY** — So it takes a riot to do something, does it? That is really interesting. What a great way of managing youth justice in this state. There has got to be a riot before you do anything. Good on you!

Members opposite have pointed to the 2010 report of the Ombudsman, noting only that the condemnation of the Parkville facility came to an end at the end of the Labor government. Is that why the minister at the time did not address the problems at Parkville over the former government's four years? No. But as we have just heard from the shadow Minister for Families and Children, there has to be a riot before you do anything. How interesting is that. It is a record of four wasted years, a record of absolute inaction. Instead of action, the former government spent \$46 million building three new, supposedly secure units at Malmsbury, originally a low-security facility that we know is anything but secure. This inaction in a crucial period where you could see the characteristics of young offenders undergoing crucial and critical change is of special importance in helping us understand today's challenges.

The fact is that those opposite, when they were in government, knew well what was going on. Yet they had the temerity, firstly, to not do anything and, secondly, to point the finger at us and say that not enough had been done. The fact of the matter is we have not had a discussion in this community that shows any maturity or sophistication. One would have thought when it comes to looking after the most vulnerable in our society and the consideration of community safety that there would be sufficient energy on both sides of the chamber to try and have a bipartisan approach to determine how we can go forward in the best possible way. There has not been one instance in the last 10 years where the Liberal Party and The Nationals have indicated they wanted a bipartisan approach.

Every person I have spoken to in this sector in the last few months, people I have never ever met before, have told me that there was always a bipartisan approach to

youth justice because people did understand the importance of making sure that people got back on the right track, that there was rehabilitation and that the community were kept safe. No, we are not hearing anything from those opposite now. They are not even engaging with the sector, and they are not talking to workers who have worked in the sector. What they did was sack the workers in the sector at the time and now what you see is a very, very high proportion of labour hire. You have workers in the sector that have done only one or two shifts and do not even know who they are working with. That is a dangerous situation to place anyone in and I think those opposite should hang their heads in shame for not even looking after the absolute basics — no systems, no guidelines, labour hire people and infrastructure that is breaking down.

Not only are those opposite hypocrites in relation to this whole issue, but they are simply not interested in going beyond the political party points. They do not want to sit down and engage and have the proper conversation that this community deserves. They are sick and tired of you, Ms Crozier. You just harp on about sacking the minister. Well, do you know what? The community has worked out that this minister is a hard worker and you do not know what you are doing. You do not know what you are doing because all you do is harp on with that one line — sack the minister, sack the minister — when indeed we have much bigger problems than you will ever know because you have never lived it and you do not know it.

**Ms CROZIER** (Southern Metropolitan) — I am very pleased to make some concluding remarks in relation to the motion that I moved a couple of weeks ago. This has been, as we have heard, a debate that has put forward various positions regarding the management of youth justice. Can I say in my summing up that this motion is about the minister's failing in her capacity to take responsibility in her role as the minister who oversees youth justice. What we have seen in youth justice has been a system in disarray for many, many months.

I remind members that this motion was brought about because of the multiple riots that have caused extensive damage and destruction costing millions of dollars to the taxpayer. WorkCover claims increased by over 50 per cent in 2016. I note that government members kept referring to the 2010 Ombudsman's report, but in actual fact that was undertaken under the watch of a former minister, Lisa Neville, in the former Labor government. Can I remind members that in 2014 the Victorian Ombudsman said that the Victorian coalition's improvements have 'had an impact on youth justice services for children that have been both

effective and commendable'. These are the facts, not the facts that government members have tried to put during the debate in their references to the 2010 report that referred to the mess under the former Labor government.

Youth workers have been targeted with threats and assaults and have been under severe stress for many, many months. In fact the Victorian Public Sector Commission found in January this year that 11 youth justice workers in Victoria had been cut by the Andrews government. That is also a fact.

We have also seen the mass escape from Malmsbury that occurred during January, the security issue and the botched legal process overseen by this minister and the Werribee decision where no consultation has taken place for the new site there. These events have caused this youth justice system to be in total disarray. In fact the whole notion of youth justice is not happening, and that is the point of this motion. This is not about the minister herself; this is about the minister's responsibility. This litany of disasters that have occurred under the watch of the minister is why this motion has come about. It is a very serious proposition that has been put in place. That is why I moved the motion. That is why I have highlighted those areas of failure in speaking to this motion.

Can I say in conclusion, if this litany is the line that the government members go on, if this is the track record that they think their minister should stand by, then goodness me, I do not know how the rest of you can think that you are doing a good job. I commend the motion to the house.

#### House divided on amendment:

##### *Ayes, 21*

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

##### *Noes, 14*

Dalidakis, Mr	Mulino, Mr ( <i>Teller</i> )
Eideh, Mr	Patten, Ms
Herbert, Mr	Pulford, Ms
Jennings, Mr	Shing, Ms
Leane, Mr	Somyurek, Mr ( <i>Teller</i> )
Melhem, Mr	Symes, Ms
Mikakos, Ms	Tierney, Ms

#### *Pairs*

Atkinson, Mr	Elasmar, Mr
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#### Amendment agreed to.

#### House divided on amended motion:

##### *Ayes, 20*

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

##### *Noes, 15*

Dalidakis, Mr ( <i>Teller</i> )	Patten, Ms ( <i>Teller</i> )
Eideh, Mr	Pulford, Ms
Herbert, Mr	Purcell, Mr
Jennings, Mr	Shing, Ms
Leane, Mr	Somyurek, Mr
Melhem, Mr	Symes, Ms
Mikakos, Ms	Tierney, Ms
Mulino, Mr	

#### *Pairs*

Atkinson, Mr	Elasmar, Mr
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#### Amended motion agreed to.

#### Business interrupted pursuant to standing orders.

### STATEMENTS ON REPORTS AND PAPERS

#### Department of Treasury and Finance: budget papers 2016–17

**Ms LOVELL** (Northern Victoria) — I rise to speak on the budget papers for 2016–17, and in doing that I would like to say how disappointing it was last year in that budget that there was not a lot for the Shepparton region in the way of particularly transport infrastructure, whether that be for rail or roads or support for other areas. This year I would hope the government will pay more attention to the desperate need for improved rail services not only on the Shepparton line but also on the north-east line. The engines and the carriages that we endure on those lines are engines and carriages that were bought in the 1970s. They were bought by the Hamer government and they behave like that.

Last week on a 37-degree day we had three services into Shepparton where there was no air conditioning, and it was most uncomfortable for passengers. I have outlined in this house before how sometimes the toilets

have overflowed and the contents have run throughout the carriage. These carriages are appalling.

The government must deliver on the things they have said they are going to investigate in — what did they call it? — their regional network review. Some of the things that they did say they would do were to refurbish some of the old carriages. We do not need refurbished carriages; we need new carriages. I have seen a photo of our carriages down at Newport station. What are they doing? They are putting a nice purple wrap on them to try to make them look more modern. Well, sorry, just wrapping them with a purple wrap is lipstick on a pig. The bogies underneath are still the old carriages; these will still be unreliable, they will still be uncomfortable and we deserve better rail services than we have been promised by this government.

Some of the things they have said they will investigate in the future are things like passing loops, extra track, and train stabling and signalling upgrades for the Shepparton line. We need those now, not in the future. They said they will improve the safety of the regional level crossings. We are only seeing that happening in Melbourne. They said they will retire our classic fleet of trains and replace them with new stock; that is what we need — not lipstick on a pig. The north-east line needs exactly the same. They need the government to work with the Australian Rail Track Corporation to make sure those rails are up to standard, and they need new rolling stock and better trains.

The Shepparton region also needs money for our bypass — funding for stage 1A. There is plenty of money in this budget from the port of Melbourne funds and it can be funded now. It is around \$160 million — that is from Wanganui Road to Echuca Road. It gives us a second bridge crossing between Echuca and Mooroopna, which is something we do not have now if the causeway is closed, even emergency vehicles are not able to get between the two centres. The Watt Road connection is unreliable; it is often closed as well due to flooding or accidents, and some of the heavier emergency vehicles cannot access it. That second river crossing would not only start our north–south bypass, but it also gives us an east–west link and allows us to take the B-doubles out of High Street — out of the major shopping centre in Shepparton — and this needs to happen now.

We need more support for our dairy industry, and we have seen today the minister's disregard for that. In fact all that resulted from the question today is she has removed those grants from the website.

We need job creation. Forty people lost their jobs today in Tatura. We need money for job creation in our region.

And our hospital needs further support. We need interim solutions to our emergency department. The local hospital has been working very hard. We had several quarters where it was the worst performing in the state. They have worked hard. They have invested money in new waiting rooms et cetera. We now need more assistance from the government.

We also need assistance for mental health outpatients and oncology, which are not touched under the redevelopment. They need to be on the government's agenda. Mental health and outpatients are at capacity now. There is a desperate need for radiotherapy services in Shepparton, with people having to travel to Melbourne or Bendigo. I can tell you from personal experience that I think that travel shortened the life span of my own father. It is horrendous for people who are going through these services to have to travel so far.

This government is ignoring our region. We deserve a better share of state government funding in the 2017–18 budget, and I will continue to hold the government to account until we get that.

### **Auditor-General: *Regulating Gambling and Liquor***

**Mr EIDEH** (Western Metropolitan) — I rise to speak on the Auditor-General's report, *Regulating Gambling and Liquor*. I congratulate the Victorian Auditor-General, Andrew Greaves, and his staff for this comprehensive and instructive report.

There is no doubt that both gambling and alcohol provide significant positives and tangible benefits to the community. These benefits include entertainment and economic benefits among many others. However, the corollary to these positive effects and benefits is the often tragic circumstances surrounding alcohol abuse and gambling addiction. The scourge of alcohol abuse and gambling addiction does not need too much elaboration here. Just some of the impacts of alcohol and gambling abuse are street and domestic violence, drink driving, road trauma, family breakdowns, theft, fraud, bankruptcy, health problems and hospital admissions.

There is no doubt that strong regulation and enforcement is required to address these serious issues, from numerous sources and departments. The Victorian Commission for Gambling and Liquor Regulation (VCGLR) was formed in 2012 and combined the

resources and responsibilities of its two predecessor regulators — the Victorian Commission for Gambling Regulation and Responsible Alcohol Victoria.

The Auditor-General's report *Regulating Gambling and Liquor* has stated in relation to the VCGLR:

VCGLR's plans and actions to further develop its risk-based approaches to licensing and compliance are largely sound, and its recent focused attention to improving the way it manages, develops and deploys its regulatory staff, particularly compliance inspectors, is encouraging.

However, these actions are not yet complete and the scale of required reform is significant, meaning that much work remains for VCGLR to become a fully effective regulator.

It is certainly cause for some concern that there are areas that urgently need to be addressed, in particular those surrounding regulation and enforcement. One of the Auditor-General's recommendations is that the VCGLR should work closely with the Department of Justice and Regulation to 'develop performance measures to enable regular monitoring and reporting on the impact of liquor and gambling strategies and initiatives'. The report recommends that the VCGLR also work closely with Victoria Police to 'develop a comprehensive collaborative enforcement strategy to more efficiently and effectively target harms associated with licensed premises'.

I indicate that these areas are cause for concern because it is not an unreasonable assumption to make that between 2012 and 2017 these measures, especially when dealing with legislation, regulation, compliance and enforcement, should already have been planned and implemented. Other recommendations this comprehensive report makes are that the Victorian Commission for Gambling and Liquor regulation:

1. amend its liquor licensing process to:
  - require applicants to provide evidence to show that all directors and associates have been disclosed;
  - document its assessments against all relevant legislative considerations when determining applications, including applicant suitability, amenity issues, and risks of misuse and abuse of alcohol ...
2. undertake ongoing checks of liquor licensees to ensure company changes have been disclosed, in line with the Liquor Control Reform Act 1998 ...
3. improve its guidance on assessment of licence applications, particularly for uncontested applications, and ensure licensing officers use this guidance ...

4. complete implementation of the licensing risk-based model by developing and implementing:
  - a set of risk indicators;
  - checklists containing triggers for the escalation of applications within or between teams;
  - a risk matrix to be considered through the determination phase ...
5. develop principles or guidance for assessing net detriment and report transparently against them in decisions on applications for electronic gaming machines ...
6. broaden its management reporting on licensing activities beyond the speed of processing applications to include quality indicators ...
7. conduct robust data integrity checks across all divisions, particularly when relying on data for reporting purposes ...
8. continue to revise the risk-based approach to compliance to ensure better targeting of compliance activities ...
9. complete its quality assurance framework for compliance, and ensure it focuses on key divisional processes — —

**The ACTING PRESIDENT (Mr Finn)** — Order!  
Thank you, Mr Eideh.

### **Budget update: report 2016–17**

**Ms WOOLDRIDGE** (Eastern Metropolitan) — I am very pleased to speak tonight on *Getting It Done* — I say that with tongue in cheek — the 2016–17 budget update. The particular issue I want to speak on is one of the significant policies that the government had going into the 2014 election, which was what they then called super pharmacies and are now Supercare pharmacies.

In the budget update, in just a very quiet way, well back on page 117, what we see is a line item under output initiatives in the Department of Health and Human Services for 'Supercare pharmacies — additional funding' of \$25.7 million over four years. What this effectively represents is a 90 per cent blowout in the government's costs to provide these pharmacies that operate on a 24-hour basis to the Victorian community. I think it is quite phenomenal that we actually, as a result of this massive blowout in cost, will be providing \$54.4 million to what is currently five pharmacies but in the future will be 20 pharmacies — so millions of dollars per pharmacy — to operate on a 24-hour basis. Interestingly there is going to be an additional ongoing cost of \$9.6 million on top of the \$10.8 million, so the ongoing cost per annum of funding 20 pharmacies to operate on a 24-hour basis is going to be over \$20 million — \$1 million each and every year to

pharmacies to operate on a 24-hour basis. That is just for them to stay open overnight. There will be additional nursing services, but they will operate only for a short number of hours in the evening — not well into the night beyond, I think, about 10 o'clock.

The other thing that is interesting about this program is that in announcing it the Premier said it would reduce the pressure on doctors and nurses in our clogged emergency departments. That was really the claimed logic for putting these Supercare pharmacies in place. But when you look at the frequently asked questions of the Department of Health and Human Services, under the heading 'Will this initiative reduce emergency department presentations? How will you measure this?', the first thing they said is:

This service is not likely to impact on the overall number of emergency department presentations.

So the signature reason Daniel Andrews gave for promising this policy is actually refuted directly in the frequently asked questions by the department itself, and of course there is no publicly available information on the evaluation. I understand all the pharmacies have signed very strict confidentiality agreements, so we do not know whether they are having any impact at all.

The second point is that Daniel Andrews promised very clearly, as reported in an *Age* article from the time, that five Supercare pharmacies would be running next year — that was 2015. We did not even have five until after the middle of 2016, so the program has been delayed in its rollout. There is a call for subsequent ones, but once again the program is very behind time.

At the time the Supercare pharmacies were announced medical experts were saying they were 'unsubstantiated policies' and 'policy on the run'. The fact is the budget update shows, hidden on page 117, that this is a policy that has blown out in its budget by 90 per cent. It is a policy that the department itself says will not achieve the government's principal reason for introducing it. It is a policy that is behind time quite substantially in terms of its implementation, and I have got to say there is a lot of scepticism about whether it is going to achieve the impact and make the difference.

There are no doubt occasions when they are beneficial. On the night of the thunderstorm asthma these pharmacies were well utilised, but that was a one-in-10-year event. This is a policy to give \$1 million every year to each pharmacy to stay open overnight, and we believe many of the costs are actually related to security and issues like that as opposed to care for the community. I think it is important to put on the record that this policy is quite a shemozzle. It is massively

overrun, it is delayed and it is not achieving its objectives, and we would expect more.

### **Department of Treasury and Finance: budget papers 2016–17**

**Mr RAMSAY** (Western Victoria) — I refer to budget papers 2016–17, 'Strategy and outlook', chapter 3, page 31, in relation to the \$5.5 billion western distributor, which includes as part of the project a second river crossing, the widening of the West Gate Freeway from 8 to 12 lanes and connections to CityLink. This project had many names and many scoping plans but no business case. It was not a project under consideration by Infrastructure Victoria, not a project recognised by Infrastructure Australia and not a project supported by motoring groups like the RACV, the Victorian Automobile Chamber of Commerce or freight transporters. The project has \$262 million allocated in the 2016–17 year, with a further \$139 million in 2017–18, \$486 million in 2018–19 and the bulk — \$555 million — in 2019–20, after the next election. That is a total of \$1.442 billion, the same amount the Andrews government paid to not build the east–west link.

Despite the western distributor being unlikely to ever achieve the outcomes the government espouses, even today we had the three stooges in Geelong — Labor lower house MPs Ms Neville, Ms Couzens and Mr Eren — all going out to blame the coalition for blocking the project. That is a bit rich given none of these three amigos have had any business or financial experience in the commercial world. It is the commercial-in-confidence deal with Transurban that I am concerned about, notwithstanding the fact that the proposed distributor will only distribute traffic straight into Centrelink toll roads that create huge congestion around the port and adjacent suburbs.

But it is the shonky deal with Transurban that I want to spend some time on. Transurban will supposedly finance the balance of the \$5.5 billion project with an agreed expansion to the Centrelink toll agreement. It is not clear on what basis the tender was held to allow Transurban this new agreement and what dirty deal Dan has done with Transurban that will have Transurban shareholders reap tens of millions of dollars in tolls.

The terms extend the life of the original agreement that was struck in 1996 under the Kennett government. It is also now seeking a further extension of 12 to 15 years with the expansion of the CityLink agreement and also a number of tolling options. This is going to cost taxpayers in excess of \$8 billion. Transurban is now

seeking to impose these costs onto truck operators before the distributor is even built. This is a greedy monopoly not to be trusted, and it is now greedily trying to snare utes, which are seen as passenger vehicles, into the commercial cab chassis definition. These passenger vehicles will be paying a toll increase of over 60 per cent post 1 April. This is the behaviour of a beast that has total non-competitive rule over our link toll roads, and the Andrews government is giving carte blanche to have the beast tax road users forever as they desperately seek co-investors into their infrastructure projects. Talk about selling your soul!

Dan Andrews has sold our road networks for generations and ensured that we will pay a tax to a commercial monopoly that will be a burden to Victorian motorists forever in the future. What we need to do here is put a stop to this agreement with Transurban in relation to the western distributor to allow a full, open, frank and transparent business case to be viewed by the public to review any sort of shonky agreement that the Andrews government has had with Transurban in respect of this new arrangement.

There was no public tender, as I understand it — certainly not a transparent one — in relation to Transurban being the successful tenderer. We are not clear on some of the details in relation to the terms that the Andrews government has agreed to, which are very different to the terms Jeff Kennett agreed to when he was Premier in the mid-1990s in relation to the CityLink tolls. They should be coming off, not being added for a further 15 years.

So we are all going to pay under this new arrangement for this western distributor. The government is only paying \$1.4 billion towards this project. Transurban supposedly will be paying the bulk, but we know it is not going to be Transurban or the shareholders; it is going to be the users, the motorists, that are going to be paying for this project through inflated costs associated with tolls. Not only will we have these tolls on CityLink; we are now going to have tolls on the West Gate Freeway, which many Geelong motorists use. I cannot believe that our Geelong Labor MPs are supporting a project that is going to tax Geelong motorists as they try to get from Geelong to Melbourne every day for work purposes or social purposes to have that important connection with our second city.

### **Department of Treasury and Finance: budget papers 2016–17**

**Mr MORRIS** (Western Victoria) — I rise to make some comments on the budget papers 2016–17. There are two projects in particular that I wanted to make some comments on that directly impact on the city of Ballarat. The first project I was looking to talk to is the redevelopment of the Ballarat railway station precinct, which has turned into an absolute disaster of a project. It was begun under the former coalition government, which had joined in partnership with the City of Ballarat, which I was pleased to be involved with as mayor. But what we have seen now is that the state government have taken a master plan that had community support and absolutely destroyed it, coming up with what could only be described as a dog's breakfast of a project that they are trying to implement against the strong will of the community in Ballarat.

What we are seeing is that this Labor government seems to have forgotten that the Ballarat station precinct is indeed a transport hub, and there is a need to ensure that there are appropriate car parking measures for all those commuters who attend the station each day to travel to work in Melbourne and elsewhere. We are seeing that there is an overall reduction in the commuter car parking spaces from over 400 to only 270. We are currently running a car park that on most days you struggle to find a car park in at any time beyond 7.30 or 8 o'clock, and now we are finding that this car park is going to be significantly reduced in size, from over 400 to 270.

We are also seeing that rather than having the bus hub contained within the precinct itself, this Labor government has seen fit to place the bus interchange on what is, heritage wise, the incredibly significant street of Lydiard Street North. This has caused significant consternation in the community, and there has been significant push back. Not only is this detrimental to the heritage aspects of Lydiard Street North; it is a significant safety concern as well. I have had many instances drawn to my attention of people walking among buses and nearly being collected by cars and of cars driving on the wrong side of the road to get past these buses. Indeed I was at a function at Seymours on Lydiard hotel recently. I was observing the buses pulling into Lydiard Street North, and I observed that the buses have to pull into the incoming line of traffic to be able to make the left-hand turn into Lydiard Street North at the roundabout near the Seymours hotel. The concern about this is that you could be driving along, heading northbound on Lydiard Street North and, through no fault of your own, have a collision with a

bus that has come into your lane of traffic as it has come around the roundabout there to the left.

It is inexcusable what the government has done here. What they have done is try to do this on the cheap. They have not made provision for the bus interchange within the precinct itself, which is where clearly it should be. There is quite an obvious solution to this, and this is just to do the project properly: to ensure that appropriate car parking is made available on the site and that the bus interchange is contained within the precinct, which is what was in our master plan, the master plan the former coalition government and City of Ballarat worked upon — and I know Mr Ramsay had a great amount of input as well. It was a great master plan. It was fabulous, and it had broad community support. What we have seen from the government is that they have cut it: they have reduced the funding needed to do the job properly.

Quite concerningly it appears they may have also gifted public land to a private developer without any monetary exchange whatsoever. So we have got an important site, an important transport hub, that is being effectively destroyed by this Labor government against the will of the community. I know there has certainly been a strong group of community members who have been providing alternate plans for the site. Whether or not that is the right plan to proceed with on the site, I would say it is important that we investigate these plans, what they look like and indeed what is appropriate for that site, because let us not forget it is a transport hub, and it should be treated as such.

### **Victorian Multicultural Commission: report 2015–16**

**Mrs PEULICH** (South Eastern Metropolitan) — I wish to make a few remarks on the Victorian Multicultural Commission's annual report of 2015–16. I note that there have been significant changes to the direction being taken by this government on multicultural affairs. The minister has been on the record on many occasions as having stated that there has been strong bipartisan — perhaps multiparty — support for multiculturalism, and this has been the case for many years under successive governments. He says that this is important to a cohesive society, and indeed I think that has been the strength of our policy in Victoria, which has been cited as a success by numerous commentators.

Unfortunately in recent times this direction seems to be changing. We have had the Department of Premier and Cabinet (DPC) restructure, and the Victorian Multicultural Commission (VMC) now has become an

office of the DPC. It has no control over exclusive staff of its own and it is clearly being subsumed. Despite still retaining the supposedly statutory authority status, it has been subsumed into the department. I do not believe it is possible for the VMC to fulfil its duties under the act as an independent statutory authority without dedicated and exclusive staff.

I note that on page 116 of the *Department of Premier and Cabinet — Annual Report 2015–16* it states that a key role of the Office of the Victorian Multicultural Commission is to run statewide consultations. Clearly this is already showing some serious areas of deficiency. Just recently the government released Victoria's multicultural policy statement in which it has a number of values statements. The third statement, headed 'Discrimination is never acceptable', waxes lyrical about how important this is.

Unfortunately the government is not adverse to exercising discrimination, including in multicultural affairs. For example, I sent out an email to multicultural affairs stakeholders and faith communities to find out what level of consultation had occurred in the production of this new document, this new policy that has been secularised. Can I say the level of consultation has been very flawed.

**Mr Davis** — Cursory.

**Mrs PEULICH** — Very cursory. In fact the email which I received from one stakeholder is a case in point, and I quote:

Thanks for this opportunity for feedback. We will certainly take the time to look at the policy.

There was already some concern expressed when the minister's office sent out invitations to the launch of the policy to the various heads of churches. The time of the launch? 9:30 a.m. on Sunday morning.

We have been assured that the timing was not done to deliberately exclude Christian churches from being present, but if that is the case you do have to wonder about the level of cultural sensitivity and education in the office of the minister.

Thanks again for raising the issue.

It seems to me that any government department, especially one that is responsible for multicultural affairs, would be sensitive to those key times when you do not hold significant multicultural events: on days that members of the Jewish community, members of the Islamic community and certainly members of the Christian community hold as their religious days. Yet it seems to me that the timing of this launch demonstrates the lack of regard for everyone in our multicultural

communities. Without religious freedom, there is no multiculturalism.

Other examples are the failure of the Premier to invite members of the opposition to his annual Iftar dinner; the failure of the government to invite me, as a spokesman, to the culturally and linguistically diverse consultations on violence against women; and the statement on the Racial Discrimination Act on the steps of Parliament, when a photograph was taken, which excluded members of the opposition, despite the Leader of the Opposition being the first one to call for no change to that particular legislation. The restructure of the VMC without independent and dedicated staff is a problem.

**The ACTING PRESIDENT (Mr Finn)** — Order! Mrs Peulich, your time has expired.

### **Department of Treasury and Finance: budget papers 2016–17**

**Mr DAVIS** (Southern Metropolitan) — I am pleased to rise during statements on reports and papers to make comment about the Department of Environment, Land, Water and Planning section of the budget and in particular to draw the attention of the chamber to the challenges faced by our local councils and in planning across the state. Obviously we have got very significant growth in planning in terms of population, with 123 100 people in the last year — 2.1 per cent statewide growth comprised of overseas migration, movements from other states of more than 16 000, and natural growth, coming to a very significant total.

But that bring certain pressures and it is clear that the congestion that people feel is something that councils are grappling with. I know that the Greville Street and King Street improvement plan in the City of Stonnington is something that has attracted considerable concern. I was pleased to meet with Shirley Williamson recently and hear her concerns about that matter and the lack of transparency in the process. I will certainly talk to the council about that matter and the challenges in terms of the railway station and the rail crossing there that are now I think potentially unsafe. Access to the shopping centre has been cut off. I know that area quite well. A number of my friends live in and around that particular vicinity.

There is also the challenge of gridlocked traffic and the inability of people to move satisfactorily in the area, given that in the block that is formed by Punt Road, Commercial Road and Chapel Street people will not be able to move back towards Chapel Street. This will

mean that residents in some areas down as far as High Street are landlocked from the shops that they would seek to visit. So there is a real need for this matter to be looked at and there are some concerns about the way that this has been implemented. I think the council does need to look at this closely again.

I was also shocked to discover an application for a planning permit at 121–123 Commercial Road. I make the point that this is a relatively small property but is joined in this application with air rights over the railway line. This is VicTrack land. I see the council has concerns about it and is expressing those concerns. The area around Argo Street and Moore Street is well known to me from previous times. What is clear is that right near the market the area of Balmoral Street and Osborne Street is already densely covered with traffic.

This application for air rights over land that is government owned in part and for a 10-storey application is an overly intense development. This is an attempt to get massive yield — to steal as much in terms of yield as possible — and to push the envelope, and I think the community will be strongly opposed to it. This is the government acting by stealth on government land. There has clearly been some deal, and I intend to get to the bottom of that deal.

I have also had significant correspondence in recent days concerning the Hampton Village area around the railway station. I have to say that there is a push for density by this government and its Infrastructure Victoria report. The Premier has said recently about it:

The final strategy includes proposals to increase housing density in established areas.

The Premier has endorsed it and the Minister for Planning has endorsed this terrible push to force intense development across the east and south of Melbourne. That is coming to a head in part in Hampton Village and the area around the station. Minister Wynne has been stripping out mandatory height protections in Boroondara and Mentone, which had 4-storey height protections. Similar height protections in Knox have been stripped out by the planning minister in an attempt to push intense and high-rise development in our established suburbs.

This is being done against community wishes and with a destruction of many heritage and other key values. The story in Hampton is an important one, and I have to say that Murray Thompson, the member for Sandringham in the Legislative Assembly, and indeed James Newbury, the candidate for Brighton, are working hard with the community. At recent public meetings it has been very clear what the community

view is. I as the shadow planning minister would certainly be prepared to look at proper protections with the support of council to make sure that there are mandatory limits in place to stop intense development being forced on the community that would cause destruction in a small and important precinct.

## VICTORIAN PLANNING AUTHORITY BILL 2016

### *Statement of compatibility*

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

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (charter), I make this statement of compatibility with respect to the Victorian Planning Authority Bill 2016.

In my opinion, the Victorian Planning Authority Bill 2016 (the bill), as introduced to the Legislative Council, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

#### **Overview**

The bill will be a new principal act and will establish a new statutory authority to be called the Victorian Planning Authority (VPA).

The primary object of the VPA will be to provide advice and assistance to the minister that is in accordance with 'the objectives of planning in Victoria' set out in section 4(1) of the Planning and Environment Act 1987.

The bill sets out the governance structure of the VPA, such as the objects and functions of its board and systems for avoiding or managing conflicts of interest.

The bill will also abolish the existing Growth Areas Authority (GAA) established under the Planning and Environment Act 1987. The GAA currently uses 'Victorian Planning Authority' as its trading name. The functions of the GAA under that act in relation to the administration of development contributions, infrastructure contributions and growth areas infrastructure contributions will be transferred to the VPA.

#### **Human rights issues**

##### ***Privacy and reputation (section 13)***

Section 13(a) of the charter provides that a person has the right not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with. Under section 13(b), a person has the right not to have his or her reputation unlawfully attacked.

The two aspects of the bill that engage the charter right to privacy and reputation are:

- conflicts of interest: division 4 of part 2 deals with conflicts of interest and may require disclosure of the personal affairs relating to conflicts of interest.
- Clause 43 will require the VPA to publish in its annual

report a description of any conflict of interest disclosure made by a VPA director in the relevant year.

sharing of information between agencies: clauses 33, 90 and 92 will confer new powers, or amend existing powers, for the VPA to request information from, or to share information with, councils and other public sector bodies, including personal information in some cases.

These aspects of the bill are analysed below for their impact on section 13 rights.

#### **Conflict of interest provisions**

##### ***Summary of the conflict of interest provisions***

Planning decisions can substantially increase or reduce the value of land and related assets. Those affected by planning decisions can gain substantial benefits or incur substantial losses. Consequently, individuals who exercise or influence planning decisions are in a position to make substantial gains, directly or indirectly, for themselves or those connected to them, such as family members or business associates.

For these reasons, there is a public interest in avoiding or minimising the consequences of conflicts of interest that may arise in relation to the VPA's functions. The purpose of the proposed conflict of interest provisions is to avoid or manage conflicts of interest that may arise out of the VPA's operations.

Division 4 of part 2 of the bill will require persons who make or influence VPA decisions to disclose conflicts of interest that they may have in relation to matters under consideration. The person may have to disclose information of a private nature, such as details of their property, investments and relations with others who may be interested in the outcome of a matter before the VPA.

In some cases, the person may have to disclose information affecting the privacy of other people, such as a family member, where the conflict of interest arises out of a connection to the other person. Third parties' information may also have to be disclosed because of conflicts of interest arising from business relationships, or because a third person has recently given a valuable gift to a person involved in the VPA's consideration of a matter affecting that third party.

These provisions engage the charter right to privacy and reputation under section 13. A person who discloses a conflict of interest discloses private information.

The bill attempts to strike a balance between, on the one hand, the public interest in the integrity of the planning process (by requiring conflicts of interest to be disclosed) and, on the other hand, the charter right to privacy of the individuals concerned.

The bill divides conflicts of interest into two kinds, specific and general. The difference between them lies only in the tests used to determine whether a conflict of interest exists. The disclosure requirements for each kind of conflict of interest will be exactly the same, as will the consequences for breaching those requirements.

Under clause 27(1), a person will have a specific conflict of interest if any of the following would gain a benefit or suffer a loss depending on the outcome of consideration of a matter:

- that person;
- a family member (as defined in clause 3) of the person, such as their own spouse, or their parents, children or siblings, or the spouse of one of them;
- a body corporate of which the person, or their spouse or domestic partner, is a director or equivalent;
- someone with whom the person is in a partnership, such as a partner in a law firm;
- that person's employer, other than a Victorian public sector employer;
- someone for whom that person acts as a consultant, contractor or agent;
- a beneficiary of a trust, or object of a discretionary trust, of which that person is a trustee; or
- someone who is a member of a class of person prescribed by regulations for these purposes.

For these purposes, it will not matter if a benefit or loss is direct or indirect, or financial or non-financial.

In addition, under clause 27(2), a person will have a specific conflict of interest if they have received a gift worth \$500 or more in the last 5 years from another person who stands to gain or lose as a result of a VPA decision, or from someone who is acting on their behalf.

In contrast, whether a 'general' conflict of interest exists will depend on assessing a particular case against the principle set out in clause 26. A person will have a general conflict of interest in a matter if the person could reasonably be taken, from the perspective of an impartial, fair-minded person, to have a conflict of interest in the matter. The concept is deliberately flexible so that it can apply to a situation that could not have been foreseen and legislated for specifically in advance.

If a person has a conflict of interest of either kind they must disclose it. Clauses 29 to 32 set out how and when disclosures must be made. Specifically:

- a. clause 29 — a VPA director must disclose a conflict in relation to a matter to be discussed by the board and must not take part in that discussion or vote.
- b. clause 30 — a director who has a conflict of interest in relation to a resolution circulated for approval outside a board meeting must advise the chief executive officer (CEO) of the conflict as soon as possible after receiving the resolution, who must then report the disclosure to the next ordinary board meeting.
- c. clause 31 — a delegate (or subdelegate) of the VPA must disclose a conflict of interest in relation to a delegated matter. Similarly, an agent of the VPA must disclose a conflict of interest in a matter for which they have been authorised to act for and

on behalf of the VPA. The disclosure must be made either to the board chairperson or the CEO, or both, depending on who is making the disclosure.

- d. clause 32 — an adviser (such as an employee or consultant) to the VPA, to one of its committees or to one of its delegates (or subdelegates) must disclose a conflict of interest in relation to a matter on which they are providing advice.

Failure to comply with these disclosure obligations may be an offence carrying a maximum penalty of 120 penalty units, which is currently equivalent to a fine of \$18 655.

Disclosures by directors, the CEO, delegates and agents must be recorded and in some cases reported. Disclosures made at a meeting of the board or subsequently reported to the board must be entered into the board's minutes under clauses 29(5), 29(6), 30(3) or 31(5) (whichever is applicable). The CEO must, under clause 31(7), keep a record of disclosures made to the CEO by a delegate or agent.

In addition, clause 43 will require the VPA to include in its annual report a description of all disclosures of interests by VPA directors. This of course will be a public document.

However, under clause 43(3), the annual report must not disclose information about the personal affairs of a person other than a director. For example, say a director discloses a conflict of interest matter because a VPA decision might affect the value of a family member's property. The annual report would state that fact, but would not identify the family member or disclose details of the property.

*Assessment of the effect of the conflict of interest provisions on privacy rights*

Given the potential for planning decisions and advice to affect property values significantly, there is a strong public interest in ensuring that individuals making such decisions, or giving advice to decision-makers, act impartially in the public interest. Decision-makers and their advisers should not be influenced or motivated by gains or losses which they, or persons linked to them, stand to gain or suffer as a result of VPA decisions.

There is a clear connection between the disclosure requirements and the public interest in the integrity of the decision-making process. It is for this reason that the bill will require disclosure of conflicts of interest. The bill limits the effect on privacy rights only to the extent necessary to achieve this object.

Individuals will be required to disclose private information about themselves only if they participate in VPA decision-making, if they make decisions as a delegate or agent of the VPA, or if they give advice to such decision-makers.

In some cases, a disclosure of a conflict of interest will also reveal private information about third parties. However, where this happens, it will be only because that conflict of interest arises out of a connection between that third party and a decision-maker or adviser. Examples are family or business relationships that might affect a decision-maker. This is necessary so that the nature of the conflict is fully disclosed in the public interest.

The bill will not require private information of third parties to be made public. Only disclosures by VPA directors must be published in its annual report. Identifying information about other persons will not be reported.

To the extent that the conflict of interest provisions may require information to be disclosed about the affairs of a company or other corporation, this does not engage charter rights. The charter does not confer rights on corporations.

For these reasons, my view is that limitations on the right to privacy in the bill are appropriate and proportionate taking into account the need for integrity in the planning process.

Transfer of information between the VPA, councils and other agencies

*VPA may obtain names and addresses of affected landowners to notify or consult them*

Clause 33 will confer power on the VPA, for the purposes of performing its functions and subject to the approval of its minister, to request information from —

municipal councils;

planning authorities, responsible authorities, referral authorities and advisory committees under the Planning and Environment Act 1987;

an interface body under the Transport Integration Act 2010; and

any other public statutory authority.

To the extent to which this power could be exercised to obtain or use private information about individuals, it limits the right to privacy under section 13 of the charter.

The VPA will need access to this information if it is to perform its role properly.

Landowners legitimately expect to be informed and consulted about planning issues affecting them.

In some cases, the VPA will be under a statutory duty to notify landowners of certain matters. In particular, section 19 of the Planning and Environment Act 1987 will impose on the VPA, when acting as a planning authority, a statutory duty to notify landowners of proposed planning scheme amendments if it believes their land may be materially affected by the amendment. Similarly, section 52 of the Planning and Environment Act 1987 may require the VPA, when acting as a responsible authority under a planning scheme, to notify landowners of applications under that scheme for a planning permit that would affect their land.

There appear to be no alternatives to the proposed approach that are reasonably available. The VPA will, as a matter of practical necessity, need to obtain the names and addresses of landowners so that it can contact and consult them about matters that affect them. These details would normally be held by municipal councils and authorities other than the VPA, so the VPA will be reliant on those bodies for this information.

Further, the bill limits the VPA's use of this private information. First, under clause 33(3), the VPA must not request personal information other than the name and address

of an owner of land. Secondly, under clause 33(4), the VPA can use the information only to notify, or consult with, landholders for the purposes of performing its functions.

For these reasons, in my view, the limitation on the right to privacy under clause 33 is reasonable and proportionate to the purpose that the limitation seeks to achieve.

*VPA may make information from GAIC records available to certain other agencies*

Part 5 of the bill will transfer to the VPA existing functions of the Growth Areas Authority in administering the growth areas infrastructure contribution (GAIC). Clause 90 of the bill will amend section 201UA of the Planning and Environment Act 1987 to transfer to the VPA the GAA's power to make information available from its records to other agencies involved in the administration of the GAIC, including the commissioner for state revenue and the Department of Environment, Land, Water and Planning.

To the extent that the existing section 201UA authorises sharing of private information of persons liable to pay GAIC, it involves a technical limitation on the right to privacy.

The ability to share information is needed because the administration of the GAIC involves several agencies working in collaboration. There is no reasonable alternative to this proposal that is available. The amendment simply transfers existing statutory powers and functions, made necessary by the abolition of the GAA and the creation of the VPA.

*VPA may request information from municipal councils for GAIC purposes*

Clause 92 of the bill will amend section 201UAB of the Planning and Environment Act 1987 to transfer to the VPA the GAA's power to request information from municipal councils for the purposes of administering the GAIC. In particular, section 201UAB will enable the VPA to make a written request for a council to provide information relating to any land within the municipal district of that council that is within a growth area.

To the extent that a request may involve a council disclosing private information to the VPA about a landowner, it limits the right to privacy under the charter.

This is a direct transfer of an existing power of the GAA. The power to obtain information about land in areas that may be liable to GAIC is necessary for administration of the GAIC. There appears to be no alternative reasonably available.

*Transfer of records from GAA to VPA*

Clause 48 provides that the VPA will be the successor in law to the GAA. Among other things, clause 48 transfers ownership of GAA records and other property to the VPA.

The GAA holds records on its planning functions and the administration of GAIC. To the extent that these records contain personal information, the transfer of ownership and control of those records involves a technical limitation on the charter right to privacy.

Again, this involves a direct transfer of GAA functions to the VPA. Without the transfer of records, the VPA would be impeded in the ongoing performance of functions transferred

to it from the GAA. No alternative appears to be reasonably available.

*Conclusion in relation to privacy aspects of the bill*

For the above reasons, I am of the opinion that, while the bill does limit the right to privacy in some respects, these limitations are reasonable and justified under section 7(2) of the charter.

***Right to freedom of expression (section 15)***

Clause 41 engages the right to freedom of expression, a right which includes the freedom to impart information in various mediums. This right is engaged and limited because it prohibits the disclosure of 'confidential information' in certain circumstances. Unauthorised disclosure of confidential information will be an offence and subject to substantial penalties.

Information about planning matters can significantly affect the price of property, whether an individual property or the property market in an area more generally. For example, if it became known that the VPA were considering recommending the rezoning of an area from rural to residential, this could substantially affect the price of the properties in question. Further, if information of this nature leaked to one or two individuals, they could be in a position to profit from this 'insider information'.

For these reasons, clause 41 will enable the VPA board or its CEO to determine that certain information is confidential. It will be an offence for a person who is, or has been, a director, CEO or staff member of the VPA or the GAA to disclose such confidential information.

To the extent that a person will be prohibited from disclosing confidential information, this will limit that person's right to freedom of expression.

The limitation is considered reasonable for the purposes of section 7(2) of the charter. The purpose of the limitation is important in that it is intended to protect the integrity of the planning process. It will prevent unfair advantage being taken of sensitive information to profit some at the expense of others. The limitation on the right is directly related to its purpose to ensure that the interests of property owners and the general public are protected. There do not appear to be less restrictive means reasonably available to achieve the desired purpose.

***Right to participate in public life (section 18)***

Section 18 of the charter provides that every person in Victoria has the right, and is to have the opportunity, without discrimination, to participate in the conduct of public affairs. This includes the right and opportunity to have access, on general terms of equality, to the Victorian public service and public office.

This right is engaged by clause 16 of the bill, which provides for a director of the VPA who is found guilty of certain offences to be removed from office.

Under clause 16(1), a VPA director will cease to hold office if found guilty of an indictable offence. This includes an offence committed outside Victoria which, if committed in Victoria, would have been an indictable offence. Indictable offences are serious offences which may be tried before a judge and

jury, such as the offences of theft or fraud under the Crimes Act 1958.

Further, under clause 16(4), the minister must recommend the removal of a VPA director who is found guilty of another offence that is not indictable (such as a summary offence tried before a magistrate) if the offence relates to the person's duties as a director. This would apply, for instance, if a director were found guilty of the offence of failing to disclose a conflict of interest.

The limitation is considered reasonable for the purposes of section 7(2) of the charter. The right to access to public office does not mean that person does not have to be appropriately qualified and fit to hold a particular office.

The purpose of the limitation is to protect the integrity of the VPA and public confidence in its operations. The purpose of removing a director from office is to ensure that only fit and proper persons hold office as directors. It would be contrary to the public interest if a person who had committed a serious criminal offence, or a summary offence relating to their duties as a director, were to continue as a director of the VPA.

For these reasons, I am of the opinion that any limitation imposed by clause 16 of the bill on the right to participate in the conduct of public affairs is reasonable and justified under section 7(2) of the charter.

***Property rights (section 20)***

Section 20 of the charter provides that a person must not be deprived of his or her property other than in accordance with law. The property right in section 20 of the charter is relevant to several provisions in the bill but in my opinion is not limited by any of these provisions.

The GAA is currently established under part 3AAB of the Planning and Environment Act 1987. This will affect the position of people who hold office as members of the GAA board or who are employed by the GAA. On the day on which clause 56 of the bill comes into operation (the commencement day), part 3AAB will be repealed and the GAA will be abolished. Clause 48(a) of the bill provides that, on the commencement day, the GAA will be abolished and its members will go out of office.

The holding of public office is not ordinarily regarded as property, so the loss of office as member does not involve a loss of property rights. In any case, under clause 50, members of the GAA board will, on the commencement day, become directors of the VPA for the balance of their terms and on the same terms and conditions.

Similarly, clauses 51 and 52 will transfer the CEO and staff of the GAA to employment by the VPA, on the same terms and conditions of employment including accrued and accruing entitlements.

The position of persons who have contracts with the GAA is also similar. Under the transitional arrangements set out in clause 48, the new VPA will be the successor in law to the GAA. Thus, the VPA will be substituted for the GAA in relation to any contract or legal proceeding to which the GAA was a party before the commencement day. Any person who had a contractual right or other claim against the GAA prior to the commencement day will therefore not suffer any loss as a result of the GAA's abolition and the VPA's establishment.

Consequently, no member of the GAA board or staff, or its contractors, will incur any actual loss as a result of the abolition of the GAA and their transfer to the VPA.

For the above reasons, in my opinion the provisions of the bill are compatible with the right to property in section 20 of the charter.

***Right not to be tried or punished more than once (section 26)***

Section 26 of the charter provides that a person must not be tried or punished more than once for an offence in respect of which he or she has already been finally convicted or acquitted in accordance with law.

This right is engaged by clause 16 of the bill, which provides for a director of the VPA who is found guilty of certain offences to be removed from office.

As explained above, a VPA director will cease to hold office if found guilty of an indictable offence in Victoria (or an equivalent offence outside Victoria). Further, the minister must recommend the removal of a VPA director who is found guilty of a non-indictable relating to the person's duties as a director, such as a failure to disclose a conflict of interest.

To the extent that this might limit rights under section 26 not to be punished more than once after being finally convicted of an offence, the purpose of that limitation is to protect the integrity of the VPA and public confidence in its operations. The purpose of removing a director from office is not to impose further punishment on the director in relation to the offence. Rather, it is to ensure that only fit and proper persons hold office as directors. It would be contrary to the public interest if a person who had committed a serious criminal offence, or a summary offence relating to their duties as a director, were to continue as a director of the VPA.

For these reasons, I am of the opinion that any limitation imposed by clause 16 of the bill on the right of a person not to be punished more than once for an offence for which the person has been finally convicted is reasonable and justified under section 7(2) of the charter.

I also note that clause 16 provides for removal from office of a person who has been 'found guilty'. While this is not a consideration on which I have formed my opinion in relation to section 26 of the charter, it should be noted that a person can be found guilty of an offence without being finally convicted or punished: see the Sentencing Act 1991, section 7(1).

**Conclusion**

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

Hon. Philip Dalidakis, MLC  
Minister for Small Business, Innovation and Trade

*Second reading*

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

**Ms PULFORD (Minister for Agriculture) — I move:**

That the bill be now read a second time.

**Incorporated speech as follows:**

This bill provides for the creation of the Victorian Planning Authority by detailing provisions for:

- a. the establishment, function and powers of the Victorian Planning Authority;
- b. the composition and operating arrangements of the board;
- c. the appointment of a chief executive officer and employment of staff;
- d. managing conflicts of interest;
- e. general and transitional directions including enabling delegation of powers; and
- f. the necessary consequential amendments to the Planning and Environment Act 1987, Subdivision Act 1988, Taxation Administration Act 1997 and the Transport Integration Act 2010.

**The growth challenge**

Victoria is experiencing a period of unprecedented growth and to meet this growth we need integrated land use planning. Melbourne is predicted to grow from 4.6 million people today to 8 million by 2051.

The rest of Victoria's population is expected to almost double to around 2.1 million people over the same period. We must ensure we are able to meet this challenge and preserve the inclusive and prosperous state we so value.

**The Victorian Planning Authority**

The Victorian government is committed to delivering improved land use and infrastructure planning to support our growth. Managing this growth to ensure that Victorians are able to thrive in great communities with access to transport and employment opportunities is essential, and we know we need to plan for this growth across all of Victoria — not just in Melbourne.

We are planning for our growth and liveability with the establishment of the Victorian Planning Authority, which will lead planning in designated areas including:

urban renewal sites, such as Arden near Melbourne's CBD;

growth areas, such as Wyndham and East Werribee;

and regional cities and towns, such as Bendigo, Ballarat, Geelong, Wodonga and the Latrobe Valley.

The Victorian Planning Authority will work with local government, utility providers, developers and across government to ensure that the infrastructure and services our communities require are planned for and delivered. This planning will be based on the extensive strategic planning

already done by state and local government and other stakeholders. It will have an important focus on planning new housing in places that are not just affordable — but accessible to local jobs, hospitals and services.

To do this the Victorian Planning Authority needs to have wider legislative powers and an expanded focus on regional areas and strategic development sites. It is imperative that we look for new ways to maximise growth in regional and rural Victoria, and the Victorian Planning Authority will provide this advice to government.

The authority will plan for regional Victoria, and particularly places such as Ballarat, Bendigo, Geelong, Wodonga and the Latrobe Valley, to at least match Melbourne's growth and attract their fair share of population and development.

It will collaborate and partner with all levels of government to develop plans that account for growth, provide for diversity of housing with access to jobs and services, and protect and enhance our natural and built environment.

The Victorian Planning Authority will ensure that our planning is holistic and aligned. This will include working with the office for suburban development, Regional Development Victoria, the Department of Environment, Land, Water and Planning, Land Use Victoria, Development Victoria and importantly local government.

It will also work with the newly established Regional Partnerships and Metropolitan Partnerships to capture and plan for the issues that matter to our communities.

#### **The bill**

The Victorian Planning Authority Bill has a primary objective for the authority to provide advice and assistance that is in accordance with the objectives of planning in Victoria. The bill requires the Victorian Planning Authority to do so in collaboration with government and councils.

A clear operating framework for the authority and its functions and powers is provided. These include functions to undertake integrated land use and infrastructure planning and to coordinate state government action in planning the use, development and protection of land.

These functions and powers enable the Victorian Planning Authority to work anywhere in Victoria that is designated by me as the Minister for Planning rather than be limited to growth areas. This will enable the creation of plans that respond to the opportunities and challenges faced by communities across Victoria and allow for economic opportunities to be shared.

The authority will be governed by a board that brings a range of skills including areas of knowledge and expertise that were not previously provided for such as governance, management of business or commercial ventures and infrastructure planning.

Importantly there will be effective measures in place to manage conflicts of interest and the inclusion of appropriate protections and penalties. The provisions are comprehensive but are balanced toward providing protection for the board and officers of the authority through the clear stipulation of what is considered to be a conflict of interest and how they can manage such an interest to prevent the conflict arising.

The provisions are an important feature and provide greater clarity and protection than the current provisions contained within the Planning and Environment Act 1987. Should a conflict of interest not be managed in accordance with the provisions, suitable penalties are proposed.

Importantly the consequential amendments to all other legislation that guide the government's land use and infrastructure activities, such as the Planning and Environment Act 1987, are included to reflect the creation of the Victorian Planning Authority.

#### **Conclusion**

Protecting our livability through integrated land use and infrastructure planning is imperative. The establishment of the Victorian Planning Authority complements the reforms that have been implemented or are underway across the government's planning, development and transport responsibilities.

The Victorian Planning Authority will optimise Victoria's ability to thrive through the delivery of comprehensive, integrated and sustainable infrastructure and land use plans.

These plans will be developed in collaboration with local government and deliver on community visions and aspirations.

The Victorian Planning Authority will ensure the livability we experience today will be enhanced through planning for our increasing population and enabling economic growth, productivity and innovation.

I commend the bill to the house.

#### **Debate adjourned on motion of Mr DAVIS (Southern Metropolitan).**

#### **Debate adjourned until Wednesday, 1 March.**

### **ADJOURNMENT**

**Ms PULFORD** (Minister for Agriculture) — I move:

That the house do now adjourn.

#### **Shepparton bypass**

**Ms LOVELL** (Northern Victoria) — My adjournment matter is for the Minister for Roads and Road Safety, and it is regarding the much-needed Goulburn Valley Highway Shepparton bypass. My request of the minister is that he recognises the importance and urgency of the Goulburn Valley Highway Shepparton bypass and that he commits the full funding necessary for detailed planning and construction of stage 1A of the bypass in the upcoming 2017–18 state budget.

I have spoken many times in this place on the identified need for a Shepparton bypass. This project has been a priority project for the Shepparton and wider region for

many years — since at least the mid-1990s. Benefits that have been outlined are improved CBD flow and safety, improved service for commercial traffic, provision for planning certainty for future land use development and improved capacity for freight transport from the Shepparton district to both domestic and export markets.

A business case and feasibility study have been completed, as has master planning. This planning has identified that the project will need to be done in successive stages, starting, appropriately, with stage 1A. This stage, from Echuca-Mooroopna Road to the Goulburn Valley Highway, has been costed at \$160 million for planning and construction works along a 5.05-kilometre length. This stage will provide a much-needed second river crossing between Shepparton and Mooroopna, the immediate necessity of which has been made clear on repeated occasions in the past 12 months, when road accidents and natural issues such as flooding have caused the closure of the only two roads connecting Shepparton and Mooroopna, the primary Peter Ross-Edwards Causeway and the smaller Watt Road. The RACV has even listed the bypass as one of its top five projects across the state, saying that it is critical that a start is made on the project.

I raised this issue on the adjournment in September last year, and in his response the minister said:

This project is important to the local community and to arterial traffic, and the Andrews government is pursuing funding to enable works to commence as soon as funding becomes available.

I also wrote to the minister in September asking for funds from the port of Melbourne lease to be allocated for this project. In his response the minister said:

Proposals for the Goulburn Valley Highway Shepparton bypass will be considered for funding in a future program.

It is time the government stopped ignoring this issue, which is vital for the Greater Shepparton community. There is more than enough funding available for the project by way of the port of Melbourne lease, which netted nearly \$4 billion more than was expected, bringing the total figure to \$9.7 billion to fatten up the Treasurer's chequebook. My request of the minister is that he recognises the importance and urgency of the Goulburn Valley Highway Shepparton bypass and that he commits the full funding necessary for detailed planning and construction of stage 1A of the Shepparton bypass in the upcoming 2017–18 state budget.

## Moonee Valley planning permit

**Mr DAVIS** (Southern Metropolitan) — My matter tonight in the adjournment debate goes to the attention of the Minister for Planning. I have had a meeting with George Wahr, the owner of 2 Clarence Street, Flemington. He has raised with me a series of issues where the planning process seems to have gone very much astray, and some general principles come to the fore. What he has done is alert me to the fact that a planning permit has been granted for the property next door to him, and I indicate that in this case they have gone further and built. The planning permit was provided by the City of Moonee Valley, but this also relates to issues around the building surveyor's performance here. The local member of Parliament, Danny Pearson in the Legislative Assembly, appears not to have acted here. The head of the Victorian Building Authority (VBA) is aware of this, and Minister Wynne is also aware of this, as Mr Wahr has formally written to him and received unsatisfactory reply correspondence.

The issue here is that Mr Wahr's property is a small property, a wooden house that was built in a series of wooden houses in a row. These were built with planning provisions to protect these wooden houses from fire spreading and to enable fire brigade access between each house. It is very interesting history to dig back into. Some of these principles go back as far as the Great Fire of London, or the aftermath of the Great Fire, where decisions were made to ensure that new buildings were built where there was proper fire access where they were wooden buildings. The permit that has been granted in this case by the City of Moonee Valley clearly infringes that principle. It is also clear that there ought not to have been the approval of the VBA, as appears to have occurred in this case. What has now occurred is that the building is right on his boundary, right next to the property, blocking the fire access, in breach of these ancient principles, so I think the point raised by Mr Wahr is a reasonable one.

Mr Wynne said:

The Victorian Building Authority (VBA) has advised that your premises is considered to comply with the building regulations in place at the time of construction.

It did at the time of construction, but it is the neighbouring property that was built next door to him that does not comply with the regulations at the time of construction.

In a letter from the VBA they said:

... while there is no mandated requirement for you to upgrade your dwelling to comply with current regulations, you may

wish to consider upgrading in accordance with a building permit so that your dwelling:

is located completely on its own title; and

has an external wall ...

and fire access in compliance with the Building Code of Australia, part 3.7.1.5. What I seek from the minister is a review of this significant issue and — —

**The PRESIDENT** — Time!

### Community legal services

**Ms DUNN** (Eastern Metropolitan) — The Eastern Community Legal Centre (ECLC) provides clients with free and confidential legal advice from a community lawyer. They provide a range of services not limited to family law, domestic violence, fines and infringements, tenancy issues, debt, consumer affairs issues and minor criminal matters. They also provide an important referral service for other areas of law. Many of the Eastern Community Legal Centre's clients are vulnerable, as they are low-income earners, have compelling circumstances such as mental health issues or are otherwise challenged by the intricacies of the legal process. The ECLC served 3211 clients in 2015–16 yet had to turn many more away due to insufficient funding. The ECLC provides services throughout my electorate of Eastern Metropolitan Region through three offices, the most recently established being the Yarra Ranges Community Legal Centre in Healesville.

Like other community legal service providers across the country, the ECLC is affected by funding cuts imposed by federal Attorney-General George Brandis, with cuts taking federal funding from \$42 million to \$30 million. State funding is critical to make up the gap. However, clients of legal services find themselves caught in the crossfire between federal and state agencies. The state does not want to budge on the funding deficit in order to emphasise the cruelty of Mr Brandis's cuts. The action I seek is that the Attorney-General, Martin Pakula, address the funding gap for Victoria's community legal services and that a long-term funding solution be developed as part of the 2017–18 state budget.

### Victoria Polytechnic skills development hub

**Mr EIDEH** (Western Metropolitan) — My adjournment matter today is for the Minister for Training and Skills, the Honourable Gayle Tierney. I was pleased to see the recent announcement about the Andrews Labor government's funding for the Sunshine skills hub at the Victoria Polytechnic hub. There is no

doubt that Victoria's job statistics are in very healthy condition at the moment, but there are pockets of unemployment that are in need of attention. One of these is in my electorate of Western Metropolitan Region and in parts of Melbourne's western suburbs more generally. I note the recent statement by the Andrews government:

The Sunshine skills hub will increase access to skills training and job creation for young people across Melbourne's thriving western suburbs.

The Sunshine skills hub is a fantastic initiative that will provide opportunities for many young people in my electorate, enabling them to gain the skills they need to access the high-skilled, industry-linked courses and jobs of the future. I understand that the government is contributing \$10 million to this \$35 million project and that it is jointly funded with Victoria University and the Ian Potter Foundation.

My question to the minister is: can she please provide me with further information about the government's Skills First initiative? I also ask: when is the Sunshine skills hub project expected to be completed and open for student applications?

### Thompsons Road duplication

**Mrs PEULICH** (South Eastern Metropolitan) — I wish to raise a matter for the attention of the Minister for Roads and Road Safety. It is in relation to correspondence I have received from Mr Owen Lennie concerning the adverse effect of the Thompsons Road widening on the BP service centre. He explains in his letter to me, as one of the upper house MPs who represents his area, that he is very much in favour of the Thompsons Road project, as everyone is, but he is concerned:

... that the duplication of Thompsons Road will adversely affect the value of the property unless the short link road known as Faraday Boulevard is constructed as part of the project.

Construction work has started for stage 1 of the duplication of Thompsons Road from EastLink to the Berwick-Cranbourne Road ...

He went on to say that:

Stage 2 includes replacement of the roundabout at Western Port Highway ...

which is expected to commence later this year. He stated that:

Duplication will remove the right-hand turn lane, enabling traffic to make a right-hand turn into the BP service centre from Thompsons Road, and reduce the connectivity between

the BP service centre and the adjoining developing residential and commercial area.

The Casey planning scheme has been amended to include a public acquisition overlay for a new link road, tentatively known as Faraday Boulevard.

The local link road would allow traffic to enter and leave the BP service centre via the signalised intersection of Thompsons Road and Lyndhurst Boulevard.

He also stated that:

The link road also provides road access via Whitfield Boulevard for properties which may be denied access to Western Port Highway when it is upgraded to a limited access road.

He was asking that:

... the budget for the Thompsons Road project be increased by the comparatively small amount required to acquire the land and construct the local link road known tentatively as Faraday Boulevard, between the BP service centre and Whitfield Boulevard, which is the continuation of Lyndhurst Boulevard, south of Thompsons Road.

He stated that:

Whitfield Boulevard has already been constructed from the intersection with Thompsons Road — now controlled by traffic signals — as far as Latchford Street, which is south of the proposed intersection with the link road.

The trust, as the owners of the BP service centre, are prepared to carry out the capital works for the necessary changes to internal traffic circulation to integrate the new local link road access.

With the construction of the link road tentatively known as Faraday Boulevard, the BP service centre can continue to provide a high level of service to the Cranbourne West and Lyndhurst communities, as well as to the developing area subject to the Cranbourne West precinct structure plan.

He seeks assistance to have this matter addressed. Clearly it is an adverse effect of a long-overdue project. Perhaps the project is a little more modest than the one we had promised, but nonetheless it is work that needs to be done. I ask the minister to investigate this matter.

### **Melbourne Regional Landfill**

**Mr FINN** (Western Metropolitan) — I wish to raise a matter this evening for the attention of the Minister for Planning. I am sure the minister will be only too aware of a long-running campaign by residents in the Caroline Springs-Deer Park area and surrounds against the expansion of the tip at Ravenhall. There is a tip currently at Ravenhall, and it does not take very long to find people in the Deer Park-Caroline Springs area who will testify that the tip causes nausea, illness and a variety of other complaints for local residents as a result of the smell that it emits.

If we were looking at keeping emissions down, that would be the first place I would start because it really is a disgrace. It stinks to high heaven, and the local people are — justifiably in my view — very concerned about the impact of the expansion of the tip. At the moment I think it is around about 133 hectares, and we are looking at well in excess of 400 hectares if this expansion goes ahead. It will take up most of the land between Caroline Springs and Truganina. It is beyond the pale in every way.

What the people of the area are concerned about, obviously, is what the minister will decide on this particular issue. I have spoken at a number of public meetings in the Caroline Springs area against this expansion, and indeed I have called for the closure of the current tip until such time as the owners can get their act together and keep their smells to themselves, as it were. I am as concerned as the local residents about what is in store if this gross — and I use the word ‘gross’ advisedly — expansion is allowed to go ahead.

My understanding is that an independent planning panel report is on the minister’s desk; the minister has that report. I am very keen, as are indeed members of the community in that area, to see that report released so we can see what that independent planning panel says about what should happen with the tip and the tip expansion. I ask the minister as a matter of urgency to publicly release the independent planning panel report and let the people of the area surrounding this tip know exactly what is coming their way.

### **Drug rehabilitation services**

**Mr RAMSAY** (Western Victoria) — My adjournment matter tonight is for the Minister for Mental Health, the Honourable Martin Foley, and the action I seek from him is to immediately provide funding for long-term rehabilitation for drug users in western Victoria.

I say that on the basis that the committee inquiry, which I chaired when we were in government, in relation to the use of crystal methamphetamine, or ice, across Victoria, the many submissions and the many hearings that the committee undertook and the 54 recommendations that the committee provided to the Parliament clearly articulated that the government should invest in long-term rehabilitation. The only successful way we are going to curb the tide of ongoing drug users continually reverting to drug use is by long-term rehabilitation.

I know the minister takes the view that day programs are better suited to rehabilitating people and getting

them off drugs. Having spoken to Rob Lytzki from Foundation 61 we know that long-term — six to nine months — rehabilitation has a far greater success rate. So part of my request is not only to seek that the minister provide long-term funding for centres like Foundation 61 in Geelong but that he actually come and speak to Rob so he has a much better understanding of the needs.

Many families are paying \$30 000 or \$40 000 for six months rehabilitation — not in Australia, because there are not the facilities; they are actually going overseas. I know in Foundation 61's case they only charge 75 per cent of welfare benefits to accommodate people on the six-month program. They know the success rate is high. They are dependent on volunteers. They have no state funding; there is very little state funding for long-term rehabilitation. The chair of Barwon Health, John Stekelenburg, tells me that he does not have beds, not even for short-term detox but certainly not for long-term rehabilitation. We also know that there is no federal funding. There was a grant made for a land purchase to allow a facility for women, but there was nothing for ongoing costs such as staff. It is all on volunteers and the wonderful support like that from the Give Where You Live Foundation in Geelong.

It is costly to accommodate long-term rehabilitation. You cannot always depend on volunteers and the goodwill of organisations like Give Where You Live. But it is essential that the state government is engaged and provides certainty for funding to support long-term rehabilitation centres like Foundation 61 and the good work that Rob Lytzki is doing in providing care under very difficult circumstances.

### Essendon Airport

**Mr O'SULLIVAN** (Northern Victoria) — My matter tonight is for the Premier in the absence of a minister for aviation — but if there is a minister for aviation, I am happy for it to go to that minister. The action I am seeking is that the government not have a knee-jerk reaction and look to close Essendon Airport as a result of the tragedy that happened yesterday at the airport. We feel very sorry for all the families and people involved with that incident, but we must remember that air travel is one of the safest forms of transport you can have. This is an isolated incident; there has not been one at that airport for quite a long time.

Essendon Airport provides a critical piece of infrastructure for regional Victoria and houses a lot of essential services that regional Victorians use, such as the air ambulance, the Royal Flying Doctor Service, the

police air wing and the air crane helicopters that are used for firefighting purposes, as well as the charter flights that operate out of Essendon Airport and fly to parts of regional Victoria plus other areas as well. This is a vital piece of infrastructure for regional Victoria.

I know this because I had the misfortune of breaking my leg quite badly about four years ago, and I needed the air ambulance service to get me from Mildura down to Melbourne so I could undergo surgery. I understand the importance of what the air ambulance provides in terms of services. I was fortunate that I was not in an emergency situation, but I still required transport from Mildura to Melbourne and that was something that could not have been done by road. I required the air ambulance to get down to Melbourne to undergo the surgery I needed, so I know firsthand the value and the importance of such services, which are relied on by regional Victorians. Essendon Airport is the fundamental base for those services.

That is why for regional people it is very important that Essendon Airport stay open. The action I am seeking is for the Premier to give a commitment to all regional Victorians that Essendon Airport will continue to operate as an airport and as an important piece of infrastructure providing the services that are so greatly needed by regional Victorians.

### Responses

**Ms PULFORD** (Minister for Agriculture) — I have eight adjournment matters that members have raised this evening. Ms Lovell's is a matter for Minister Donnellan in relation to the Goulburn Valley Highway. Mr Davis raised a matter for the Minister for Planning in relation to a property in Flemington. Ms Dunn raised a matter for the Attorney-General in relation to funding for legal services. Mr Eideh raised a matter for Ms Tierney as Minister for Training and Skills in relation to access to training in Sunshine, in his electorate. Mrs Peulich raised a matter also for the Minister for Roads and Road Safety in relation to Thompsons Road. Mr Finn raised a matter for the Minister for Planning in relation to the tip at Ravenhall. Mr Ramsay raised a matter for the attention of Minister Foley in relation to ice and the impact of — —

**Mr Ramsay** — And funding for rehabilitation.

**Ms PULFORD** — And funding for rehabilitation in particular; thank you, Mr Ramsay. Mr O'Sullivan raised a matter for the minister responsible for aviation. I think it is perhaps best to refer that to Minister Noonan, who in the employment and industry portfolio is the responsible minister. I will seek a

written response for all members, as is the usual practice. I thank members for their contributions to the adjournment debate.

I would add to that that I have a written response to an adjournment debate matter raised by Mr Purcell on 6 December.

**The PRESIDENT** — Order! On that basis the house stands adjourned.

**House adjourned 6.00 p.m.**

