

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE COUNCIL**

**FIFTY-EIGHTH PARLIAMENT**

**FIRST SESSION**

**Wednesday, 8 February 2017**

**(Extract from book 1)**

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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 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
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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**

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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, 8 February 2017**

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

**PETITIONS**

**Following petitions presented to house:**

**Domain railway station**

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council the many serious impacts of the cut-and-cover construction method for Domain station. Compared to using deep cavern mining construction, this means more extensive disruption for residents, local businesses and commuters. Cut-and-cover also means the destruction of each of the 223 trees in the construction zone.

The petitioners therefore request that the Andrews government use deep cavern mining construction of the Domain station, to minimise the impact on one of Melbourne’s great boulevards during construction, and retain as many of St Kilda Road’s trees as is possible.

**By Ms FITZHERBERT (Southern Metropolitan) (1166 signatures).**

**Laid on table.**

**Stonnington Neighbourhood Watch**

To the Legislative Council of Victoria:

We, the undersigned citizens of Victoria, call on the Legislative Council of Victoria to note that crime in Stonnington has increased by 23 per cent in the last two years alone and community members are concerned at the proliferation of previously uncommon offences such as carjackings, home invasions and violent youth gang activities.

We therefore implore the Victorian state government to support local crime prevention through funding the establishment of a neighbourhood watch group serving Prahran, Windsor, South Yarra and St Kilda East.

**By Mr DAVIS (Southern Metropolitan) (29 signatures).**

**Laid on table.**

**North-east link**

To the Legislative Council of Victoria:

The petition of residents of Banyule, Nillumbik and Victoria draws to the attention of the house that serious traffic congestion is affecting the amenity and safety of residents in Banyule and Nillumbik due to the lack of the north-east link. These roads include Main Road, Bolton Street, Fitzsimons Lane, Rosanna Road, Greensborough Highway, Yan Yean and Plenty Roads.

The north-east link is the final connection between the Metropolitan Ring Road (M80) and the Eastern Freeway/EastLink (M3) and is locally known as the ‘missing link’.

The petitioners therefore request the Legislative Council of Victoria to urge the government to immediately plan, fund and construct the north-east link without further delay.

**By Ms WOOLDRIDGE (Eastern Metropolitan) (250 signatures).**

**Laid on table.**

**DEPARTMENT OF ECONOMIC DEVELOPMENT, JOBS, TRANSPORT AND RESOURCES**

**High-capacity metro trains project**

**Ms PULFORD (Minister for Agriculture), by leave, presented project summary, February 2017.**

**Laid on table.**

**PAPERS**

**Laid on table by Clerk:**

Auditor-General’s Reports on —

Managing Community Corrections Orders, February 2017 (*Ordered to be published*).

Regulating Gambling and Liquor, February 2017 (*Ordered to be published*).

Climate Change Act 2010 — Victoria’s Climate Change Adaption Plan, 2017–2020 pursuant to section 16 of the Act.

**DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (PILOT OF SAFE CONSUMPTION ROOM AND PILL TESTING) BILL 2016**

*Withdrawal*

**Withdrawn, by leave, on motion of Ms PATTEN (Northern Metropolitan).**

**MINISTERS STATEMENTS**

**Kindergarten funding**

**Ms MIKAKOS (Minister for Families and Children)** — Last week about 75 000 children started their first day at kindergarten right across Victoria. In last year’s budget the Andrews Labor government invested \$4.4 million over four years for our small rural kinders to ensure their financial viability. As a result,

three kindergartens have reopened this year — Laharum Preschool in Horsham, Cann Valley Community Kindergarten in East Gippsland and the Community Early Years Childcare in Walwa. In 2017, every single one of Victoria's 2300 funded kindergartens will be providing children with 15 hours of quality teacher-led preschool education in the vital year before school, showing how in demand this additional support is.

Victoria's kindergarten children directly benefit from the universal access funding agreement, which sees 15 hours of kindergarten per week provided at low cost to families for children in the year before school. The universal access funding arrangement is now looking increasingly shaky and is set to run out at the end of 2017. There has been no sign from the federal government that they will end the uncertainty and commit to ongoing funding.

Research clearly shows the link between kindergarten participation, better school performance and improved job prospects on entering the workforce. The Andrews Labor government is calling on the Turnbull government to end this cycle of equivocation and commit once and for all to ongoing funding for 15 hours of kindergarten for children in the year before school. That is why the Victorian government will be joining with the Australian Education Union, the Municipal Association of Victoria, the Early Learning Association Australia, staff and parents in campaigning for the continuation of the 15 hours of kindergarten. I would in fact urge all members of Parliament to join their local communities in sharing our online petition — [www.thismatters.org.au/kindercuts](http://www.thismatters.org.au/kindercuts) — and to lobby the Malcolm Turnbull government to continue the 15 hours of funding to benefit all of Victoria's children.

### Sheep and goat electronic identification

**Ms PULFORD** (Minister for Agriculture) — I rise to update the house on a significant new initiative of the Andrews Labor government to implement the electronic identification (e-ID) of sheep and goats. In November last year I announced that all sheep and goat producers as well as abattoirs, saleyards and knackereries would benefit from a \$17 million package to support the introduction of e-ID technology across the supply chain. Today I am proud to announce that I have just approved grant funding to 69 applications totalling \$401 326. This funding will go to a total of 61 producers, five scanning contractors, one transporter, one saleyard, and one third-party provider. This is the second tranche of funding from this package.

The Andrews Labor government is helping farmers and those throughout the supply chain to make this important change by offering subsidised tags, infrastructure grants, co-funded equipment grants and an education program to support sheep and goat producers, saleyards, abattoirs, processors and service providers. From 1 January this year all newborn sheep and goats in Victoria will require electronic tags before they leave their place of birth.

The cheapest subsidised electronic tags available to Victorian sheep and goat producers are 35 cents each. To enable cost-neutral tags the government is providing a tag subsidy of up to \$7.7 million. Sheep and goat producers only need to purchase electronic tags to comply with the new regulations. In addition producers can also access co-funded grants to purchase optional equipment and software to take advantage of the productivity benefits that come as a result of this reform.

Embracing identification technology will not only help safeguard our existing access to lucrative export markets but also create opportunities to expand that access and to continue upward productivity gains, as well as securing greater biosecurity arrangements for the state. Victoria has a reputation as a clean, green and safe source of food, and implementing this is essential for all.

## MEMBERS STATEMENTS

### Duck season

**Ms PENNICUIK** (Southern Metropolitan) — It is so very disappointing that on 3 January the government announced that a full 12-week duck shooting season will go ahead this year with no reduction in bag limits and no restrictions on so-called game species that can be shot, except to exclude the blue-winged shoveler due to 'continued low numbers'. This is despite the finding of the annual aerial survey of wetland birds in eastern Australia, October 2016, conducted by the Centre for Ecosystem Science at the University of New South Wales that:

Total waterbird abundance was the lowest on record (34 years) ...

and that despite a rise in 'breeding species richness and wetland area' compared to 2015 'there are continued long-term declines in these indices'. The survey also found that:

Game species abundance were all well below long-term averages, in many cases by an order of magnitude.

That is, there was an increase in breeding of some species last year, but the overall trend is declining numbers of waterbirds across Australia. This is very obvious when looking at the graphs in the report. In particular the breeding indexes for the Pacific black duck, the grey teal, the chestnut teal, the Australian wood duck and the pink-eared duck — all declared so-called ‘game species’ during duck shooting season — have been falling steadily since the late 1980s, except for the occasional better year. Some indexes have completely flatlined in some bands.

With this information to hand, it is unbelievable that the government, which should be protecting our struggling native waterbirds, would allow another duck shooting season to go ahead rather than give our waterbirds a chance to recover. This is over and above the brutality that duck shooting involves. Duck shooting should be banned, as it is New South Wales, Western Australia and Queensland.

### **Give Where You Live Foundation**

**Mr RAMSAY** (Western Victoria) — In my members statement today I would like to acknowledge the important work that the Give Where You Live Foundation does in Geelong. This community foundation that targets the disadvantaged in the Geelong region has been in existence since 1958 and has raised \$63 million over that time. In the last year the foundation raised \$2.4 million and distributed \$1.7 million to 50 community groups.

I attended an annual fundraising dinner at Clyde Park winery last Friday night, and thanks to the generosity of the foundation’s corporate sponsors, the many businesses represented and the generosity of Terry and his crew at Clyde Park winery we raised \$25 000 on the night.

Geelong businesses and their workforce have over many years provided funding to tackle disadvantage through the G21 region, with support going to organisations like Multicultural Aged Care Services Geelong, Northern Futures and the Wesley Centre through the GROW program. This work is a wonderful example of a community helping its disadvantaged by giving a little bit of their pay packets each week to support those who are more in need.

### **Kay Wiltshire**

**Mr RAMSAY** — On the weekend I was delighted to be able to be at the 100th birthday celebration of long-time Liberal member Kay Wiltshire. Kay over her lifetime has been an active Liberal Party member,

helping in all sorts of party activities in rain, hail and sunshine; even in her 99th year she was manning the polling booths and supporting campaign activities. Always with a smile and beautifully presented, she is wonderfully articulate and intellectual, with genuine interest in people and issues. Congratulations, Kay Wiltshire. Happy birthday!

### **Timber industry**

**Ms SHING** (Eastern Victoria) — I rise today to pay tribute to the workers of Heyfield and their representatives, the Construction, Forestry, Mining and Energy Union. It has been an exercise in constructive engagement to hear directly from them about the way in which the former government’s inability to sign contracts has led to a failure to deliver supply and certainty for people in and around the timber industry.

Those opposite refuse to acknowledge that this problem of the longstanding issue of timber supply is one which spans multiple governments ever since the federal government declared the Leadbeater’s possum to be a critically endangered species, right through to the former government’s announcement of Leadbeater’s possum reserve areas. Now what we see is that we need to balance that with sustainable timber options as far as plantation supply is concerned to make sure that we have a viable industry now and into the future.

I look forward to continuing to work with those workers, their unions and the timber towns that rely upon this industry to be able to get through negotiations which are on foot, and I am pleased to be able to play a role in that.

### **Hazelwood power station**

**Ms SHING** — It was a pleasure to meet with workers and delegates in Morwell last week to discuss the issues in relation to the Hazelwood transition and the cessation of production, which will occur at the end of March this year. To understand the issues of fear and concern on the ground as they are playing out and to understand that this is an issue some 30 years in the making is something which I take pride in listening to communities about and look forward to delivering solutions on.

### **Morwell Central Primary School**

**Ms SHING** — It was a great pleasure to join the Minister for Education, James Merlino, to open Morwell Central Primary School, a fantastic initiative which has delivered one of the very best new schools in Victoria to the Latrobe Valley, where some

400 students, including 61 preppies, now have a light, bright and beautiful building to enjoy as well as an adventure playground and a pirate ship. It has been brilliant to see just how well everyone is settling into their new digs.

### **Public transport**

**Ms DUNN** (Eastern Metropolitan) — Today I will be talking about the ownership of public transport in Melbourne. We have experimented with privatised public transport in this state for over 17 years, and it is failing. Taxpayers are shelling out billions to pay for the operation of these services, yet customers have suffered with slower, less frequent, disconnected and cancelled services. The rolling stock and infrastructure have been run on minimal maintenance. The less money spent on repairs, staffing and new equipment, the more profit made. The performance targets have been simplistic and have not sufficiently focussed on the quality of the experience. Concessionaires have figured out devious ways to avoid negative ratings, such as unplanned expresses. The franchises have been run to bring massive profits to their owners while barely achieving the slackest of standards.

These state funds would have been better spent reclaiming these concessions once they expired and investing in network infrastructure. The Metro Trains Melbourne concession is run by the MTR Corporation, which developed and runs the Hong Kong transit system. MTR is majority owned by the government of Hong Kong. If public ownership is good enough for Hong Kong, why is not good enough for Melbourne?

The Andrews government has unnecessarily narrowed its options by going straight into closed-door negotiations to extend the franchise agreements for Melbourne's train and tram networks. The Victorian Greens support the call by the Rail, Tram and Bus Union to return public transport to public ownership. Melbourne's public transport system must be run by the Victorian government on behalf of the Victorian people for the benefit of all Victorians.

### **Australia Day awards**

**Mrs PEULICH** (South Eastern Metropolitan) — I would like to take the opportunity to congratulate the following members of Melbourne's south-east community who were awarded the Medal of the Order of Australia (OAM) in this year's Australia Day honours. They include Captain Donald Bergman, OAM, of Noble Park; Colin North, OAM, of Clayton; and Jill Page, OAM, for her services to the arts

community. Professor Nahum Mushin of Clayton was also awarded the Member of the Order of Australia.

I would also like to make mention of and congratulate the following Medal of the Order of Australia recipients for their contribution to multicultural affairs. They include Roland Jabbour for services to commerce and industry and in particular for promoting Australian-Arab relations; Emeritus Professor Jon Altman, OAM, the founding director of the Australia National University Centre for Aboriginal Economic Policy Research; and Padmini Sebastian, OAM, manager of the Immigration Museum.

### **Patti Sandars**

**Mrs PEULICH** — Very recently I attended a memorial service in a local bowling club for Patti Sandars, who was a long-time dear friend and a very proud member of the Liberal Party. Her passing followed the passing of her beloved husband, Ben Sandars. They were a dynamic duo. Patti was an intelligent woman, a teacher by profession, and an individual who was certainly well ahead of her time. She was irrepressible, especially in her commitment to community and political affairs, and irreverent in the manner that we loved her for. We mourn her passing and also pass on our condolences to her family: Ken, Richard, Miranda and Diana, as well as all of her grandchildren. It was quite a gathering, in the way that Patti would have appreciated.

### **Caroline Springs railway station**

**Mr MELHEM** (Western Metropolitan) — I rise to speak on the government's recent completion of Caroline Springs station. The Andrews Labor government's recent action of fulfilling election promises in regard to new stations demonstrates its commitment to public transport and real action, not just talk. In just two years Labor completed the station and made key improvements to the design of Caroline Springs station, including a wider centre platform, an enclosed waiting area and customer toilets. This new station has become the 10th built in this term of government, and it is ready to go and take passengers. Two hundred and eighty services a week will service the thousands of passengers that are already feeling the benefits of a shorter commute to and from the city and further along the line.

In conjunction with the completion of the station the surrounding services have been improved to better complement the new infrastructure. The route 460 bus service has been upgraded to run from the town centre to the new station, and 350 parking spaces, as well as

bike cages, have been added to supply this growing area. The \$37.4 million invested in Caroline Springs station demonstrates this government's belief in the value of economic growth in the western suburbs. This contrasts with the Liberal's abandonment of this station, leaving the local community stranded during its four-year term of inaction, even after Labor had previously funded the project in 2009.

### **Ballarat rail line**

**Mr MELHEM** — I also would like to commend this forward-thinking government for its \$518 million investment to transform the Ballarat line and duplicate the line to Melton, essentially providing more services more often to the residents throughout Melbourne's west.

### **Population policy task force**

**Mr O'SULLIVAN** (Northern Victoria) — The Liberal and Nationals population task force recently convened in Shepparton to discuss with community leaders the ongoing challenges faced by the local community and how they can be best addressed. Victoria's population is increasing by about 100 000 people every year, and about 90 000 of those residents make Melbourne their home. Melbourne is overcrowded now, and with a combined population of Mildura and Shepparton moving to Melbourne each year we need to introduce plans which will take the pressure off Melbourne and bring new residents to regional Victoria. People who live in or visit Melbourne will know that the roads are very congested now, crime rates are through the roof, livability is declining and housing is unaffordable for many. Regional Victoria provides a great opportunity for these people to take up residency in the country areas.

The Victorian population task force is focused on developing a plan that will outline the desired investment required to facilitate more people deciding to live in regional centres such as Shepparton, Benalla, Mildura, Echuca and Wangaratta. The population task force in Shepparton discussed a whole range of issues, including better transport connections to and from Melbourne, required hospital upgrades, the need to capitalise on agricultural industries moving into China and inland freight requirements.

The Victorian population task force is chaired by the member for Kew in the Legislative Assembly, Tim Smith, and the deputy chair is Danny O'Brien, the member for Gippsland South in the Legislative Assembly. They journeyed to Shepparton for the task force. I would also like to thank Ms Lovell for her

efforts in bringing that population task force together in Shepparton.

### **Southern Metropolitan Region crime**

**Mr DAVIS** (Southern Metropolitan) — I want to draw the house's attention to an anti-crime forum that was held in Prahran last Thursday. This was at the Baptist community hall, and it was well attended, with almost 100 people there. It is very clear that crime is a major concern through this area of the inner east, through Stonnington, parts of the City of Port Phillip as well and certainly Glen Eira — all of these areas of the electorate that Ms Crozier, Ms Fitzherbert and I represent.

It is clear that in Stonnington crime is up by 23 per cent, and there were key people at that meeting who have been victims of crime. Tony Fialides from Imp Jewellery contributed to the group discussion, and a number of people who had been victims of crime also spoke. I want to acknowledge the contribution of the shadow Attorney-General, John Pesutto, for his contribution on sentencing, better bail laws and better arrangements in terms of more police, and Mr O'Donohue's contribution there is significant too.

What is important here is that the government needs to listen to the community. Instead of weakening the crime laws, instead of weakening bail arrangements and instead of weakening parole arrangements, the government has in fact lost control, and it needs to take control again. It is clear that we need more police, and those in the south of the city are not going to stand for more carjackings, more home invasions or the threat to personal safety that is so much a part of this terrible crime wave.

### **Australia Day awards**

**The PRESIDENT** — Order! I might just take this opportunity, given that we have had relatively few statements today, to bring something to the house's attention. I am sure many members have already noted this themselves and perhaps have extended their congratulations accordingly. I think it is appropriate that we recognise some of the nominees of the Australia Day awards this year. The first one is the Governor of Victoria, Linda Dessau, who was awarded a Companion of the Order of Australia, which is the highest award accorded to Australian citizens in our honours system. The Governor has obviously done a remarkable job in her term thus far, and it is a fitting tribute to the contribution that she has made both as Governor and also to the community prior to that appointment.

I recognise that all the recipients deserve commendation for the work they have done and that there are many distinguished people on that list, but because of his association with this Parliament and this house, I particularly refer to the Honourable John Brumby, a former Premier of Victoria, who was given an Officer of the Order of Australia award. I actually saw Mr Brumby last night at a function. Whether or not people would be excited or trembling at the prospect, Mr Brumby asked me if I could find him a seat back in this house. Clearly he enjoyed his time here in the Legislative Council and is perhaps pining for an opportunity to contribute back to our political system in such a way. Nonetheless, his contribution as a Premier of Victoria and as a Treasurer of Victoria deserved the commendation he received in the awards this year. I particularly bring those two awardees to the attention of the house.

**Mr Davis** — Gemma Varley is another one.

**The PRESIDENT** — Yes, thank you, Mr Davis. That was remiss of me. Gemma Varley, a former chief parliamentary counsel, also received commendation in the Australia Day awards. It was richly deserved for the work that she undertook and for the support that she provided to members of Parliament and to the Parliament itself over a great many years.

I am not going to go on all day, and I might well get some other prompts, but we should also note that the Honourable Julia Gillard, a former Prime Minister and a distinguished Victorian, was recognised on this occasion. Ms Gillard, who had an association with this Parliament, albeit as an adviser, received the Companion of the Order of Australia.

## COUNTRY FIRE AUTHORITY AMENDMENT (PROTECTING VOLUNTEER FIREFIGHTERS) BILL 2016

### *Statement of compatibility*

#### **Mr O'DONOHUE (Eastern Victoria) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:**

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 ('charter act'), I make this statement of compatibility with respect to the Country Fire Authority Amendment (Protecting Volunteer Firefighters) Bill 2016.

In my opinion, the Country Fire Authority Amendment (Protecting Volunteer Firefighters) 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 of bill**

The bill will amend the Country Fire Authority Act 1958 to:

recognise the CFA as a volunteer-based organisation;

recognise the authority's requirement to have regard to the volunteer charter and the principles and commitment contained therein;

restrict the authority entering any deed, agreement or arrangement that may adversely affect volunteers and/or avoid the application of any commonwealth or Victorian law.

#### **Conclusion**

There are no human rights engaged by the charter that are relevant to the bill and I therefore conclude that the bill is compatible with the charter act.

Edward O'Donohue  
Member for Eastern Victoria Region

#### *Second reading*

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

That the bill be now read a second time.

The Country Fire Authority (CFA) is one of the world's largest volunteer-based fire and emergency services and community safety organisations. The CFA is responsible for the prevention and suppression of fires across suburban Melbourne and country areas of Victoria.

Volunteers are key to the organisation and its ability to successfully protect all Victorians in emergency events. Volunteers have a proud history of commitment and dedication to protecting not only their own local community but communities across the state, country and globe.

There are over 57 000 volunteers registered in Victoria who assist in many ways to protect families, homes and assets across the state. Over 35 000 are active and will respond whenever their pager calls upon them, be it whilst at work, during family events or even during well-earned holidays.

The CFA has evolved over time, and will continue to. The organisation is set up as a volunteer organisation supported by career staff, including career firefighters, administration support and regional and command staff.

The volunteer charter, first signed on 22 December 2001, is a statement of the commitment and principles that apply to the relationship between the government of Victoria, the authority and its volunteers.

The state reaffirmed its commitment to volunteers by signing the volunteer charter on 27 February 2011. Enacting legislation was unanimously supported and was a proud day for Liberal-Nationals coalition to protect the future of CFA volunteers.

Legislating for the volunteer charter during February 2011 had many positive implications. Perhaps the most important of these implications being the requirement of all future governments of Victoria and the CFA to consult with Volunteer Fire Brigades Victoria (VFBV) on behalf of CFA volunteers prior to making any decision on a matter that may have adverse effects. If the CFA is to competently deliver services safely and effectively the individual and collective interests of volunteers must always be considered and protected.

The reason for introducing the Country Fire Authority Amendment (Protecting Volunteer Firefighters) Bill 2016 is in part response to the current Labor government's support for the United Firefighters Union (UFU) over that of CFA volunteers, which has precipitated the abandonment of principles contained within the volunteer charter.

The UFU sought to exploit a current loophole. The loophole being the use of deeds, agreements or arrangements to force the CFA to implement discriminatory clauses by way of avoiding the Fair Work Commission (FWC), thus compromising the interests of volunteers. Hence any deeds, agreement or arrangements made which would reasonably be required to face the scrutiny of the FWC ought to rightly go via that path.

The volunteer charter acknowledges that a primary responsibility of the CFA and people employed by the CFA is to nurture and encourage volunteers and to facilitate and develop their skills and competencies.

As outlined in the volunteer charter, it is also important that the CFA provide administrative, operational and infrastructure support to enable volunteers to perform their roles safely and effectively within available resources. As the 2009 Victorian Bushfires Royal Commission recognised, policy development and change in the CFA should always be considered in terms of their potential to facilitate and support volunteer contribution.

The charter provides the framework for an interoperable relationship between all parties involved. Its proactive application strengthens the essential services that the CFA provides to the Victorian community. The state government, the CFA and the VFBV have previously worked collaboratively together

in the spirit of mutual respect and goodwill, which remains at the heart of the charter, and the Liberal-Nationals coalition wishes for this to remain the case in the future.

I commend the bill to the house.

**Debate adjourned on motion of Ms PULFORD (Minister for Agriculture).**

**Debate adjourned until Wednesday, 22 February.**

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

### *Statement of compatibility*

**Ms PATTEN (Northern Metropolitan) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:**

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006, (the charter), I make this statement of compatibility with respect to the Drugs, Poisons and Controlled Substances Amendment (Pilot Medically Supervised Injecting Centre) Bill 2017.

In my opinion, the Drugs, Poisons and Controlled Substances Amendment (Pilot Medically Supervised Injecting Centre) Bill 2017, as introduced to the Legislative Council, is compatible with human rights as set out in the charter. I base my opinion on the reasons outlined in this statement.

#### **Overview of bill**

The main purpose of the Drugs, Poisons and Controlled Substances Amendment (Pilot Medically Supervised Injecting Centre) Bill 2017 is to enable the licensing and operation of a medically supervised injecting centre for a trial period of 18 months. The stated objects of the bill are to:

reduce the number of deaths from drug overdoses;

to provide a gateway to health and social assistance for clients of the licensed injecting centre, including drug treatment, health care and counselling;

to reduce drug overdose-related ambulance attendances;

to reduce the number of discard needles and syringes and the incidence of drug injecting in public places;

to improve the amenity of the neighbourhood for residents and traders in the vicinity of the licensed injecting centre;

to assist in reducing the spread of bloodborne disease, including but not limited to HIV infection or hepatitis C.

The bill provides for the licensing of one injecting centre for a trial period of 18 months; data collection and review; the establishment of internal management protocols; and

exemptions from criminal liability for the use and possession of a small quantity of a drug of dependence within the centre.

**Human rights issues**

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

The Drugs, Poisons and Controlled Substances Amendment (Pilot Medically Supervised Injecting Centre) Bill 2017 does not limit any human rights. However, human rights are relevant to the bill and are promoted.

In particular, the bill promotes the right to life under section 9 of the charter, by taking measures to protect the lives of a vulnerable cohort of society.

*Consideration of reasonable limitations — section 7(2)*

As the bill does not raise any human rights issues, it does not limit any human rights, and therefore it is not necessary to consider section 7(2) of the charter.

**Conclusion**

I consider that the bill is compatible with the charter because it does not raise any negative human rights issues.

Fiona Patten, MLC

*Second reading*

**Ms PATTEN** (Northern Metropolitan) — I move:

That the bill be now read a second time.

In December of last year I sat through a coronial inquest. Her name was suppressed, but the deceased was a young mother, 34 years of age. She overdosed in a fast-food restaurant toilet in North Richmond, where she was found with a needle and a spoon lying beside her. We heard that she had tried to overcome her addiction, but traumatic events, including a long history of family violence, had set her back.

At lunchtime, that Sunday, there sadly ended her decade-long battle with heroin. She was not the only one. There were 172 heroin overdose deaths in Victoria in 2015. That is more than three deaths per week.

As I sat and watched in the Coroners Court, the inquest heard that deaths from heroin overdose had reached levels not seen since the 1990s and that North Richmond was the epicentre of the problem. Of those 172 deaths, 34 occurred in, or could be linked to, one small block in North Richmond, a block of around 300 square metres.

That block is Melbourne’s heroin equivalent of Sydney’s Kings Cross. Not coincidentally, Kings Cross is the site of Australia’s only licensed medically supervised injecting centre.

The Sydney medically supervised injecting centre opened as a pilot in 2001. Ultimately, in 2011, it was given the green light by both sides of politics to continue indefinitely. Ten years of data and reviews demonstrated it had:

generated more than 9500 referrals to health and social welfare services;

decreased ambulance call-outs to Kings Cross by 80 per cent;

halved the number of publicly discarded syringes in the area;

successfully managed more than 4400 drug overdoses within the centre, without a single fatality;

did not increase crime in the surrounding areas and had no ‘honey pot’ effect.

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

This bill is modelled closely on the legislation that introduced the Kings Cross centre in NSW. It is modelled on that NSW legislation, because it has been a huge success and has comprehensively achieved its stated goals.

The bill that I introduce today is to establish an 18-month trial of a medically supervised injecting centre here in Victoria. The trial will test whether the same remarkable success can be achieved here. And based on the success in Sydney and in 90-plus other locations around the world, I am convinced that it will.

The bill amends the Drugs, Poisons and Controlled Substances Act 1981 by inserting new part VIAB. This part enables the licensing and operation of a medically supervised injecting centre for a trial period of 18 months. Comprehensive data will be collected to permit a detailed review of the trial, which will be tabled in both houses of Parliament.

The centre will be overseen by a new responsible authority consisting of the secretary of the department of health and the chief commissioner of Victoria Police. This mirrors the structure of the responsible authority in NSW. It is intended that the powers of the responsible authority be exercised jointly by the secretary and Chief Commissioner of Police, or their delegates.



The objects of the bill, which we expect that trial will achieve, are:

to reduce the number of deaths from drug overdoses;

to provide a gateway to health and social assistance for clients of the licensed injecting centre, including drug treatment, health care and counselling;

to reduce drug overdose-related ambulance attendances;

to reduce the number of discarded needles and syringes and the incidence of drug injecting in public places;

to improve the amenity of its neighbourhood for residents and traders; and

to assist in reducing the spread of bloodborne disease, including but not limited to HIV or hepatitis C.

We also expect that the centre will improve workplace safety for paramedics and first responders by decreasing the risks of violence and the transmission of disease. As the Ambulance Employees Australia Victoria has stated publicly, safe injecting rooms will reduce assaults on ambos and free up crews.

Ambulances in metropolitan Melbourne attend more than 2200 heroin overdoses annually, at an estimated cost of more than \$2.3 million. This bill will reduce that pressure on our ambulance service.

It is a requirement that the centre be under the supervision of a registered medical practitioner at all times. The centre must also facilitate access or referral to a range of primary healthcare, drug treatment and other services. In this way, the centre will act as a gateway to health and social assistance for clients of the facility, and work to address the factors that underpin addiction, for this difficult-to-reach cohort.

With respect to the criminal liability of users of the centre, the bill provides that it is not an offence to possess or use a small quantity of a drug of dependence within the centre. It remains an offence to possess a drug of dependence for the purposes of supply, or to possess a drug of dependence in a quantity that is greater than a small quantity.

This bill does not exempt a user of the facility from any other conditions that they may be subject to that prohibit their use of a drug of dependence — such as the condition of a sentencing order, a condition of bail, or a condition of parole.

It remains an offence to possess a drug of dependence outside of the facility. The successful operation of the centre is therefore contingent on the appropriate exercise of police discretion. It is intended that Victoria Police formulate a written policy and/or guidelines to address the exercise of police discretion in relation to users of the medically supervised injecting centre. Similar principles already apply around needle exchange facilities.

The bill also refers to exemptions from criminal and civil liability for management and staff of the facility.

The bill requires the formulation of suitable regulations and internal management protocols for the medically supervised injecting centre and exempts it from planning permit requirements.

As the epicentre of Melbourne's heroin problems, it is intended that the medically supervised injecting centre be sited in North Richmond. Demos Krousos, the chief executive of North Richmond Community Health, stated when he addressed the coroner: his service is the ideal model in which to create a supervised heroin injecting room and, based near the large public housing towers in Lennox Street, already offers many health services, including a needle exchange program. Expanding that site will provide space for the injecting facility as well as accompanying services.

Of the 60-odd submissions that were made to the coroner in December by experts, traders and residents, none were opposed to a medically supervised injecting centre. Yarra council and most residents, traders and businesses in the area are calling for the trial. It has the support of the Australian Medical Association, the Ambulance Employees Association and many others.

This trial will save lives, reduce ambulance call-outs, reduce discarded syringes and provide a gateway to drug treatment and counselling.

I commend the bill to the house.

**Debate adjourned on motion of Ms PULFORD (Minister for Agriculture).**

**Debate adjourned until Wednesday, 22 February.**

**MINISTER FOR FAMILIES AND CHILDREN**

**Ms CROZIER** (Southern Metropolitan) — I move:

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.

I note that this is a significant and serious motion that the house no longer possesses confidence in the minister. I note that these motions are moved very rarely; in fact only a couple of these types of motions have been moved in this place over the last 15 to 20 years. I am not moving this motion lightly; I am moving this motion because I believe that the Victorian community has lost confidence in the minister's ability to manage this important portfolio area, and I believe that the minister has not undertaken her responsibilities to the level the community expects. In doing so, throughout the course of the debate I will explain why I think that.

Before I go to those relevant issues in relation to each of the areas that I have highlighted, I want to just remind members about what is expected of ministers, governance issues and how the Victorian community expects to have confidence in a government and of course in the executive, that being the ministers. On the Victorian Parliament's own website, in describing the role of the Parliament and the executive of government, it says, and I quote:

Ministers are then allocated responsibility for specific areas of government administration, known as portfolios. Ministers oversee the administration of their departments and are accountable to Parliament for their departments' actions.

On the Victorian Public Sector Commission website it states:

Good governance provides the foundation for high performance.

It strengthens community confidence in public entities and helps ensure their reputations are maintained and enhanced. It should enable public entities to perform efficiently and effectively and to respond strategically to changing demands.

...

Governance in the public sector is built on:

- constitutional, legal and government frameworks;
- government decision-making and reporting;
- authorisations and delegations in decision-making;
- accountability, transparency, integrity, stewardship, efficiency and leadership;
- values and codes of conduct;
- effective risk management;
- the integrity bodies — protecting public entities against crime and misconduct.

...

Governance gives practical meaning to public sector accountability obligations.

I think these principles that I have just read out in relation to why we are here and what we are doing on behalf of every single Victorian are absolutely critical to why I have moved this motion. Again, I believe that the Victorian community has lost confidence in the minister's ability to be able to handle the youth justice crisis that has engulfed this government, quite frankly, for the last two years. We are in the third year of this government's term, and yesterday we again saw examples of the government and the minister trying to, if I can be frank, spin her way out of a situation that we should never have been in — the inability for her to be up-front with the Victorian community about where the latest youth justice facility that is required is going to be built. The consultation process that she claims has been undertaken simply has not been, and that has been confirmed by what has happened — the public backlash from that community, who had no idea of the government's plans.

This goes to the heart of what this government, I think, is failing to do. It is failing on so many fronts to be transparent and up-front. We have seen that with the sky rail decision along the Pakenham rail line, and we have seen that with the metro tunnel in the Domain Road precinct, where people are going to have significant impacts on them without any consultation undertaken by this government.

Getting back to this motion, it is obvious that the community has got great concerns about the government's ability to manage crime. We have got a crime wave and significant issues around crime occurring right across Victoria — we know that from the stats and the data and the horrific events — but in recent weeks within youth justice we have seen some

extremely serious developments. Some extremely serious crimes have occurred across Victoria whereby the Victorian community's lives and safety have been put at risk. That situation, which I will come back to, should never have occurred.

If I can go to the points of my motion, looking at accepting responsibility for the ongoing crisis which has — —

**Mr Herbert** — You should accept it.

**Ms CROZIER** — Your minister should accept it, Mr Herbert. You are right in saying you should accept it, because that is the expectation of the Victorian public. They expect the minister — —

**Mr Herbert** — Then you should have done something when you were in government.

**Ms CROZIER** — I will go to the point of what the coalition government did, Mr Herbert. I will take that interjection up because it was in fact the Victorian coalition government that acted on the 2010 Ombudsman report that was commissioned under the former Labor government, which again demonstrated a litany of failures under your administration. So I will, as I said, take up your interjection by just explaining to members what actually occurred under the former coalition government.

The fact is that what the minister said, that fortification works were not undertaken, was completely untrue because of the increase in capacity in Malmsbury that was undertaken. As I said, that 2010 Ombudsman report highlighted many failures in the system, including the significant strain, low security and appalling conditions that the youth justice facilities were in and the fact that youth custodial offenders were left to their own devices. It is a fact that the coalition actually did improve the situation in the four years that we were in government by upgrading and renovating certain areas of the youth justice facilities, including by putting an education facility into Parkville. That was something that was — —

**Mr Herbert** interjected.

**Ms CROZIER** — You might nod your head, Mr Herbert — —

**Mr Herbert** — It did not work.

**Ms CROZIER** — There is room for rehabilitation and support by giving young offenders a chance, and you are denying what has actually happened. You cannot deny that the former coalition government did

nothing because there were no riots under the former coalition government. There was none of this mess, and there was none of this out-of-control situation where the staff members have been threatened with rape and have been assaulted day in and day out — —

**Mr Herbert** — Absolute rubbish.

**Ms CROZIER** — It is not rubbish, Mr Herbert! I can see that Mr Herbert is on the defensive here because he understands that there were no riots under the former coalition government. There was an investment and expansion of youth justice diversionary options, which helped reduce reoffending. There was a reduction in the number of young offenders aged 10 to 17 who came into contact with Victoria Police by up to 7 per cent during that time. There was a reduction in the average number of young people on community-based supervision orders. There was an investment in a range of drug and alcohol health and rehabilitative services for those offenders who were in youth justice facilities. There was significant infrastructure investment, as I said, including \$54.5 million for security. Again, Mr Herbert, there were no riots, and that investment of 45 beds at Malmsbury was just the start. You have done nothing. You have just overseen a system in crisis that has been trashed because your minister has actually lost control. So you cannot sit there and lecture me, because the facts and the data stand for themselves — —

**Mr Herbert** interjected.

**Ms CROZIER** — You can banter on, Mr Herbert, but you know that the community has lost confidence in your government and your minister to handle this very serious situation. I am going to go back to what has actually happened under your watch in the two years — well, we are in the third year of your government now — that you have been in government. Your minister has been an absolute failure. There have been more than 30 riots or serious incidents at youth justice facilities since October 2015. I am just going to go through them all for members' benefit so that we get an understanding of their severity.

On 31 October six inmates armed with cricket bats and tennis rackets climbed onto the roof of Parkville youth justice centre. Four workers were assaulted, one during an attempted stabbing. On 6 March Parkville youth justice centre was in lockdown after hammers, pitchforks and metal bars were stolen from a horticultural shed. On 7 March six teenage boys were involved in a 7-hour stand-off on the roof of the Parkville facility. They were armed with poles and some were involved in destructive and damaging

behaviour. Violent incidents at Parkville, it was revealed — —

**Mr Herbert** — It's fanciful!

**Ms Wooldridge** — Thirty riots!

**Ms CROZIER** — Thirty riots!

**Mr Herbert** — That's made up. You just made that up.

**Ms CROZIER** — It's not made up! Mr Herbert, this is — —

**The ACTING PRESIDENT (Mr Melhem)** — Order! Mr Herbert!

**Ms CROZIER** — Through you, Acting President, this is the problem with you and your government — —

**The ACTING PRESIDENT (Mr Melhem)** — Order! Ms Crozier, I did call for order!

**Mr Herbert** interjected.

**The ACTING PRESIDENT (Mr Melhem)** — Order! Mr Herbert! Ms Crozier to continue without interruption. Ms Crozier, can you please direct your comments through the Chair.

**Ms CROZIER** — As I was saying, there have been over 30 riots and serious incidents that we know about. On 23 March an employee at the Parkville youth justice centre was injured when he intervened to separate a physical altercation between detainees. One of the clients within the unit observed a client in the foyer through the aluminium door and began kicking the door. It was broken from its hinges, which then compromised the physical separation. The two gangs of clients interacted and several began fighting. Staff intervened, which led to the injury. It has since been revealed that findings were made against the Department of Health and Human Services because the Minister for Families and Children was unable to provide a safe workplace, and that is fact.

On 26 March a youth justice inmate was rushed to hospital after suffering a broken leg. On 6 May dozens of images were issued through media outlets that demonstrated the issues that were arising. The huge amount of damage demonstrated to the Victorian public for the first time the true extent of what was going on: extensive damage to the infrastructure, including large holes in the ceilings and walls; smashed doors and windows; destroyed office equipment; importantly and alarmingly, private information was accessed in a series

of these events; and even up to the latest escape from Malmsbury just a few weeks ago.

On 27 July there were probes into alleged abuses at the various detention centres. A young offender spent 10 days in solitary confinement. On 17 August there was another issue that caused lengthy lockdowns for youths at the Parkville youth justice centre. The issues just roll on and on at Parkville. On 8 September a shocking WorkSafe report revealed that staff at a Victorian youth prison were at risk of being killed by its violent inmates. Some of those workers were quoted, saying it was more dangerous there than at an adult jail. Female staff were regularly threatened with rape. Code blacks — or assaults — were at an alarming rate, and the staff felt that they did not have the capacity or ability to manage the situation. In fact it was reported that staff were frightened for their lives and they were also frightened that other young offenders who were not involved in the activity could be very badly hurt and assaulted due to the many issues that were going on.

On 10 September staff at Parkville youth justice centre reported gang activities occurring on the Friday night prior, with louts in balaclavas outside the Parkville centre letting off firecrackers and flares in support of those inside. A spokesman from the Department of Health and Human Services said that there were a number of young offenders involved in incidents and the unit was in lockdown.

On 11 September about 11 juvenile offenders, some believed to be members of the Apex gang, threatened three staff and took over the Melbourne Youth Justice Centre for 2 hours on the Saturday night. Staff were forced to barricade themselves in an office, where they placed furniture against the door to stop young inmates from breaking in. On 13 September — —

**Mr Herbert** interjected.

**Ms CROZIER** — You can prattle on over there. Just listen to me. On 13 September trouble erupted for the third successive night at a major youth detention centre, where more property was damaged by inmates — —

**Mr Herbert** interjected.

**Ms CROZIER** — These are the riots that occurred, Mr Herbert, under your watch. These are the riots that your minister — through you, Acting President — denied even happening. I am going to go on because I want to list these riots.

On 19 September dangerous teen thugs inside a notorious youth detention centre acted up after it

emerged an inmate had received preferential treatment in a bid to curb his violent behaviour.

We know that the rioters were bribed with pizzas and soft drinks to get off the roof. This does not go to the heart of what is required to rehabilitate or support these young offenders. You are just rewarding bad behaviour. The consequences are not being felt, and of course the ongoing issues just keep going. We know that more demands and more rewards have been undertaken, whether it has been icy poles, TV remote controls or any number of rewards that have been provided to try to placate some of these young offenders who have been causing serious damage while the minister has just sat on her hands and done nothing.

On 3 October 2016 a teenager had his skull cracked in an attack by a member of a rival gang inside a Melbourne youth detention centre. This 17-year-old was king hit by another teenager shortly before midday on that Monday. That was a very serious offence that at the time I asked questions about and that could have had catastrophic results for that young person. It is just disgraceful.

On 17 October 2016 four youths allegedly vandalised a Melbourne detention centre before climbing on its roof, engaging in a staff stand-off for the second time in as many months. It is understood the youths damaged one of the remand units, and again significant damage was caused to the ability of that actual centre to be functioning.

On 22 October 2016 the police were investigating the rampage at the central Victorian youth justice centre on that Saturday night, which took hours to come under control.

On 9 November 2016 again we saw an offender escape from Malmsbury. Somebody who had a broken leg and was on crutches or in a wheelchair could escape. He was known to be very violent. He was finally, after days on the run, caught in South Australia. That was a serious issue in itself.

On 13 November 2016 again a very serious riot occurred, and this was the one where the minister started to change her language and started to try to backtrack on a few things, but this was a significant riot that occurred that went into a number of days as we saw it unfold. That is when Victorians started to understand, because that issue — that riot and what occurred for many hours — started on Saturday night, calmed down, flared up again on Sunday and went right through to Monday. Everybody knew that a serious incident was unfolding, yet the minister — well, where was the

minister? She did not even come out and she did not even explain herself for many hours — not to mention the Premier, who was missing in action as usual.

These issues actually highlighted to the Victorian community the extent of what had been going on, and of course the media pictures that were soon to emerge were not from that actual riot in November, they were from months before in May. The extent of the riot that was shown through those media reports that were obtained through court proceedings, I understand, just demonstrated that you cannot put people into this facility when it is uninhabitable. Of course the situation just got worse from there. That riot caused the capacity to be severely diminished within our youth justice system when 60 beds were taken out, and then we had the inability of the minister to be able to bring it under control.

**Mr Herbert** interjected.

**Ms CROZIER** — I will go again to my list, which I am going to persevere with because it is important that members understand — not, as Mr Herbert said, that it has been made up; it is not being made up — that this is actually happening.

**Mr Herbert** interjected.

**Ms CROZIER** — An alternate universe? Do you really think so, Mr Herbert? That is the problem with your government. You just do not get how concerned the community is.

On 28 November 2016 a code aqua, which is a staff evacuation, was called at Malmsbury Youth Justice Centre, with two units reported damaged. Once again young offenders had accessed staff and client files. That is an ability — —

**Mr Herbert** interjected.

**Ms CROZIER** — I will come to that in my issue about the reporting, Mr Herbert. These offenders are accessing other offenders' details and making threats, and we saw what happened on 7 January, that horrific situation when that riot occurred, again in Parkville, where an offender's details were accessed, phone calls were made to that person's mother and — I am paraphrasing — she was told, 'You'd better come and get your dead son's body'. That is just an appalling situation, and that should never occur. That should never occur.

This litany of damage and destruction and of very serious incidents that have arisen throughout the youth justice system is not fanciful; it is actually factual.

Again we have seen the inability of the government, highlighted in the chamber today, to recognise the extent of this problem. That is why this motion is here, because the Victorian public has lost confidence in this government's ability to manage the situation.

On 12 January the police were called to Malmsbury after reports youths had locked themselves in a secure yard and were causing trouble, and a police spokesman said that some teens had armed themselves and that staff had retreated from the unit. We have had just an extensive litany. On 25 January, of course, we had 30 youths that were rampaging through Malmsbury, and 15 escaped from Malmsbury.

**Mr Herbert** interjected.

**Ms CROZIER** — What happened on 25 January — —

**Ms Wooldridge** interjected.

**Ms CROZIER** — He is just irrelevant.

**Mr Herbert** interjected.

**Ms CROZIER** — You are irrelevant.

**The ACTING PRESIDENT (Mr Melhem)** — Order! Mr Herbert, I see your name on the list; we can bring it up the chart if you want, but I think Ms Crozier should be able to continue her contribution without further interruptions.

**Ms CROZIER** — Thank you, Acting President. This is actually a serious issue. It is a serious motion, and I am just stunned that Mr Herbert and the government are taking it so lightly. That is the problem.

**Mr Herbert** interjected.

**Ms CROZIER** — That is the problem. You are ignoring what has actually gone on. I say again, 15 young offenders escaped from Malmsbury, got through a sally port door, which is a high security door — —

**Mr Herbert** interjected.

**Ms CROZIER** — You should know, you were the Minister for Corrections until your dogs got in the car. A sally port door was lifted, and they walked out and got swipe cards and personal details of staff members. They actually bashed a woman, bashed one of the staff members in one of the areas — a terrifying experience — —

*Honourable members interjecting.*

**Mrs Peulich** — On a point of order, Acting President, this is a serious motion, notwithstanding the fact that there may be different perspectives. The member opposite, Mr Herbert, is making it impossible for me to hear what our lead speaker is saying — and I am only within metres of her.

**The ACTING PRESIDENT (Mr Melhem)** — Order! I uphold the point of order. Ms Crozier should be able to continue without interruption. I know it is quite a serious motion and an emotional subject for both sides, so I ask that members be a bit more respectful and not make it too personal. Ms Crozier may continue.

**Ms CROZIER** — Thank you, Acting President. As I was saying, that escape from Malmsbury just highlighted again to the Victorian community the dire issues that were occurring within the youth justice facilities that I have mentioned.

I want to talk about the Grevillea unit in a moment, but in the case of the escape from Malmsbury, those young offenders were on the run for hours. It took 24 hours for the police to capture the last two escapees in Colac. During that time they carjacked and they were very violent towards women and young families, who had to witness those events. The rampage occurred across Victoria. There were break-ins, carjackings — which I have mentioned — and very violent behaviour. They travelled almost 1000 kilometres across the state in the 24 hours. They were speeding on highways, and I am just so thankful that nobody was killed in the terrifying car chases that ensued and the mayhem that occurred.

Just how significant that escape was has been exposed. It should never have happened, and that is the point. It should never have happened, but it did. It has resulted again in serious capacity issues — serious issues of staff capacity to be able to handle what has been going on. Staff have been dealing with these riots, assaults and serious incidents for many, many months, and quite frankly they are just burnt out. I know, because I have spoken to some of them, that many of them have feared for their own safety and lives on numerous occasions. I do not think that is good enough, and it is a terrible indictment of the serious situation.

It is not as if the escape from Malmsbury, the riot in November in Parkville or the riot in January just occurred. There have been warnings time and time again. In October we had a debate on my motion to give a reference to the Standing Committee on Legal and Social Issues to look into what was happening, which I moved because of all the issues that we were hearing about and that were being reported. I certainly

had information coming to me from a whole range of areas — emails, telephone calls to my office and anonymous communication that was being dropped off to my office. There were serious concerns by a lot of people who were just saying, ‘The government is just not listening. The minister is not listening. What is happening?’.

I go to my point: they were not listening. In the debate that occurred on 12 October the Minister for Families and Children said:

There were never riots.

I find that just astounding. She said, like Mr Herbert did:

You are just making things up ...

No, we have not been making things up. These issues have occurred. The riots occurred. The assaults occurred. The code black, code white and code aqua incidents have all occurred.

That has just diminished the capacity for the youth justice system to work. In fact the whole notion of youth justice is not working because there is such a breakdown of the youth justice system that the education, the rehab and the support have not been provided to young offenders in the facilities. There has not been the capacity to do what is required for many of those young offenders. Quite frankly there are some who want to be rehabilitated. They do want an improvement in their situation and they want to be able to contribute back to society, but with so many stresses and strains on the staff the ability has just not been there. That is just another indictment of the government’s inability to manage the situation. As I said, that whole notion of youth justice, which was once a leader in this state, is now gone. Even the minister’s own Commission for Children and Young People has commented on where youth justice is under this government.

I am not going to go on anymore about the riots and the issues, but it is very evident that there are well over 30 that we know about. There are many, many more that I have been made aware of that have not been reported. These are significant issues that have come to light, and I am very pleased that they have because they just demonstrate what has been going on.

The minister consistently has said that after the riot — not that she called them that; she said there were never riots; she called them incidents — of October 2015 Peter Muir, a former expert in youth justice, conducted a review and provided a report to the government. He

also conducted a review into and provided a report to the government on the March incident; and of course just days ago that report was leaked. It revealed there was chaos in the system. It beggars belief, if he was saying back in October 2015 that there was chaos in the system, that nothing was done and that the denials kept coming from the minister in this place and outside it. I quote from an article on this secret report — the one that this house actually asked to see but was denied because of privacy issues but was leaked to the media — which says:

The Andrews government was warned in an explosive secret report months before the latest riots in Victoria’s youth prisons that the system was spiralling out of control in ‘a continued and ongoing threat to the safety of staff and clients’.

This was a warning that was given a long, long time ago, and the minister has done nothing to act on it. In fact in October she again said there were no riots. It is in *Hansard*.

The article goes on to say that young inmates were able to get access to many weapons and describes lockdowns where young prisoners are locked in their cells for long periods due to endemic staffing problems. The 61-page report was ordered after those riots that I mentioned in March and obviously the one before that in October 2015. That report was given to the government in May. That was well before the November riots, the January riots and the escapes that occurred, and still the government and the minister said there were never any riots. She also said there were no gangs operating out of the youth justice facilities. She is either in denial about what has been going on, or she has just refused to accept the true consequences of her mismanagement.

Peter Muir was not the only consultant and his was not the only report that was undertaken. Former Chief Commissioner of Police Neil Comrie undertook a report after the November riots, and we have seen his recommendations in that report. It is no wonder that in that report it is stated that Parkville is uninhabitable. There were 60 beds taken out of the facility, and a number of units were totally trashed. There was severe damage, whether it was through water or through the damage and destruction that occurred when inmates got into the roofs and broke through the infrastructure.

In the minister’s own words, some of these violent young offenders are the worst of the worst and they needed to be transferred to Barwon — and I will come to that in a minute. They had to go; they had to be housed somewhere. But the minister’s inability to manage that process is just astounding as well. The

reports and the reviews, whether it be WorkSafe's, the Neil Comrie report or the Peter Muir report, that have occurred in youth justice over many months just demonstrate that the government did not know how to manage this. The minister did not have an ability to do so. She was totally out of her depth and was trying to spin her way out. But the simple facts are that an extraordinary litany of damage has occurred, and the inability of the government to respond has been evident in the ongoing chaos and the crisis that has arisen.

I also note that the report by Peter Muir notes that during 2014 and 2015 staff were forced to restrain youths 160 times over an 11-month period and staff were assaulted on 57 occasions. I am also aware from reports in the media that the minister had a secret meeting way back in December 2014 when she was actually told of some of the issues in the youth justice system. If she was told way back then, why did she not do anything? If she has had review after review and report after report following riot after riot and has done nothing, that is why this motion is in the house. It is because clearly the public has no confidence in her ability to understand the gravity of the situation and what has occurred.

**Mr Leane** interjected.

**Ms CROZIER** — Mr Leane, the community across Victoria has no confidence in your minister. There is clearly concern about what is going on, and the minister's inability to be accountable and responsible for this chaos and this crisis that she has presided over has cost the Victorian taxpayer tens of millions of dollars, although we do not know the true extent because she will not release those figures either.

If I could just go to my third point in relation to compliance with the Children, Youth and Families Act 2005 in relation to the transfer of young offenders from Parkville youth justice centre to Barwon Prison, this was, as I said, after an absolute debacle of a process that this minister presided over. It was demonstrated and played out in our court system in December, and it has been shown that she bungled that process too. She absolutely botched the process.

The reports at the time show there was a panic situation because the minister had severely mismanaged everything leading up to what occurred in Parkville in November and had ignored all those prior warnings. Anyone who was working in the system knew that it was very dire. There were serious concerns being raised all the time. But in the Supreme Court's findings after the court case was heard and the government was forced to defend its decision, Justice Garde concluded

in his findings that the government actually did operate illegally. I want to read out what Chief Justice Marilyn Warren said about those findings after the government lost the Supreme Court action and then went to the Court of Appeal, because it is very enlightening in terms of all of the issues that were highlighted throughout that process.

Obviously when the government realised that they had botched the process and legal action was taken the Supreme Court upheld those findings. It was absolutely damning and just demonstrated again the inability of this minister and her incompetence.

If I could just read from some of those proceedings from the Court of Appeal following the findings:

On 17 November 2016 three orders in council were made by the Governor in Council — the first, to excise the Grevillea unit from Barwon Prison, and the second and third to establish it as a remand centre and youth justice centre for use as emergency accommodation.

There is a lot of detail in the explanation of this, but what the Court of Appeal found was the full extent of the situation. We actually found out that there were a number of people who were transferred to Malmesbury, and six were transferred to the Mill Park police station holding cells; that the Youth Parole Board rejected the applications, declining to exercise its powers under section 467 of the act; and that there were 40 adult prisoners moved from the Grevillea unit to accommodate the Parkville young offenders to be moved there after they had trashed Parkville. Many of these findings explain what happened.

Of course the Victorian Aboriginal Legal Service undertook their proceedings. We saw three Indigenous offenders moved from Barwon, from Grevillea, back to Malmesbury. There was that situation. This was all unfolding and all being watched, in terms of the minister's inability to demonstrate any ministerial responsibility. She should have known this, she should have been in charge, she should have understood the act and she should have been able to comply with the act. Instead, all of these issues that are highlighted in these court proceedings just demonstrate where she has failed.

In its consideration the Court of Appeal made many points. I am just going to read from the announcement of the decision by Chief Justice Marilyn Warren. She said:

- (3) In their proposed grounds of appeal, the applicants challenge both His Honour's finding that the decisions were invalid and his declaration that the charter was breached.



She also said:

- (5) Having considered these arguments, and the authorities relied on, we have come to a unanimous conclusion that the applicants' challenge to the finding of invalidity should be dismissed. For reasons which will be published as soon as practicable, we have concluded that no error has been shown in His Honour's findings that the minister — and hence the Governor in Council acting on the minister's advice — failed to take into account relevant considerations bearing on the exercise of the power conferred by subsection 478(a) and (c). At the same time, we have concluded that His Honour erred in finding that the orders in council were made for an improper purpose.
- (6) Failure to take into account relevant considerations constitutes jurisdictional error and is sufficient, by itself, to support the judge's findings of invalidity.

As the Chief Justice demonstrates, the role of the Supreme Court is to ensure that the government operates according to law and that the powers conferred on ministers and public officials are exercised within the legal limits imposed on them by the Parliament. In this case the judge held that those legal limits were exceeded and hence the decisions had not been made according to law, so the Chief Justice concluded that His Honour was correct in the finding. The government again lost the appeal. They botched that process. The minister did not comply with the act; she did not comply with the law.

That final sentence announcing the decision made by Chief Justice Warren sums it up: the minister did not follow what was supposed to have been undertaken. That is damning in itself. It is an indictment of the minister's ability to operate under the Children, Youth and Families Act in relation to this very serious area. Again, it is an indictment of her to just refuse and not take any responsibility when it comes to those decisions, whether it be that one or whether it be her inability to respond to the warnings that have come out of the youth justice centres for many, many months. We have seen that, as I have said, through the numerous riots, the assaults, the incidents that have occurred, the very serious breakouts and the very serious risk to the life and safety of so many people, and I think that is unacceptable.

The fourth paragraph of my motion goes to providing accurate and timely information to this house and the Victorian public in relation to youth justice incidents. I want to just say that I have been calling on the minister to provide information, and that is why I moved my motion for a referral to the legal and social issues committee, because one of the issues is that we were not getting the full details and full accounts of what has actually been occurring. I have read out before to this

house the objectives of youth justice in Victoria. I will say it again. The objectives of the youth justice service are:

where appropriate support diversion of young people charged with an offence from the criminal justice system;

minimise the likelihood of reoffending and further progression into the criminal justice system through supervision that challenges offending behaviours and related attitudes and promotes prosocial behaviours;

work with other services to strengthen community-based options for young people enabling an integrated approach to the provision of support that extends beyond the court order;

engender public support and confidence in the youth justice service.

On that same website, under 'Youth justice custodial: quarterly incident reporting', it describes what a category 1 incident is:

Category 1 incidents are the most serious incidents and include incidents such as death of clients; allegations of physical or sexual assault; and serious client behavioural issues that impact on client or staff safety.

As members know, I have time and time again asked for what is going on. But when you see this data and when you see what is published by the government, you have to wonder what it is that is being told or what the government is not providing. Yes, the minister will say that this is the first time that this data has been published. Well, quite frankly, it is no good being published when it is totally inaccurate. I say it is inaccurate, because with all of the incidents, with all of the riots that have occurred and given what I have just highlighted and actually explained as to what categorises a category 1 incident, we know that with so many issues going on in youth justice that these category 1 incidents are not being reported properly.

On the government's own website from the first quarter of 2016–17, from July to September, there were 12 assaults, two behavioural issues and three other incident types. A total of 17 incidents. With all of those riots and assaults that I described, with the issue that occurred in Parkville with all of those people, with the numbers that were transferred out of Parkville, with those that were involved in the riots, with those that were involved in accessing other offenders' details and with the offenders who threatened staff, each and every one of those, you would have thought, would have had an incident report against them — a category 1 incident report against them.

Sorry, that was the second quarter, from September to December, that I was referring to in relation to the Parkville riots. The second quarter saw 16 assaults and

three behavioural problems and, with other incident types, a total of 24 incidents. So that refers to the Parkville riots. I inadvertently referred to the Parkville riots in relation to the first-quarter data.

There were assaults and riots that occurred in that first quarter, and of course it beggars belief that with all of those incidents that occurred between September and December those figures can actually be accurate. We know that they get released, and they were released on 21 January. Actually they were released 10 days before they were due to be, which was curious in itself, but nevertheless they were released. But I have to question the validity of that reporting regime and those incidents, because they just do not reflect what we know. The facts are out there in the public domain. Look, with everything going on this cannot possibly be true, because how can you justify 16 assaults, three behavioural problems and five other incident reports between September and December with all of those other issues that have arisen? It just does not stack up.

Again, when you ask for the data in this place the minister provides a banal answer and just gives nothing away. Instead it is just a typical response of blaming the former government, of saying the government is being transparent for the first time and of providing information. That is what this part of the motion goes to, because when you are seeking answers, when you are trying to figure out what is going on and when you are learning from reports and from people directly who are concerned about the situation that has arisen, you want to understand. That is what we have got a duty to do here — to hold the government to account in relation to these issues.

I will just read out a question on notice that I asked of the minister in relation to youth justice:

what was the total cost of damages at the Parkville Youth Justice Precinct due to riots or youth clients' destructive behaviour between 1 January — 30 September 2016; and

what was the total cost of damages at the Malmsbury Youth Justice Precinct due to riots or youth clients' destructive behaviour between 1 January — 30 September 2016.

The reply I got from the minister was:

I refer the member to the answer I gave to her question without notice on 23 November 2016.

That was the answer she gave to me on 23 November to my question, which was about the damage bill to the Parkville youth justice centre from the riots of 12 to 14 November, when it was stated by the government or by the minister that it was less than \$500 000.

Well, the minister's answer was:

... the preliminary estimate of the costs of repair as a result of the incident last weekend is in the vicinity of half a million dollars to \$1 million.

Well, we know that is not accurate; we know that is not true, and that just demonstrates what I am talking about. The reporting and the ability to provide information by giving a response as she has by just flicking it off demonstrates that she is not willing to provide accurate information in relation to what has actually occurred and that she is not willing to be up-front about issues that have arisen. She keeps talking about and blaming a lack of fortification, staff cuts or ice — everything but herself — and that is the issue with this minister: she will not take responsibility. She refuses to be accountable for her ministerial portfolio responsibilities.

She has had to go and get staff from interstate. She is advertising for youth justice workers with 'Casual positions available; no qualifications are required'. I have just highlighted to the chamber the very dangerous situations that are occurring within our youth justice facilities because this minister has lost control. How do you think you can put inexperienced young people or anybody — not just young people — into these situations, where there are complex behavioural issues and individuals who are very, very violent? How irresponsible. It just demonstrates that the minister has got no capacity to address those staffing issues, with many staff on extended stress or sick leave because of the ongoing very difficult circumstances that they have had to put up with for months and months and months.

As I have already highlighted, there are the constant threats and assaults and the inability for staff to be able to do their job, and they have expressed their concerns. They have expressed their concerns to the union and tried to express their concerns to the government and, quite frankly, both the union and the government have sat on their hands and done nothing. I think it is an indictment of the minister's refusal to accept what has actually happened. Her going to other states and asking for experienced staff is an admission that she requires staff, because they are leaving in droves or they are on sick or stress leave because of the circumstances that they have been put in. The government's own admission that they have failed in so many respects in this area is being played out on a daily basis.

The last point in my motion is about the minister coming out to try and make announcements about a new youth justice facility. It is clear to all and sundry that when you have trashed a facility, something has got to happen, and it should never have got to that. The

escape from Malmsbury should never have happened. That destruction that occurred across Victoria — that damage and mayhem that occurred after those 15 escaped from Malmsbury just two weeks ago — should never have happened. Parkville being trashed, as it was, should never have happened. This is not just about fortification; it is about attitude and the government's ability to manage this.

The minister has failed dismally. She refuses to take responsibility for anything, whether it is the botched process of legal proceedings to transfer offenders from Parkville to the Grevillea unit at Barwon Prison, her inability to provide accurate and important relevant information to this house and into the public domain or her inability to act on those numerous reports and reviews that were conducted 16, 17 or 18 months ago. This just demonstrates that she has done very little to curb what has gone on. She will defend herself and say that previous governments did nothing.

The Ombudsman's report of 2014 actually commended the former government for the work they did. There is no point trying to blame others when the fault clearly lies with this government. In 2014 the Victorian Ombudsman said of the Victorian coalition's improvements:

The response of the department and the impact this has had on youth justice services for children has been both effective and commendable.

Under this government's watch, under this minister, we have had a litany of very, very serious and dangerous behaviours and incidents that have put the lives and safety of too many Victorians at risk. For that alone, this minister should do the right thing and resign. That is why I have moved this motion — because she refuses to budge. It is a disgrace. For too many Victorians the tens of millions of dollars of cost to the taxpayer and the lives and safety that have been put at risk because of her inaction are a disgrace. Her refusal to provide accurate information demonstrates what she is trying to hide. Well, she cannot hide. She cannot hide from the facts. The facts are there. The riots have occurred under her watch. They did not occur under previous governments. The whole system is in a mess. It is a debacle of her own making, and she should do the right thing and just resign.

**Mr JENNINGS** (Special Minister of State) — Perhaps unsurprisingly I will be speaking against the motion and I will be voting against the motion, and I implore other members of the chamber to reject this motion. It is fundamentally because of the reasons that I will outline in detail, including the actions that have been taken by my ministerial colleague the Minister for

Families and Children and her unswerving determination to address both her statutory obligations and the demands that are required of her to keep those young people that she is charged with rehabilitating in a secure and safe fashion. She is as passionate, as determined and as focused a minister as I have ever experienced in my public life.

I am very mindful of the notion of what personal and ministerial responsibility is about. For illustrative purposes, I want to give an indication of what I understand personal responsibility is about in relation to the benchmark that I would apply to myself and the benchmark that I would apply to my ministerial colleagues in relation to whether they accept responsibility for their office and their obligations to the people of Victoria.

I will give an example that may be understood by members of the community. People may have seen the film *Gone Baby Gone*, which is about a child who disappears from the care of a very disruptive household and from a mother who was having a great deal of difficulty providing security and a viable life for her young child. It is the story of the private investigator who finds the child. It is a very intriguing story that deals with the complexities of child protection issues and the way in which safety can be provided to children each and every day.

At the end of this film, after its very complex set of issues have been outlined, the concluding scene is the private investigator taking personal responsibility for the ongoing care of the child. I am sorry that in terms of the film I should have given a spoiler alert. Many members of the community may have seen that film and they may understand what personal responsibility is about.

Can I say, in terms of my understanding of it, as an example — this is actually something in nearly 20 years in this place that I have never referred to — on my first day as a social worker student working at the Aboriginal health service in Fitzroy I was sent to St Vincent's Hospital to take into care an Aboriginal child who was perhaps three years old at the time and who was being subject to the scrutiny of the child protection system. My brief, as a social worker student working at the Aboriginal health service, was to do my best to ensure that that child stayed in the care of its mother and within the family structure. I understood what personal responsibility was, because for the next three years I picked up that child every morning and took it to child care and provided for its wellbeing during the course of the week. That was the responsibility I had taken on on behalf of the

organisation that I worked for and its expectation of protecting the interests of Aboriginal children staying in the care of their mother, where the child's mother may not have been at the time able to provide for the total care of that child each and every day. I took that as a huge burden of responsibility. I will never forget that. It may be the last time that I will ever refer to that in a public setting, but that is my understanding about what responsibility is about.

I see in my ministerial colleague, Minister Mikakos, the same determination to take responsibility for her obligations under the act, her obligations to Victorian children and young people, to hold them in good care, to be mindful of their family restoration and of their ability, regardless of their criminal behaviour, to find a viable and productive engagement with the Victorian community and to live successful lives within the Victorian community. That is something that I know my ministerial colleague is determined to do.

Beyond that I can actually outline how I know it in terms of the actions she has undertaken since she has been the responsible minister in this important portfolio. I also want to place on the public record in relation to this debate that many of the issues, if not the majority of the issues, that Ms Crozier has identified as being the root cause of her concern in terms of the security and safety of young offenders who are in custodial care through the youth justice system are not disputed. The facts are not disputed in many of these instances. The commentary may be disputed. The way in which the story is told, the convenient memory lapse of the opposition in relation to the history of youth justice in Victoria and the opportunistic gotcha moments — —

**Ms Crozier** interjected.

**Mr JENNINGS** — Well, Ms Crozier, I just think that within a few minutes I will be able to indicate to you quite clearly on the public record that there were a whole series of incidents under the coalition government, and in fact these incidents did occur. I am trying to be generous to indicate to you that the government does recognise the severity of the incidents that have occurred in youth justice and we are taking action to remedy them. They are not in dispute. They are not being denied. They are being acted on. Investigations have been instigated by my ministerial colleague. Actions have already started being implemented through the recommendations that have come through those investigations. The investments that have been made by this government are a clear indication not only of the acceptance of responsibility but that actions have been taken in accordance with that

concern and the advice that has actually been received by government.

On this point I would like to continue to make a bit of a contrast of what happened under the coalition government and the rose-coloured glasses view that was the subject of Ms Crozier's contribution, but which is actually riddled with contributions that have actually taken place in this place now and in the media over the last two years. It is actually quite galling and indeed an additional reason why I think, perhaps, if Ms Crozier is calling for us all to have a mature, considered debate about these matters and to act on the basis of information that is available to us and assess the effectiveness of our actions, then maybe she should rise up to that expectation herself, because in fact I am mindful, and it can be easily demonstrated, that during the course of the previous administration jobs were cut from the youth justice system and jobs were cut from the then Department of Human Services. In youth justice about 20 jobs were taken out specifically within that program area, with about 600 jobs being removed through the Department of Human Services at that time — 600. So in fact whilst that occurred under the coalition's watch, our government has increased the number of positions by more than 100 to monitor young offenders both in the community as well as in custodial situations. We have specifically invested in an additional 41 positions to improve custodial staffing arrangements. We have invested in 50 new staff to deliver youth control order and intensive bail supervision programs. We have invested in 11 clinicians to provide specialist mental health services to address complex behaviours. We are providing better staff training.

We actually understand that under the previous administration the standards that Ms Crozier criticised the current government for in terms of what are the standards of recruitment and employment practices were actually introduced by her former ministerial colleague Ms Wooldridge. On Ms Wooldridge's watch there was a totally inappropriate reliance on casual and agency staff. In fact it is this government that recognises that there need to be permanent staff arrangements. Under the previous administration there was an extraordinary rate of absenteeism and WorkCover claims. The daily average use of casual staff has now been reduced under this government across those secure services. In relation to staffing, the rhetoric of the opposition would be that the staffing situations would have been fine on their watch — there was no problem there; there were no pressures in terms of the workforce — but that does not actually bear fruit in relation to not only the staffing profile but also, as I will draw attention to soon, the fact that there were

severe WorkCover claims being made in terms of the attacks and pressures that staff were under under the previous administration that this government is now trying very determinedly to turn around.

We also inherited a situation in terms of the youth justice system. In retrospect, if we have a look at the disappointment of the 2010 election outcome in relation to investment in this area, we can see that the Ombudsman provided a very significant report in 2010 in the days leading up to the 2010 election recommending major reform in relation to the Parkville precinct. In the four years of the previous administration not a jot was spent within Parkville, nor was it acknowledged as a significant issue.

It is hypocritical of not only the opposition but also other recent commentators to suggest that the current government under its watch has been asleep at the wheel. Unfortunately in relation to the secure youth justice facilities there were four lost years. Indeed the investment that was made by the previous administration by way of a significant reinvestment in the Malmsbury facility has been demonstrated by the recent breakouts at Malmsbury to have been totally inadequate expenditure.

The previous administration decided to build a so-called secure facility, but the breakouts in January clearly demonstrated it was not secure. The fabric of that reinvestment in those so-called secure facilities was insufficient to maintain the ability to lock down and contain those offenders. They adopted methods that clearly enabled them to break out of those secure units in a facility that has no outer perimeter. In fact the term 'secure' has been fundamentally proven through the actions of some young people to be a misnomer because it is not a secure facility.

The pretence maintained by the previous government that they made wise infrastructure investments in secure facilities for young people has been shown to be what it is — a pretence. In fact it was poor decision-making in relation to the only investment strategy that they had during the course of their term in office. This government unfortunately has been playing catch-up in terms of the deterioration and poor quality of the fabric of Parkville, which was built in the 1990s to a residential standard rather than as a secure facility, and the unwise infrastructure decision made by the coalition government during its 2010 to 2014 term.

This government understands the importance of increasing data and transparency. What an irony that the fourth part of this motion talks about a lack of information. It is quite extraordinary that this is the

government that has legislated to strengthen the oversight and powers of the commissioner for children and young people. We have legislated to ensure that the commissioner for children and young people receives all serious incident reports. We publish incident reports quarterly, as compared to the previous administration, which on its watch only published incident data annually alongside the annual report and introduced during the course of its term new secrecy provisions in the act. It is quite a hypocrisy that this has now been laid at the feet of this government.

In relation to diversion and community programs, this is the government that has invested in statewide diversion programs — \$5.6 million in the 2016–17 budget. We have established more early intervention and diversion programs, including Aboriginal youth support services in two areas of Victoria. In both the first two budgets of the Andrews government we funded additional bail supervision workers.

In terms of providing protections to our staff and in terms of what decisions may be made in relation to the appropriate release or ongoing containment of young people who have acted to hurt staff within the youth justice system, there is now the obligation for any serious incident to be reported to the Youth Parole Board to determine the eligibility for parole. New legislation will be introduced to increase the consequences of assaulting youth justice custodial staff, which has been previously announced by my colleagues, who include, clearly, the Minister for Families and Children.

If you have a look under the rubric of the criticism that the government has not taken responsibility or taken action — ignoring perhaps the last 5 minutes of my contribution, where I have outlined our investment in people and our investment in law reform in relation to accountability and in fact to greater certainty in our community — in December 2016 my ministerial colleague the Minister for Families and Children, in the company of the Premier, the Attorney-General and the Minister for Police, announced a range of law reform and other program measures to respond to recommendations that had come out of a Victoria Police youth summit late last year and the requests that are coming from Victoria Police for greater monitoring and control of young offenders. Those reforms included increasing the maximum period of detention that can be imposed by the Children's Court on young offenders from three years to four years and creating a new offence for adults who lure young people to commit crimes for them. The offence of procuring young people to commit offences will carry a maximum

penalty of 10 years in prison regardless of the crime committed by the youth.

The reforms will establish a new youth control order to give the Children's Court the power to issue a more intensive and targeted supervision sentence for young offenders. These youth control orders can restrict where a young person can visit and who they can associate with and can include curfews and require the young person to comply with an education, training or employment plan. Non-compliance will result in courts being able to place the young offender in custody.

The reforms will set up an intensive monitoring and control bail supervision scheme based on the successful model from the United Kingdom, which will mean young people have to report more regularly to the department and to Victoria Police and comply with education, training or work requirements. If they fail to meet these requirements, they risk having their bail revoked.

The reforms will hold young people more accountable for their actions while in detention by ensuring 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. They require the Youth Parole Board to notify Victoria Police when specific youth offenders, such as violent and repeat offenders, are released on parole.

The reforms will give clearer guidance to the Children's Court when dealing with offenders. They will require magistrates in the Children's Court to give particular consideration to community safety when sentencing young people who have committed serious violent crimes and have previous convictions for similar offences. They will introduce laws to clarify the criteria which allows for Children's Court matters to be heard in the Supreme or County courts. This will provide greater guidance about when serious cases should be elevated to a higher court.

I want to take those announcements that were made in December 2016 as, I think by any measure, a significant demonstration of the reform agenda and actions taken by this government to address the serious matters that have been of concern to the community and have been raised in this chamber. They are very responsive to the need to provide ongoing safety for the young people in question, the workers in youth justice facilities and ultimately the community and the need to provide the Victorian community with greater confidence about the appropriate scrutiny, guidance, sentencing arrangements and opportunities for

programs to be undertaken within the rubric of the Children, Youth and Families Act 2005 to provide for the appropriate development of young people who are in custody.

Indeed this is a very difficult balancing act for the government to acquit its obligations to make sure that our community is safe and to provide for the philosophical and programmatic responsibilities that are contained within the Children, Youth and Families Act in terms of the development of young people in this state. Our system, as in fact Ms Crozier indicated in terms of the structure of the act, has served this community well for many years. It continues on a philosophical basis to serve the community well. Its challenge has been in the last few years to deal with the occurrence of violent, serious offending by young people that had not been a feature of our community on a recurring basis until recently.

Again, we need to keep this in proportion. If Victoria Police were here today and we put them on oath and asked them what they believed were the dimensions of the number of young people who create a serious risk not only, and more importantly, to themselves but to the broader community, they would indicate that that number is in the hundreds; it is not in the thousands, it is not in the tens of thousands or the hundreds of thousands, it is in the hundreds of young people. That is not to demean the significance of this issue, but that is the order of magnitude in terms of the population of young serious offenders.

We need to be most mindful of the risk that they create for community safety and the totally unacceptable behaviour that is evident in the community but that has been replicated and in fact in some instances elevated within the youth justice system, which means that there has been additional rigour brought to bear in relation to providing safety within facilities for workers and for young people in custodial arrangements, because in fact under the existing regime, with the existing methods of restraint, enforcement and skills and training provided to staff in relation to being able to de-escalate issues within those youth justice facilities, it is very evident that some young people, despite what is perhaps romantically seen as their tender age, exhibit very dangerous behaviours.

This is not to ignore that the individuals themselves may have serious mental health issues. It is not to say that they may not have even been subjected to major traumatic events in their lives which may need serious therapeutic interventions and support to overcome — it is not to deny that for a second — but in fact what is evident is the volatility of their behaviour. It is quite

often associated with ice addiction and the consequences of coming off ice. It is sometimes exacerbated by being able to procure ice while in custodial arrangements, making them a monumental risk to other people within that facility, whether they be clients, whether they be those in custodial arrangements or whether they be those who work within those facilities. And that is untenable.

That has actually led to a number of reforms that have been announced by the government as recently as this week which will provide for greater certainty in terms of correctional staff being responsible for the security arrangements within youth justice facilities now and into the future. The government has also made the decision to invest in a new high-security youth justice centre as part of reforms that have been announced by my ministerial colleagues this week. This will see the moving of 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. It will also see Corrections Victoria assuming responsibility for maintaining the safety and security of the youth justice facilities.

The particular focus should be on the building of a \$288 million fit-for-purpose high-security youth justice centre that the government intends to build in Werribee South, which will include 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 a further expansion within the 31-hectare government-owned site.

This government actually realises that on the basis of advice that we have received from former police commissioner Neil Comrie, who has finished his review of the Parkville precinct, it would be unwise to retrofit the Parkville site for a variety of reasons, including that it would take seven years to complete whilst having to remain in operation. So the quickest way in which a secure facility can be created is by going to a greenfield site, in this case Werribee, proceeding with the business case, engaging in some degree of community consultation about the design and the way in which services may be provided there — and community confidence can be elevated in terms of the proximity of the facility — and then to get on and build it at the earliest opportunity.

This is not cutting across the ongoing work that has been commissioned by my colleague the Minister for Families and Children into the youth justice system by Penny Armytage and Professor James Ogloff, who are

well recognised in terms of public administration and expertise in youth justice areas, on the adequacy of the current operating models in the existing youth justice programs. The minister will be guided by the work practices and the way in which we design programs and support young people into the future on the basis of that best advice, which is work that will be completed soon.

So if you outline a personal connection to responsibility, an understanding of ministerial responsibility and an obligation to make sure that you provide for not only your statutory obligations but in fact the safety and security of not only people within youth justice facilities but the community more broadly, you have a minister who has actually demonstrated through her actions, through her temperament and through her commitment to her work that she has assumed a heightened degree of responsibility, so any suggestion that she is shirking any measure of personal, professional or political responsibility just does not pass the test of scrutiny of her actions. On that basis I am totally of the belief that the first provision in Ms Crozier's motion is debunked and through the actions of my ministerial colleague it warrants the motion being defeated.

I draw attention to the second paragraph of the motion, which talks about the minister's failure:

... to act on the numerous reports and reviews commissioned by her into the youth justice system.

I have already outlined in my comments on the first paragraph of the motion that the minister has responded to the reviews that have been undertaken by former police commissioner Neil Comrie, acting on the advice of Penny Armytage and James Ogloff. She has acted on recommendations that have been made evident by the Ombudsman, and she will be taking advice about the best way in which the future development of the youth justice facility will be undertaken.

Certainly the minister has been mindful of the public's assessment about the viability of the previous administration and lessons that need to be learned in relation to staffing issues — in relation to the number of staff, the quality of staff and the support provided to staff. I just want to give a couple of examples in relation to this very convenient aspect of the motion that Ms Crozier believes that the previous administration were in the best of times. That is not in fact what the evidence suggests.

As I have already indicated in my previous contribution today, on the cusp of the 2010 election the then Ombudsman issued a report to say that the Parkville youth justice facility should be redeveloped. In the

course of the 2010 election the then Leader of the Opposition, Ted Baillieu, said:

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

It did not quite happen within the four years of the coalition's administration. Admittedly, Ted Baillieu did not stay Premier for four years. Maybe he would have been able to maintain his commitment to that issue if he had stayed in office, but that was not the case.

In retrospect, the former deputy ombudsman, John Taylor, acknowledged just in the last week that the fallout from Parkville not having been redeveloped is very evident. This government is not denying that it is very evident; in fact we recognise it is very evident, and we are taking some action that certainly did not take place during the course of the last administration.

It is also very convenient to say that the current abnormalities in the system, the dangers that are in the system and the frailties of the system that we are now being criticised for not having acted upon are just a new arrival, but in fact I have before me an article that appeared in the *Age* in December 2013, headed 'Ombudsman: children "bored" with youth justice transferred to adult prison system'. In that article by Nino Bucci the following extracts can be found:

Children were placed in adult prisons 24 times in the past six years, on some occasions after they had assaulted staff or other detainees because they were 'bored' of the youth justice system and wanted to be transferred. Fifteen of these children were transferred from the youth justice system.

Ombudsman George Brouwer investigated children in custody after receiving a report in October 2012 about a 16-year-old Aboriginal boy who was transferred from the Parkville Youth Justice Precinct to Port Phillip Prison and held in solitary confinement for several months.

Mr Brouwer reported that transferring youths into adult prisons after they had been violent to achieve that outcome could encourage further attacks on staff and other detainees.

The article goes on to say:

The group demanded to be transferred to an adult prison during the 3-hour standoff. The staff member who was cut required stitches, another was hospitalised and a third required medical treatment.

Three of the children then spent between 84 and 99 days in Port Phillip Prison, where they were in solitary confinement for 23 hours a day and spent the other hour on their own in an exercise yard while handcuffed.

...

The report also found:

an increase in children involved in gang-related activity —

That is not necessarily a surprise. It goes on to say:

ice is causing more problems than any other illicit substance —

Again, that is perhaps not a surprise. It then says the Ombudsman:

... recommended that Minister for Community Services Mary Wooldridge consider removing the option to transfer children to the adult prison system once additional accommodation becomes available at the Malmsbury Youth Justice Centre in 2015 ...

That did not happen. That is my commentary; it is not in the article.

The article continues:

Michelle McDonnell, from the Federation of Community Legal Centres' Smart Justice campaign, said the report had 'shone a powerful light on a situation that is fundamentally unacceptable'.

I remind the house that that appeared under the watch of Mary Wooldridge on 12 December 2013.

Four months later there was an article headed 'Human services youth justice staff bashed and claim compensation' by Farrah Tomazin in the *Age* of 30 March 2014. In part that article outlines that:

Youth justice staff are increasingly being bashed and threatened by violent young offenders, contributing to soaring compensation payouts across the Department of Human Services.

...

Based on a snapshot from December last year, about 18 out of every 100 workers in the division is either on, or seeking, compensation for stress or injury, costing an average of \$44 231 per claim ... but insiders say staff shortages, high turnovers and more young people entering detention while 'coming down' from drugs such as ice is making the workplace increasingly volatile.

...

Another veteran said he spent eight years at Parkville but was hospitalised after being repeatedly kicked and punched by a violent 14-year-old while on duty with a female employee, on a day when his unit was split up because of staff shortages. 'After that I thought, "My life is more important than this job", so I took early retirement', the 64-year-old said.

I remind the house that that article appeared on 30 March 2014. What did then Minister Wooldridge do in relation to those very significant issues? Nothing. No additional staff. The additional staff only came when



this government was elected. Nothing — no additional staff. At the time casual staff were a feature of the day. There were no new permanent recruits being put in. There was no additional staff support. WorkCover claims, as indicated by this article, were through the roof.

**Ms Crozier** interjected.

**Mr JENNINGS** — If you did not walk away, Ms Crozier, when I started speaking for the first 20 minutes of my contribution, you would — —

**Ms Crozier** interjected.

**Mr JENNINGS** — I do not think so.

**Mr Ondarchie** interjected.

**Mr JENNINGS** — No, Mr Ondarchie, you were not here either. The first 20 minutes of my contribution was all about responsibility and action — all about it. Read the *Hansard*, study the *Hansard*, study the facts. It is all good and well to come here in an opportunistic way, to deny the past, to deny the lack of investment, to deny the undermining of staff resources and to deny the fact that the only investment made in a secure facility under your watch was the secure facility that people in this January walked out of — so deny that.

This aspect of the motion deals with whether my ministerial colleague has taken advice and acted on it. The only minister who has taken advice and acted on it is my ministerial colleague, because in fact when Neil Comrie issued a report to the government on the basis of the adequacy of the Parkville infrastructure — infrastructure that had been completely unimproved and left in that situation under the watch of the previous administration — this minister is the minister who announced the \$288 million.

**Ms Mikakos** — Yes.

**Mr JENNINGS** — A \$288 million investment with 224 beds, which includes important mental health capacity and other specialised support services available within that facility. It is this minister who has taken action where the previous minister did not. In fact the previous minister allowed the deterioration on her watch, and I think it is so — —

*Honourable members interjecting.*

**Mr JENNINGS** — Again, maybe rather than trying to spin the story for mere political convenience let us take the totality of responsibility, and it is this: the issue in relation to paragraph 3 of the motion, which deals

with whether the minister has complied with the Children, Youth and Families Act in relation to the transfer of young offenders from Parkville to Barwon Prison, despite the way in which — —

*Honourable members interjecting.*

**Mr JENNINGS** — Administratively it proved a very complex issue to make sure that it was implemented correctly, but that issue has been implemented correctly, it complies with the act and it has allowed for the facility to be used in a way that satisfies the obligations of the Children, Youth and Families Act in relation to important services being provided at the Grevillea unit at Barwon. Young people at Grevillea have access to the same number of hours of education as provided at other youth justice facilities. The education program for term 1 this year includes the Victorian certificate of applied learning in literacy and numeracy, personal development and work-related skills along with vocational education and training using music, community services and the visual arts. It provides for culturally appropriate programs and support workers for young people from culturally diverse backgrounds, including Maori and Pacific Islander young people, that are available on site.

Young offenders are completely separate from any adult prisoners at all points in time. We should be particularly mindful of that. Let us have no confusion about that issue. At no point in time was a young person placed in a custodial arrangement in situ with an adult prisoner.

In relation to transferring decisions, young offenders are currently situated at Grevillea unit because transfer decisions have been made which take into account an assessment of the risk they pose to themselves, to other offenders and to staff and the overall safety and security of the facilities. Decisions to transfer young people between youth justice facilities are overseen by the client movement panel and are based upon an assessment of suitability and security. Transfer decisions take into account the current mix of available facilities and a current assessment of the best possible management of the particular young person, including the detainees' individual needs, behaviour and circumstances and how they interact with other young people.

As you can tell from the way I have just outlined those obligations under the Children, Youth and Families Act, the obligation of this minister of this government to provide for that transfer was an onerous responsibility. It is an onerous responsibility. It has been acquitted to the satisfaction of the court, which has

been satisfied in relation to providing individual supervision and individual arrangements in accordance with the act. It was not a simple matter, but this minister acquitted that responsibility and has provided for greater safety in the way in which those young people are currently housed.

**Business interrupted pursuant to sessional orders.**

## QUESTIONS WITHOUT NOTICE

### Energy supply

**Mr PURCELL** (Western Victoria) — My question is to the Special Minister of State, Mr Jennings, representing the Minister for Energy, Environment and Climate Change. The government must be congratulated on saving Alcoa and thousands of jobs in Portland and western Victoria. However, with next month's closure of the Hazelwood power station and with Alcoa's power deal only being for four years, my question is: does the government have a plan for additional base load power in Victoria?

**Mr JENNINGS** (Special Minister of State) — I thank Mr Purcell for his question and his ongoing support not only for his electorate but for the viable businesses within it and the ongoing social and economic wellbeing of his constituents. He is quite right to say that the result in terms of the significant support that has been provided by the state government and indeed in some degree support from the federal government, which is a red-letter day — —

**An honourable member** interjected.

**Mr JENNINGS** — Yes, any support coming to Victoria from the federal government inevitably is minor, but let us just leave that aside. Significant support has actually led to the protection of workers at Alcoa, in Portland and more generally across the member's electorate, because not only do we understand that in fact somewhere of the order of 650 Alcoa workers have been supported but also, when you think about the indirect jobs, there are probably three times that many indirect workers who rely on the economic activity from the smelter's ongoing provision within the Portland community.

On the very complex arrangements that have seen energy supply to Alcoa over many, many years, Mr Purcell and many other members of the community would be mindful that this has been subject to ongoing support by the Victorian government over that period of time under quite a complex arrangement between the energy providers and the state of Victoria and taxpayers

in paying for that subsidy. The current arrangement allows not for the continuation of that support but in a very significant financial way for the ongoing viability of Alcoa.

In terms of the energy supply — and I know Mr Purcell has been on the front foot in wanting to make sure that within Victoria's current supply capacity in fact Alcoa does not get short-changed — a lot of action has been undertaken by this government, and again purportedly even by the federal government, in trying to make sure that the ongoing energy supply contracts are affordable and sustainable.

Victoria has at the moment an oversupply of electricity and in the foreseeable future will continue to have such. That does not mean that we are complacent, but for the foreseeable future Victoria will be a net exporter of energy. At the moment one of the things that I think we have to provide for is a high degree of confidence in your community, Mr Purcell, that in fact there is not going to be an energy shortage. In fact the areas of major divergence between the state government of Victoria, the opposition and the federal government are the scaremongering and the apprehension raised about whether there is energy supply certainty in Victoria.

We are confident that we can provide for energy supply. We will not be complacent. We will drive investment in renewable energy and other viable energy sources. We will definitely do that. We will definitely not be complacent for one second in relation to ongoing confidence in supply. We do not want the hysterical attitude of the coalition to actually undermine community confidence, so we will be working very assiduously to provide your community with that confidence.

### *Supplementary question*

**Mr PURCELL** (Western Victoria) — I thank the minister for his reply. There is certainly a concern in my community about the future availability of base load power, and I do understand the work the government is doing in regard to renewables. In addition the government seems to have taken off the table any likelihood of a new coal-fired plant or even a nuclear-powered supply, so that effectively means that gas will be the only option. Therefore my supplementary question is: will the government in any future plans for base load power in Victoria include a gas-fired power station at Portland to secure Alcoa's future and support the development of industry in western Victoria?

**Mr JENNINGS** (Special Minister of State) — I just want to provide Mr Purcell with one of the reasons why I have confidence in relation to the energy supply — number one — apart from the reasons that I have already outlined in my substantive answer. We have in the pipeline an additional 5400 megawatts of new generational capacity coming through our incentives for the Victorian renewable energy target, which will provide for about 11 000 construction jobs in its own right. In terms of the coincidence between the number of construction jobs and the amount of energy that will be generated, 5400 megawatts is quite a significant new addition to our capacity. It will be a great stimulus to the economy of south-western Victoria, which in fact will be the beneficiary of most of those new jobs, because as the member knows, his community is where they are evident. We will not rule out anything. It is a matter of how proactive we need to be to facilitate any ongoing support.

**An honourable member** interjected.

**Mr JENNINGS** — No, not nuclear power. Mr Purcell knows we are not keen on nuclear power. In fact it is against the law in Victoria. But, apart from nuclear, we are not ruling anything out.

**Questions interrupted.**

### DISTINGUISHED VISITORS

**The PRESIDENT** — Order! I introduce to the house the Speaker of the ACT Legislative Assembly, Joy Burch, who is with us today in the public gallery. She is accompanied by — shadowed by — her Clerk, Tom Duncan, from the ACT Assembly. We welcome you, Speaker, to our Parliament.

### QUESTIONS WITHOUT NOTICE

**Questions resumed.**

#### Timber industry

**Mr YOUNG** (Northern Victoria) — My question today is for the Minister for Agriculture. You have previously indicated that there are now over 400 locations where Leadbeater's possum sightings have occurred, which have resulted in hundreds of coupes and thousands of hectares being locked out of supply for the timber industry. Minister, have you looked at options to address this issue, including a reduction in the buffer zone area around Leadbeater's possum sightings and what impact that may have on the number of coupes currently unavailable for timber supply?

**Ms PULFORD** (Minister for Agriculture) — I thank Mr Young for his question and his ongoing interest in the timber industry. As I indicated in question time yesterday, there is a review underway. The review was proposed initially at the time that the special protection zone regime was put into place, and the government expect to have the findings of that review by April, at which point we will obviously consider whatever it is that the review has to tell us.

On the broader question around the sustainability of the forestry industry and the protection of high-value environmental areas, including of course the habitat of the Leadbeater's possum, as everyone in this chamber is well aware the industry task force has been working on those matters for the last 18 months and now has provided a report to government. Government is now considering these matters. We are acutely aware of the pressures that are occurring, particularly in Heyfield at the moment as a result of that, and we will be working through those in a careful and considered way over coming weeks.

#### *Supplementary question*

**Mr YOUNG** (Northern Victoria) — I thank the minister for her answer. Given that this is a longstanding issue and one that is easily projected by VicForests as far as how much timber we can harvest over a large period of time — trees are around for a long time; it is not like a harvest of grain where we do not know from one year to the next — and we have been watching this accumulate over a period of time, why has it taken the government this long to establish a review process to look at the locked up coupes due to Leadbeater's possum sightings?

**Ms PULFORD** (Minister for Agriculture) — I thank Mr Young for his question. The review was scheduled. The government has been supporting the task force in its work over 18 months or so now, as all members are well aware. I am not sure that I would agree with Mr Young's assessment that this is an easy issue to manage. These are really challenging interests in an area of policy that has experienced conflict as far back as anyone can recall. Our challenge here is to manage this in a way that provides a secure future for the timber industry going forward but also to acquit properly our obligations to protect our environmental assets.

These are issues that the government is working carefully through at the moment, and we thank the members of the task force for their work on this to date. I can certainly assure Mr Young and all members of the

house that we are absolutely aware of these pressures and these issues.

### Portland aluminium smelter

**Mr BARBER** (Northern Metropolitan) — My question is for the Special Minister of State, Mr Jennings, representing the Premier, and is in relation to a press release the Premier put out headed ‘Landmark agreement secures Alcoa jobs’. In relation to the \$200 million-odd that is to be paid to Alcoa over four years, is this money to come from consolidated revenue or the transmission easement tax — that is, the electricity tax that has been credited in the past — and is the money to be paid to Alcoa as a grant or as an electricity subsidy?

**Mr JENNINGS** (Special Minister of State) — I thank Mr Barber for actually trying to find some fine lines in my answer to Mr Purcell. I imagine he might have been wanting to ask me this question anyway, even if Mr Purcell had not provided him with the entree. The importance to the Victorian economy of the ongoing jobs directly at Alcoa and its contribution to Portland and to south-west Victoria generally should not be underestimated. As I indicated in my answer to Mr Purcell, the arrangement that has actually underpinned Alcoa’s ongoing viability has been a subsidy that has been provided in terms of electricity prices that has been offset by the transmission easement levy, as Mr Barber has just referred to, over a long period of time. The terms of that undertaking expired during the course of the last calendar year.

The current allocation to Alcoa, the new allocation in the press release, is not necessarily directly hypothecated from that source and it is not to be seen as a continuation of the energy subsidy. It is for investment in terms of a process and production activity within Alcoa to provide for it to deal, within its business model and its operations, with the cost pressures of either retooling or other innovation that may be required to maintain as much as possible a competitive industrial setting within Alcoa. But it is not a continuation of the subsidy.

#### *Supplementary question*

**Mr BARBER** (Northern Metropolitan) — Prime Minister Turnbull, in announcing his contribution, actually detailed what it was that the money was for. Minister, your government did not do that, so perhaps you could provide some more detail generally as to how those arrangements will work. If it is not to be an electricity tax, can you nevertheless tell the house what impact on wholesale prices more generally the

government has assessed will result? There has been some extensive discussion about the impact of the closure of Hazelwood on wholesale prices. Does the government have any modelling that tells us what impact the continuation of the Alcoa operation will have on wholesale prices?

**Mr JENNINGS** (Special Minister of State) — Mr Barber and I engaged in modelling in relation to wholesale prices of energy for some time last night. It is a pity that members of the chamber probably were not here for the hour or so that we actually talked through this issue.

**Mr Leane** — I am not too sure about that.

**Mr JENNINGS** — You are not too sure about this? But it was an issue that we actually explored at great length, and Mr Barber was interested in the variation between what the estimation of the Essential Services Commission may be and the best government advice might be in relation to pressures on the wholesale energy price. Of those factors I think the ongoing nature of Alcoa’s activity was not a variable that ultimately was assessed through that because the decision as to whether Alcoa proceeded or not had not been factored in at the time that that work had been undertaken. Going back 12 hours or so, wholesale assessment has been determined by those factors we discussed last night.

**The PRESIDENT** — Order! Minister, when you are answering questions there are two things that are important. One of them is to direct your response through the Chair.

**Mr Jennings** — I apologise, President.

**The PRESIDENT** — Order! More importantly, perhaps, because I accept your general courtesy to the house, the microphone was behind you when you were speaking and that can make it difficult to pick up those pearls of wisdom.

### Drug harm reduction

**Ms HARTLAND** (Western Metropolitan) — My question is for Minister Tierney on behalf of Minister Neville, on the issue of the Victoria Police drug seizure database. Last month three people died and more than 20 were hospitalised after taking party drugs around Chapel Street. These people thought they were consuming MDMA, but tests have now revealed their drugs contained particularly harmful substances which people were not aware of. A leaked Victoria Police memo shows that police had seized these drugs, tested them and discovered the lethal combination. But

instead of warning the public, the information was kept secret, with an instruction for it not to be released to the public. Can the minister explain why potentially life-saving information in the Victoria Police drug seizure database is not being made available to the public? Will the minister commit to creating an early warning system on party drugs that are found to be potentially dangerous and life threatening?

**Ms TIERNEY** (Minister for Training and Skills) — Ms Hartland, I thank you for that question. You raise an issue which is very prevalent in our society and indeed has got contemporary currency, can I say. I do believe that the Minister for Police will be able to provide you with a fulsome answer to your substantive question, so I take the question on notice.

### Community correction orders

**Mr O'DONOHUE** (Eastern Victoria) — My question is for the Minister for Corrections. Minister, according to the Auditor-General the number of high-risk criminals on the streets on a community correction order has gone from 128 in 2014 to a shocking 3180 in 2016 following your failure to address the Court of Appeal Bolton decision, while at the same time staff are overworked, with up to 60 criminals to manage, and risk assessments are not being completed on time. Minister, following too many shocking crimes, what guarantee can you give the Victorian community that they are not at risk with these thousands of extra criminals walking the streets and potentially recommitting violent offences?

**Ms TIERNEY** (Minister for Corrections) — I thank the member for his question. Yes, the fact of the matter is that there was an Auditor-General's report that was tabled earlier today. Of that report, there were 12 recommendations that pertained to corrections, 11 of which the Labor government has already put into implementation. The member would also be aware that the report also acknowledged the significant reforms made by this government, which Corrections Victoria is currently delivering, including the shift to the new Community Correctional Services (CCS) operating model, which I announced earlier this year.

The Labor government has invested over the last two years in a whole range of aspects that deal with this matter. We have employed an extra 160 staff to supervise and monitor offenders, we have strengthened the case management system of high-risk offenders, we have also improved the offender rehabilitation targeting programs to reduce reoffending and we have created a dedicated court assessment and prosecutions court. These are the facts that you continue to deny. These are

the very actions that you when you were in government should have been implemented. You failed to do so, and this government has actually implemented 11 of those recommendations.

### Supplementary question

**Mr O'DONOHUE** (Eastern Victoria) — I ask by way of supplementary: Minister, you have told this Parliament previously that prison does not have the intended effect of deterring crime. Minister, you clearly think it is better for criminals to be on the streets rather than in prison. Minister, are you going to allow these violent criminals to continue to roam the streets and the number of high-risk offenders on a community correction order to increase or are you going to reduce this number to 2014 levels and back the safety of Victorians?

**Ms TIERNEY** (Minister for Corrections) — Clearly from this government's actions that we have undertaken in terms of the announcement we made in January this year, as well as further budget reform and program reform, we are committed to making sure that our community is safe. The fact of the matter, Mr O'Donohue, is that it is this government, not the one that you headed up as the minister, that is actually implementing a system and making sure that our CCS system is a robust system that is dealing with the actual issues that are confronting our community. Indeed we are absolutely committed to reducing recidivism in this state — another objective that you, as the former minister, failed to undertake in any form when you were minister.

### Gatwick Hotel

**Ms FITZHERBERT** (Southern Metropolitan) — My question is also to the Minister for Corrections. Minister, drug dealing, firearm offences, arson, aggravated burglary, assault, rape and murder all occur at the Gatwick Hotel in St Kilda, and this has had a huge toll on nearby residents and businesses. How many people under community correction orders are currently housed at the Gatwick?

**Ms TIERNEY** (Minister for Corrections) — I thank the member for her question. Obviously I do not have that level of detail in front of me, but I am prepared to provide it if it is possible to provide it.

### Supplementary question

**Ms FITZHERBERT** (Southern Metropolitan) — Thank you, Minister; I look forward to seeing your answer on that shortly. My supplementary is: how

many prisoners on parole are currently residing at the Gatwick?

**Ms Tierney** — On a point of order, President, I have difficulty as to whether that is apposite, so I look to you in relation to that. I am just wondering whether it is apposite to the substantive question.

**The PRESIDENT** — Order! Well, it involves the same institution, the same prison setting and a category of people who might well be detained in that facility. So from that point of view I believe it is apposite.

**Mr Jennings** — This is going to be ruled out as a point of order, President, but just to assist you in your guidance, the Gatwick is a rooming house, it is not an institution and it is not a facility run by the Minister for Corrections, and if that was actually your impression, then I need to correct that impression.

**The PRESIDENT** — Order! I actually accept the point of clarification from the Leader of the Government. However, I hasten to add that the minister actually was prepared to answer the first question and take it on notice, and I think in that context the second one is also ruled in.

**Ms TIERNEY** (Minister for Corrections) — Like with the substantive answer, I will take that question on notice. But can I also say that I will seek advice in terms of any privacy issues that might surround identifying parole numbers to location.

### Treasury Corporation of Victoria

**Ms CROZIER** (Southern Metropolitan) — I have a question to the Leader of the Government. Minister, according to the government's own appointment and remuneration guidelines:

It is preferable that appointees reside in Victoria, so that they act in the best interests of the state ... Circumstances that require the appointment of someone who resides in another state should be explained in the relevant cabinet submission or ministerial brief.

Given the Andrews government has appointed someone who resides in New York to be the Treasury Corporation of Victoria (TCV) deputy chair, I ask: how many flights has Ms Kelly taken to attend TCV meetings and events and what is the total cost to the taxpayer of all those flights, accommodation and other travel expenses?

**Mr JENNINGS** (Special Minister of State) — I thank Ms Crozier for her question. She is quite right. There is the clear intention as much as possible for those who are employed in the service of the people of

Victoria to live in Victoria, but that is not an exclusive arrangement, because in fact there are many people who provide a service, particularly in relation to either their particular policy area or their knowledge in relation to matters that deal with the regulatory environment or the commercial interests of the state, and who may reside elsewhere.

In the last few days the Treasurer has clearly indicated his confidence in this appointment and in this arrangement, and I believe the Treasury Corp may have already provided some of the information that you may be seeking in a public setting. I have actually seen some public commentary on it, and somehow that public commentary may have been derived from information that they secured from somewhere. That information, because it is not my responsibility, is not available to me immediately, but I will see what degree of accommodation and assistance I can provide you with. But certainly my colleague the Treasurer in a very determined way will actually say that the Treasury Corp, he is expecting, will operate in a highly sophisticated manner that requires good-quality advice.

**Ms Wooldridge** interjected.

**Mr JENNINGS** — Well, from my knowledge of this matter I understand that the appointment was made when the person in question was a resident of Victoria and they subsequently moved.

**Ms Wooldridge** — I am sure there are others in Victoria who could do it.

**Mr JENNINGS** — That is not an issue for me to contemplate in this regard. It is a matter of the confidence of Treasury Corp and of the confidence of the Treasurer to make that determination and to advise the cabinet if in fact there is any variation to that confidence. But in terms of the detailed information that you are seeking, I will seek what I can from the Treasurer. I of course, because of my brief, do not have that material with me.

### *Supplementary question*

**Ms CROZIER** (Southern Metropolitan) — I thank the minister for his undertaking in providing the house with that level of detail. Minister, my supplementary question is: why was Ms Cassandra Kelly not removed from her position as deputy chair of TCV when the government became aware of the cost of flying her business class from New York to attend meetings, or does the fact that Ms Kelly is a personal friend of the Treasurer and that her company has donated over \$20 000 to the Labor Party mean that the Victorian

government's own appointment and remuneration guidelines do not apply to her?

**Mr JENNINGS** (Special Minister of State) — All I can suggest in relation to the imputation of those matters is that I am not in a position to be able to prove or disprove either of those issues that you have linked.

**Ms Crozier** — It's a fact that she has donated over \$20 000.

**Mr JENNINGS** — Well, a minute ago you said you did not know any facts, and now you are actually saying you know a lot of facts. Do you know the facts or do you not know the facts? Are you seeking the facts or do you know the facts? Are you asserting the facts? Are you making it up? Did you go to a meeting where somebody said something and all of a sudden a thousand people believe it? What is the status of the facts? I will actually have to check the facts. I have got no understanding about what you assert and the imputation that you made, except that I refute that any determination would have been made on the basis of a friendship network or any personal benefit that may have been derived for the Labor Party or for any other reason apart from the competency of the appointment. And that would have been the determination of the Treasurer.

### Privacy and data protection

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — My question is to the Leader of the Government. On 16 December the commissioner for privacy and data protection issued a statement indicating that he was seeking information from the Premier about the Premier's proposal to audit, examine or interrogate the mobile devices of his cabinet colleagues. Has the government cooperated fully with the commissioner's request for information?

**Mr JENNINGS** (Special Minister of State) — I think that this is a very interesting question coming from Mr Rich-Phillips, who was probably the instigator of this inquiry and this consideration, because I understand that he may have actually referred his concern to the commissioner. In fact to this very day I am not quite sure whose privacy Mr Rich-Phillips was most concerned about. Which party was he acting on behalf of when he made that request of the commissioner?

So what provision or what interest was at the heart of this investigation in the first instance as a political intervention by Mr Rich-Phillips. Rather than adding to any political intrigue in relation to this matter — I have

not been a correspondent to the privacy commissioner on this matter; this has not been raised directly with me, either by the privacy commissioner or by the Premier, who I assume had received a request from the privacy commissioner in relation to information — I will take advice from either of those office-holders about the way in which the investigation may or may not have been assisted.

### *Supplementary question*

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — I thank the minister for his response, and I note that it was a less than unequivocal indication that the government was responsive to the privacy commissioner. I also note the minister indicated there was correspondence to the Premier. The minister is also of course the portfolio minister responsible for the privacy commissioner and the Privacy and Data Protection Act 2014. So in the absence of an unequivocal response to the primary question, can the minister now provide an assurance to the house that the Premier's proposed audit of his ministers' phones is entirely compliant with the requirements of the Privacy and Data Protection Act?

**Mr JENNINGS** (Special Minister of State) — I repeat: whose interests is Mr Rich-Phillips protecting? What interests? Is it a statutory interest?

**Mr Rich-Phillips** — The public interest.

**Mr JENNINGS** — The public interest in relation to the confidentiality of cabinet considerations or the behaviour of ministers? Is that what you are saying?

**Mr Rich-Phillips** — Are you upholding the legislation for which you are responsible?

**Mr JENNINGS** — Yes, and have you got any indication that it has been breached? Have you? I have not received any advice that it has been breached. Have you? Have you received any? I think we are in a situation where you may actually see some political intrigue — you may have contributed to political intrigue — but I have not received any advice from the commissioner or departmental advice that any breach has occurred. I may seek that advice, but I am not in receipt of any.

### Ombudsman jurisdiction

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — See no evil, hear no evil. My next question is also to the Leader of the Government, but on a different matter. The government spent 2016 in the Supreme Court and the Court of Appeal attempting to

block the Ombudsman from investigating Labor's staffing rorts. What has been the total cost to the government — the government agency side of this matter — of those two legal actions?

**Mr JENNINGS** (Special Minister of State) — I will take advice on that, President and Mr Rich-Phillips. I will take advice and provide that, because in fact the government does not shirk from being transparent in relation to this issue. But what I do refute — and what I have refuted from the very first time that this issue was discussed in this chamber — is the suggested reason why the government is concerned about the reference that has been made by this chamber.

This issue will be tested in the High Court. I will not necessarily try to fly in the face of that High Court determination, but I reiterate that the government has been consistently advised that the reference is outside the scope of the act. It is actually testing the veracity of the act, the way in which the act could or should be used into the future and whether there is any deficiency in the act that would warrant it being remedied in the future.

That is the reason why the state and I as the minister have an interest in assessing the legal status, interpretation and effect of an act. I am in receipt of consistent advice that in fact the reference is outside the scope of the act. In fact the government's interest has been to protect the nature of the statute and the way in which it is interpreted now and into the future.

*Supplementary question*

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — I thank the minister for his answer and his undertaking to provide details on the costs of the actions to date. But Minister, given the repudiation of the government's position in the Supreme Court and then in the Court of Appeal, how do you now justify the expenditure of further taxpayers money on the High Court appeal given you have been comprehensively repudiated in the two initial actions?

**Mr JENNINGS** (Special Minister of State) — Because the government does not accept that there has been a total repudiation of the government's position and it is going to be tested in the High Court.

**QUESTIONS ON NOTICE**

**Answers**

**Mr JENNINGS** (Special Minister of State) — I find this hard to believe, but a piece of information in front of me indicates that the government has furnished

answers to 1645 questions on notice: 7720, 7728–8100, 8101–518, 8525–921, 8925, 8926, 8963, 8964, 9410, 9411 and 9730–10 180.

**QUESTIONS WITHOUT NOTICE**

**Written responses**

**The PRESIDENT** — Order! In regard to today's questions, I refer for written response Ms Hartland's substantive question to Ms Tierney — that is two days; Ms Fitzherbert's substantive and supplementary questions to Ms Tierney — that is one day; Ms Crozier's substantive and supplementary questions to Mr Jennings — that is two days; Mr Rich-Phillips's first question, both the substantive and supplementary questions, to the minister — that is two days.

**Mr Jennings** interjected.

**The PRESIDENT** — Order! All right. One day, given that you are the minister, but I am mindful of the fact that other ministers were actually involved in that process as well, and therefore there may well need to be further reference. We will see. Certainly in regard to the final question from Mr Rich-Phillips it is two days on the substantive question.

I also indicate that I have reviewed a couple of answers that have come back to members. In respect of a question posed by Ms Springle to Minister Mikakos, I am of the view that her original question was not satisfactorily answered. That was in regard to whether or not the decision to administratively separate youth justice from child protection was made by Professor Ogloff and Ms Armytage. Whilst there is other information provided in that answer, that particular question was not addressed, and I would ask that it be reinstated.

In regard to a question by Mr Bourman, who is not here this week, I notice he asked a question about how many seven-shot Adlers were registered in Victoria. Again, whilst there is a response that has provided some information to Mr Bourman, I do not believe that that specific question has been answered. Therefore I would seek the reinstatement of that question.

**Mr O'Donohue** — President, I have two points of order. The first point of order refers to the answers from the minister in relation to my question without notice today. I submit to you, President, that she failed to respond to both the substantive and the supplementary and to address the actual questions raised. Therefore I seek that a written response be provided on both.



**The PRESIDENT** — Order! I have reviewed that question. I have actually asked for a copy of that, I have had a look at it and I cannot concur. I think that in many ways you were seeking opinion rather than a factual position on both of those questions, and I believe that the extent to which the minister responded was adequate in this circumstance.

**Mr O'Donohue** — On a second point of order, President, I have about 1000 questions on notice here where the minister has replied by asserting I am fishing and referring to a ruling from you on 10 December, when I am actually seeking important, detailed information. For example, question 8184:

How many prison officers were injured but not by a prisoner or a prison incident at Karreenga annexe each month between April 2015 and June 2015.

I think that is a legitimate and important question and a matter of public importance. I think it is disappointing the minister has not answered these important questions, and I ask that they be reinstated.

**The PRESIDENT** — Order! I am not in a position to do that at this point because I have not seen them. As I understand it, these have just been provided today. There is an established procedure for this where you would write to me and seek such a reinstatement based on your concerns about the suitability of those answers. I will make a judgement accordingly when I see both the question and the answer. I am not going to make a reactive decision here in the chamber without having seen them.

**Mr Ondarchie** — On a point of order, President, I draw your attention to your ruling yesterday when I requested the reinstatement of a question that was asked on the last sitting day of 2016 and that had a one-day response time. You reinstated that question yesterday, I am assuming with the same response time. Question time has come and gone now since your ruling, and I still have not had a response from Minister Dalidakis.

**The PRESIDENT** — Order! Mr Dalidakis, are you able to provide any explanation to the house?

**Mr Dalidakis** — We spoke with the table office, and they advised us it was two days.

**The PRESIDENT** — Order! In the circumstances, I take it from Mr Dalidakis's explanation that he is prepared to provide a suitable response, so in a spirit of compromise I expect it tomorrow.

**Mr Finn** — On a point of order, President, I asked for a response from the Minister for Families and Children to be reinstated. It was a supplementary

question that I asked yesterday concerning the consultation that was undertaken by the minister, who the consultation was taken with and on what dates. The response in no way shape or form comes anywhere near answering that question at all. There is not even an attempt to answer that question, so I ask that that be reinstated.

**The PRESIDENT** — Order! I will just read through this and consider it, because I want to be able to understand what I am ruling on with this one. In the meantime we will go to constituency questions, and I will rule on this before lunch.

## CONSTITUENCY QUESTIONS

### Eastern Metropolitan Region

**Ms WOOLDRIDGE** (Eastern Metropolitan) — My question is to the Minister for Roads and Road Safety and relates to the RACV Redspot survey's results and the fifth most congested spot, which is Fitzsimons Lane between Main Road, Eltham, and Porter Street in Templestowe. I ask the minister: will the government now implement the Liberals' plan of converting the bus lanes into transit lanes to ease traffic congestion?

More than two years ago this plan was put forward as a way to immediately alleviate some of the congestion Eltham residents face each and every day. It would have allowed buses, taxis, motorcycles and vehicles with more than one passenger to use the little-used bus lanes that lie empty as cars crawl past. Yet up until now this government has been silent and inactive. Now, with congestion becoming even worse, the government has finally been forced to act, undertaking traffic surveys and modelling. Eltham residents want to see some action on improving their traffic problems now, and the Liberals' idea would help substantially. I therefore ask the minister to seriously consider that option and implement it as a significant part of the solution to the massive traffic congestion on Fitzsimons Lane.

### Western Metropolitan Region

**Ms HARTLAND** (Western Metropolitan) — My question is to the planning minister. Over the past week I have had a number of Wyndham residents seeking information in regard to the possible building of a youth justice centre in Werribee. They have come to me because of the complete lack of reliable information and the fact that there has been no consultation. Two of the basic questions they want clarified are whether the site is in the green wedge or the urban growth area and who currently owns the land.

### Western Metropolitan Region

**Mr MELHEM** (Western Metropolitan) — My constituency question is for the Minister for Industry and Employment, the Honourable Wade Noonan. It relates to the Jobs Victoria Employment Network. The Jobs Victoria Employment Network links employers through employment experts to single parents, family violence victims, young people in out-of-home care, retrenched workers and other disadvantaged groups. My question to the minister is: how will the introduction of the Jobs Victoria Employment Network positively impact on employment for my constituents in Melbourne's west?

### Northern Victoria Region

**Mr YOUNG** (Northern Victoria) — My question today is for the Minister for Agriculture. Last Thursday, 2 February, marked World Wetlands Day. I took the opportunity to visit some wetlands in Northern Victoria Region, including the Winton Wetlands, which at the moment is holding enough water to be quite vibrant in some areas. The rehabilitation of the wetlands is a project we can all get behind, but unfortunately local hunters are still let down by the government's refusal to act on their concerns. Minister, since the Sustainable Hunting Action Plan was released we have heard much talk about the opportunities for hunting in this state, so I ask: what has the minister done to bring back hunting to the Winton Wetlands?

### Southern Metropolitan Region

**Mr DAVIS** (Southern Metropolitan) — My constituency question today relates to the Minister for Planning, and it concerns the Melbourne Metro project and the GC45 planning amendment, which he gazetted on 5 January. That amendment provides exemptions for preparatory or preliminary works, particularly along St Kilda Road, which Ms Fitzherbert has been seeking to protect along with many community groups and people who understand its heritage significance. There is a real risk that massive damage will occur. What I seek from the minister today is that he release all advice and assessments of the impact of these preliminary and preparatory works on which he relied to exempt these preliminary and preparatory works from the full environment effects statement requirements. Will he release those and make them public so that the community can judge his steps on these important projects? It is a huge risk to our heritage, and it is very important that that heritage be protected and that we see those assessments and advice.

### Western Victoria Region

**Mr PURCELL** (Western Victoria) — My constituency question is for the Minister for Roads and Road Safety. When the budget was released in May 2016 we were delighted that it included some work on a pedestrian crossing outside the primary school in Koroit. This actually came about from one of the students who was concerned about the safety of his fellow students. He started a petition, and that got enough legs for the crossing to be included in the budget. The budget has since then been allocated, the community has been consulted and planning has been completed, yet the upgraded pedestrian crossing and the flashing lights are not in place. I therefore ask the minister: when will the upgrade of the Koroit primary school lights be completed?

### South Eastern Metropolitan Region

**Mrs PEULICH** (South Eastern Metropolitan) — Regrettably South Eastern Metropolitan Region seems to be all too often connected to crime and a very serious breakdown of law and order and community safety either because it is a site of crime or because crimes are committed by people who have links to the south-east or are residents of the south-east. Following the extraordinary recent breakout from Malmsbury my electorate saw an attempted armed robbery in Berwick, an assault and theft in Bonbeach, two robberies in Noble Park, a hit-and-run in the crime epicentre, Mulgrave, and an armed robbery in Hallam, all allegedly committed by the escapees of that particular institution.

The question I have for the Minister for Police is: what action is the minister taking to address the extremely serious law and order issues that are being experienced across the south-east, which are the cause of fear, loss of life and physical, psychological and financial injury? Clearly there is a very serious problem and there needs to be a multilevel response to what is a situation that is absolutely out of control.

**The PRESIDENT** — Order! I will let that question stand at this time, but can I just indicate that there is a bit of a drift in constituency questions to run across very broad subject matter and matter that really is not specifically related to the constituency but other areas of government policy. We had an example yesterday on homeschooling that has been raised with me. The context in which it was raised suggested that it was really more about the statewide issue than a specific inquiry regarding the electorate. Whilst I appreciate the points that Mrs Peulich has made in respect of the south-eastern metropolitan area, we need to make sure

that we keep fairly tight in terms of the requests in constituency questions.

### Northern Victoria Region

**Ms LOVELL** (Northern Victoria) — My question is to the Minister for Public Transport, and it is regarding maintenance on the VicTrack culverts between Numurkah and Wunghnu. Last year on behalf of a group of concerned constituents I wrote to the minister regarding maintenance on those culverts. In response the minister advised me that the track between Numurkah and Wunghnu was on the maintenance schedule, and the culverts were to be inspected and any required maintenance carried out by the end of 2016. On 27 January I received follow-up information from my constituents advising that to date there is no evidence of maintenance having been undertaken and that there is extensive cumbungi growth on the west side of the Goulburn Valley Highway, extending into private property which is adjacent to the highway. The constituents provided me with evidentiary photos, which I will provide to the minister on duty.

My question is: can the minister please provide me with the reason that these works were not done by the end of 2016 as she had advised they would be, and can she update me on the progress of these works, including providing a start date?

### Western Metropolitan Region

**Mr FINN** (Western Metropolitan) — My constituency question is to the Minister for Roads and Road Safety. Minister, current plans for the removal of the Buckley Street level crossing in Essendon would lead to traffic chaos in surrounding streets, in particular the education precinct, which would be restricted to just one entry via Park Street in Moonee Ponds. The bedlam that would follow the implementation of this plan has concerned the Moonee Valley council so much that it is preparing a campaign to change the government's mind on its proposed course of action.

I ask the minister: has VicRoads prepared any contingency plans for the traffic debacle in the event of the crossing removal plan going ahead in its current form?

### Western Victoria Region

**Mr RAMSAY** (Western Victoria) — My constituency question is to the Minister for Training and Skills, the Honourable Gail Tierney. The question I ask is: has the much-heralded announcement last year by former minister Steve Herbert that he had

successfully sold the Glenormiston Agricultural College to the Volume Group, led by Dean Montgomery, and arranged for an operator, Acknowledge Education, in conjunction with South West TAFE, to provide training delivery in agriculture, manufacturing, horticulture, land management, business, tourism and transport logistics fallen through?

The terms of the sale were that the Volume Group, through Dean Montgomery, would purchase the property and lease it back to the operator, Acknowledge Education, who in turn would contract South West TAFE to provide course delivery. It is my understanding that South West TAFE has walked away from the deal because of funding cuts by the Andrews government to its training programs. The question I now ask is: has this arranged deal, the sale of the college, fallen through, and if so, what other options are there for the campus?

## QUESTIONS WITHOUT NOTICE

### Written responses

**The PRESIDENT** — Order! I have had an opportunity to check on the question put by Mr Finn and the response he was given by Ms Mikakos in respect of a question lodged yesterday. It is my view that implicit in the answer provided by the minister is a response to Mr Finn. In other words, the response that has been given is all about future consultation. There is not any reference to earlier consultation, and I think Mr Finn might make of that what he wishes. I believe the question has been answered.

**Mr Finn** — On a point of order, President, on another matter, I received a response to a constituency question from another minister. I will not name her just at this moment. The reply begins with a maybe not deliberate, but certainly a clear untruth in that the minister says the former Liberal government broke their promise to build a rail link to Melbourne Airport. I am just wondering what the protocols, the rules, are for ministers providing answers which are clearly false in the circumstance of a constituency question.

**The PRESIDENT** — Order! They actually were not elected to government, so it is pretty hard to build it from opposition. At any rate, Mr Finn, I have no power to audit or seek a reinstatement of constituency questions. What I would suggest is that if you take issue with the response, then it might be resolved by way of a motion or such like. Perhaps there is a possibility of some working that would allow it as an adjournment item or a 90-second statement. Those are the

mechanisms that you should consider. I have no particular power in this regard.

**Ms Lovell** — On a further point of order, President, answers to constituency questions actually form part of *Hansard*. Therefore what is the ruling on the matters held within them and misleading the house? Maybe it is a point of clarification.

**The PRESIDENT** — Order! As I said, I have got no power to reinstate or to vary any of those answers that are provided. The constituency questions are not part of the standing orders regime that affords any power to the President to make a comment.

**Ms Lovell** — But it is in *Hansard*.

**The PRESIDENT** — Order! Believe me, there are many statements made in this place about which if we really wanted to take issue with what is a fact and what is an alternative fact, we could. I suggest that what I have said to Mr Finn is the remedy process that is available at this point in time.

We are right on the time when we usually break for lunch, but I understand that Mr Jennings's contribution to the debate before the house can be concluded in 3 minutes. On that basis I will allow Mr Jennings to conclude his contribution before we suspend for lunch.

## MINISTER FOR FAMILIES AND CHILDREN

### Debate resumed.

**Mr JENNINGS** (Special Minister of State) — I thank the house for its courtesy in enabling me to conclude my argument in defence of my ministerial colleague Minister Mikakos, the Minister for Families and Children. Because of her absolute determination to acquit her responsibilities and through her actions she has demonstrated that not only does she reflect on the current difficulties in relation to the administration of youth justice but also that she has a plan and an intention to improve those circumstances and acquit her responsibilities.

What I can outline to the chamber is that she has done this in a number of ways already through her actions and responses to reviews that she has instigated and through actions that have already been announced by the government that will be acquitted.

Just in conclusion, I indicate what those reforms may be. While the previous administration had actually cut 20 employees out of youth justice and cut 600 employees out of the Department of Human

Services, under this government my ministerial colleague has increased the number of youth justice positions by 20 and she has added an additional 100 positions to deal with the support of youth justice clients and those in custodial care both in community settings as well as in custody. She has invested in 41 additional positions to improve custodial staffing arrangements, she has invested in 50 new staff to deliver youth control order intensive bail supervision and she has supported and is investing in 10 clinicians to provide specialist mental health services to address complex behaviours.

We have instigated a program of better support and training for staff. During 2015–16 the indicators of staff turnover, absenteeism, WorkCover claims and the daily average of use of casual staff were all down compared to during the previous government's administration. In response to recommendations made by Neil Comrie in relation to the quality of the Parkville youth justice precinct the government has announced in recent days that it will develop a new \$288 million facility in Werribee that will see 224 beds being established to support youth justice custodial arrangements in the future. It will include specialised mental health services and other specific services.

In terms of accountability to the Parliament and to the people of Victoria, the government has legislated for additional oversight powers for the commissioner for children and young people. We have ensured that the commissioner receives all serious incident reports and that incident data is published quarterly. My ministerial colleague has established an increased range of diversion and community programs, including more early intervention programs supporting Aboriginal youth support services across two areas in Victoria.

In December the government announced a range of new initiatives that will be introduced this year to establish better confidence in the Victorian community about the way young people will be managed through custodial arrangements under the supervision of courts. We have established a new youth control order. We have set up an intensive monitoring and control bail supervision scheme. We have extended the existing youth justice bail supervision scheme across the entire state. We will require magistrates in the Children's Court to give particular consideration to community safety when sentencing young people who have committed serious violent crimes and have previous convictions for similar offences.

This government understands its obligations to young people. It understands its obligations by statute and by program to make sure that we create a greater degree of

confidence in the youth justice system and a greater sense of community safety. It is something that we are absolutely determined to achieve. My ministerial colleague is determined to achieve that, and I wholeheartedly support her efforts in that endeavour. I will vote against this motion because I and other members in this chamber should have confidence in the minister.

**Debate adjourned for Ms SPRINGLE (South Eastern Metropolitan) on motion of Ms Dunn.**

**Debate adjourned until later this day.**

**Sitting suspended 1.06 p.m. until 2.11 p.m.**

## STANDING COMMITTEE ON THE ECONOMY AND INFRASTRUCTURE

### Reference

**Ms DUNN** (Eastern Metropolitan) — I move:

That, pursuant to sessional order 6, this house requires the economy and infrastructure committee to inquire into, consider and report, no later than 14 December 2017, on —

- (1) the potential benefits of widespread uptake of electric vehicles in Victoria to the environment, including greenhouse gas emissions, air quality, noise and amenity, whereby electric vehicles are defined as vehicles that both:
  - (a) use one or more electric motors as their sole means of propulsion; and
  - (b) require recharge from an off-board electricity source;
- (2) the regulatory, infrastructure, economic, employment and incentive options for supporting the uptake of privately owned electric vehicles;
- (3) the applicability of electric vehicles in public transport bus fleets and public sector fleets;
- (4) options for supporting the manufacture and assembly of electric vehicles in Victoria, including transition of workers and suppliers affected by the closure of vehicle manufacturing in Victoria; and
- (5) the applicability of electric vehicles to the car share providers market.

The Victorian Greens are proud to submit this motion today. Electric propulsion is arguably the greatest innovation in automobiles since the mass manufacture of the model-T Ford, and now is the time to explore how the state government should be shepherding a transition of Victoria's vehicle fleet from fossil fuels to electricity.

There have been major issues with the dependence on internal combustion engines for powering vehicles. The damage done to human health, the environment and the amenity of our cities by internal combustion engines in automobiles has been enormous. Internal combustion engines are noisy. Our streets and highways create noise corridors that bisect communities. This noise can continue for 24 hours a day due to freight movements. They cause air pollution. Particulates cause respiratory problems and even lung cancer. Indeed diesel was reclassified in 2012 as a cancerous agent by the World Health Organisation. Oxides of nitrogen create photochemical haze, sulphur dioxide can cause acid rain, and carbon monoxide is toxic and above certain dosages can be lethal. Internal combustion engines also belch out carbon dioxide.

Transport is the second largest source of greenhouse gas emissions in Victoria after electricity production. Sixty-four per cent of transport emissions in the state is from cars, 30 per cent is from trucks and 2 per cent is from buses. Furthermore, petrol and diesel-fuelled cars maintain our dependence on imported refined fuels, which in this brave new world of uneasy trade relationships could be a threat to the security of our economy.

Thanks to decades of research and engineering, there is now a viable alternative to the internal combustion engine. Electric propulsion has advanced in leaps and bounds over the past few years such that the best performing passenger car in the world for performance, safety and comfort is electric — the Tesla Model S manufactured in California. Of course the cleanest way to ensure electric vehicles (EVs) have the lowest impact in terms of emissions is to make sure that they are recharged using renewable energy.

If there were to be a major shift in the vehicle fleet in Victoria from internal combustion engines to electric, the environmental and health benefits would be huge. Streets and freeways would be quieter, providing more amenity for our communities and making houses proximate to freeways more livable. Air quality in Melbourne and regional centres in Victoria would greatly improve, with less photochemical smog and particulates. Cyclists would benefit from not sucking in the fumes when they ride on cycle paths next to the traffic. Victoria would be doing its part to mitigate climate change. If Victoria is to get serious about reducing air pollution and mitigating climate change, we need to move away from the internal combustion engine.

The second part of this motion explores a number of options for supporting the adoption of electric vehicles

by households and businesses throughout Victoria. One such mechanism is the financial incentives for owners of electric vehicles. This state already provides an incentive for purchasers of hybrid vehicles with a \$100 discount on registration. We need to look at whether there are overall economic, health and environmental benefits of providing such incentives for electric vehicles. In northern Europe such incentives have included discounted or free registration, access to transit lanes, reserved car parking, free tolls and ferries, and import tax discounts.

This inquiry we are proposing presents an opportunity to assess different incentives and recommend which is the best fit for this state and to encourage the uptake of electric vehicles. The inquiry will also assess infrastructure shortfalls for EVs and what role the state government should play in meeting the needs of EVs. This could include charging stations owned and operated by the state government, particularly on key routes such as interstate highways, freight routes and tourist routes; grants to local councils to support the construction of charging infrastructure within their municipality; policies and incentives for the clean-up and conversion of petrol stations to EV charging stations; and we are already seeing in some places in Victoria local governments taking the lead in terms of installing charging facilities in their municipalities. This inquiry provides a wonderful opportunity to explore what is the most effective way to support the uptake of electric vehicles and how to get the best bang for the buck in terms of seeing this become a reality.

The third point of this motion looks at how EVs can be used by the state government. I had the pleasure this morning, with my fellow Greens MPs from both the other place and here, of being delivered to the steps of Parliament by an electric bus.

**Mr Ondarchie** — Didn't you come in a Tesla?

**Ms DUNN** — As much, Mr Ondarchie, as I would have liked to have come in a Tesla, we could not all fit in a Tesla; we needed a bus, I am very happy to report. The bus that we came in was built and provided by a company called Avass. The good-news story with Avass is not that they manufacture electric buses but that they also do it in this fine state of Victoria, in Avalon. On behalf of my colleagues I would like to thank Avass for providing the electric bus for us this morning. I would like to particularly thank Andrew for giving us a short demonstration of what it is like to ride on an electric bus in the city and also Tom Garrish from Avass for supporting our bus trip this morning.

My observations of this morning's trip were quite different to what you would usually expect on a bus on a city route. It was remarkably smooth and whisper quiet. All you could hear was the sound of the rubber on the asphalt. The bus had high-grade trimmings, plush seats and a large flat screen TV. It certainly beats riding on a clunky 905 service from the Doncaster park-and-ride with the belching diesel and the clunky suspension. This bus is a serious machine. It may surprise some members of this house that its battery capacity is so extensive it is capable of driving from Melbourne to Sydney or from Portland to Wodonga on a single charge. It is easy to imagine it plying the V/Line coach routes and providing an unprecedented level of service in regional Victoria.

For electric buses and coaches to become part of Victoria's public transport network, leadership will be required from the state government. Avass has indeed received interest from government. The only problem is this interest has not come from the Victorian government. The interest has mainly been from other states and territories.

Avass is supplying three electric buses for a 12-month trial on the Australian Capital Territory Internal Omnibus Network — ACTION — public transport network. The results of that trial, which is being implemented by a Labor-Greens government, may lead to a gradual replacement of the ACT's public bus fleet with electric buses as diesel and natural gas buses are retired. In Adelaide the free shuttle bus route in the central business district is serviced by an electric bus recharged with solar panels on the central bus station's roof. Certainly these are innovations that, it pains me to say, Victoria is not leading the charge on. In contrast there has been no trial of electric buses in Melbourne or on the V/Line coach network. Victoria should be leading the way on public transport bus and coach networks. We can switch to electric. It can be done, and the inquiry provides an ideal opportunity to investigate how that can happen.

Beyond public transport the government sector in Victoria is one of the largest purchasers of fleet vehicles for its departments, schools, hospitals and emergency services. Instituting a policy of transitioning to electric vehicles for government fleets will provide a shot in the arm for the nascent EV retail industry in Victoria and give business and family purchasers more confidence in the stability of the market, particularly for maintenance and warranty issues.

The fourth point of this motion calls for the inquiry to address the manufacturing of electric vehicles in Victoria. Every member in this chamber would be

aware of the demise of car manufacturing that we are watching in real time and the toll that it has taken on this state. Thousands of jobs have been lost in areas where there are already above average levels of unemployment. Families that once depended on a breadwinner with a steady, well-paying job are now facing uncertainty. Electric vehicles present the opportunity to turn a new chapter in automobile manufacturing in Victoria.

We already have an example of the Avass bus and coach assembly plant. This assembly plant, if at full capacity, has the potential to create a lot of demand for chassis manufacture, motor design, windscreen and window glass, wheel hubs and other component parts. This presents an amazing opportunity to keep related industries thriving in Victoria and maybe even lead to a reinvigorated advanced manufacturing sector in places like Geelong, Avalon, Ballarat and Dandenong. I commend Avass for their desire to try to incorporate as many Australian-made products into their buses as they possibly can. They are certainly committed to manufacturing not only in Victoria but Australia wide.

The last point of this motion addresses the potential of electric vehicles in car sharing. Car sharing is rapidly growing in Melbourne, with its highest density in the inner-city suburbs. But with car-share pods gradually moving further out, many people are giving up their cars as they can get the convenience of car ownership through car sharing without having all the hassles and expense. Car sharing has proven to reduce dependence on automobiles, thereby creating more space on our roads and freeing up our car parks. Electric vehicles and car sharing are a great combination. Charging stations can be built adjacent to car-share pods, such that the car is plugged in any time it is not being used. There is never a need to take it to a petrol station. A car's charge can be remotely monitored, such that it is only available for use if it has sufficient charge. Electrifying car sharing is the logical next step to further improving the holistic environmental benefits of car sharing.

For the purposes of this debate I thought it was important to clarify and define what we mean when we talk about electric vehicles. I will just explain what we mean by that. For the purposes of this inquiry we are suggesting that the following types of vehicles are not defined as being electric vehicles. Those are the hybrid vehicles, vehicles that use an internal combustion engine to provide propulsion either directly through connection to the drive train or indirectly through connection to an alternator which supplies an electric motor connected to the drive train; plug-in hybrid vehicles, which are hybrid vehicles with additional infrastructure for recharging onboard batteries when the

vehicle is not in use; and internal combustion engine, extended range electric vehicles, which are vehicles that use one or more electric motors as their sole means of propulsion but have an onboard internal combustion engine to provide an alternative source of electric charge for onboard batteries.

The reason I thought it was necessary to define these vehicles is that there is quite a diversity or, I guess, a mix of vehicles that are out there. For the purposes of this inquiry and to drive innovation and really explore the potential of the electric vehicle industry, it is important to clarify what we actually mean by that. The reason we have chosen to exclude those vehicles, or hope that they are excluded, is that they are dependent in part or in whole on fossil fuels. Extensive infrastructure such as petrol stations and servicing providers already exists to support these vehicle types, and there are existing financial incentives for the purchase of hybrid vehicles in the form of discounted registration.

I urge members to support the motion to see this inquiry instigated. It is important that we look at this issue. The upper house committees play an important role in canvassing a range of issues in relation to a whole lot of matters. I think there is potential there to look at how we can derive extraordinary benefit from seeing this industry thrive. Whether it be through fleet ownership, private ownership or electric buses on our public transport network, there are enormous opportunities for this state.

We do build buses here in Victoria. We should at least be using them here as well. With that, I will finish my contribution. I hope to see the support of members for this motion.

**Mr MELHEM** (Western Metropolitan) — The government supports the motion. The Liberal Party has turned its back on automotive workers. Its counterparts in Canberra did the same thing, and to date they have shown no remorse over their decision. They even dared the industry to leave this country. The reason I am raising this matter is that perhaps part of the work of this inquiry could be to look at whether or not we can explore the opportunity to have electric vehicles or buses made in Victoria so that we can fill the hole being created by the exit of the automotive industry, which will be completely gone by October this year.

The state Labor government is investing millions of dollars in new opportunities for Victorians, in new energy and new jobs. Under Labor we have created 200 000 jobs in two years, over 120 000 of them full

time, which cannot be said about the previous government.

The Victorian government's commitment to electric cars is very sound. It started in 2010, when it commenced a \$12 million electric vehicle trial to investigate the requirements to expand the take-up of electric vehicles in Victoria. Approximately 60 electric vehicles were given to businesses and individuals to trial for four years up to June 2014. The former Department of Transport ran the trial. A mid-term report of the trial was released in June 2013.

While a final report has not been released, New Energy Jobs Fund and other Victorian government grant funding has been provided. For example, under round 1 of the New Energy Jobs Fund, a \$516 720 grant was awarded to SEA to manufacture commercial electric vehicles at a site on the Deakin University Geelong Waurn Ponds campus. The project will invest in a commercial electric vehicle manufacturing facility to produce an innovative range of electric-powered commercial vehicles.

**Mr Ondarchie** — Are you reading all this?

**Mr MELHEM** — I can read, Mr Ondarchie, and I am not too embarrassed about reading from notes.

The modular electric drive power pack system will be installed in medium duty trucks. As I said earlier, the Victorian government has a commitment to investment in electric cars. We are trying to repair the damage which was caused by former Liberal governments and by former federal Treasurer Joe Hockey. He dared the car companies to exit this country by refusing to give them \$250 million. He said, 'I dare you to leave', and — guess what? — they did. It was a shame. At least we are trying to repair some of that damage.

We support the reference for the committee to explore the opportunities that could be created for the Victorian economy and to basically look at new opportunities in electric cars. I think it is a great reference, and we are pleased to support Ms Dunn's motion and look at new opportunities and new industries.

I would ask members on the other side, but they do not like anything. They do not like anything to do with jobs, anything to do with innovation or anything to do with the environment. They do not even believe in climate change. They do not believe in anything. They just believe in one thing: turning up here — they like the sound of their own voices — and getting paid for it; that is all. But to actually create things, no, they are not interested. That is basically what these guys want to do.

The Victorian government sector strategy makes reference to electrification of vehicles. Specifically we are looking at Victoria seeking to adopt electrification technology in larger vehicles such as buses following a successful four-year trial of electric vehicles and electrification technology.

I think that is a very important project to look at, because this state is the biggest employer of buses. While our buses are operated by private operators, we are paying the bills. I think it will be a good project to get the committee to explore all the opportunities related to electric buses potentially running on our roads.

The government announced not long ago that it is looking at solar trams as well. I think that is another area that shows the commitment by this government to look at not just energy-efficient vehicles but also the environment. I think we all love to breathe clean air, but those on the other side want to live in the past and basically pretend the world is still perfect and there is no climate change.

One of the points raised in the motion is around understanding the economic, social and environmental benefits of electric vehicles and the incentive options to counteract the current barriers for the increased adoption of them. The *Zero Carbon Australia: Electric Vehicles* report produced by Beyond Zero Emissions and released late in 2016 indicates that the main barriers blocking the adoption of electric vehicles in Australia include lack of awareness, perceived range anxiety and perceived high up-front cost.

The report puts forward options to address the above barriers, such as educational programs; the requirement that new car parks and apartment buildings be designed in readiness for electric car charging infrastructure retrofits; promotion of and support for car-share schemes; provision of public charging infrastructure; provision of reserved parking spaces for electric cars; promotion of or support for the installation of public charging infrastructure by private businesses; and the list goes on. I think that is why it is very important for the community to look at those issues.

I will give a snapshot of global trends. The Zero Carbon Australia report indicates that battery costs are likely to drop 20 to 60 per cent by 2020. That could further reduce the cost of producing electric vehicles. I think that is something to pay close attention to. The same could be said for batteries for solar systems in homes. If we roll the clock back five or 10 years or so and look at solar power and electric vehicles, the cost was quite high. But the cost is going down year after year. That is



why we believe it is a good opportunity for the state of Victoria to take the lead on this. We can be the leaders in this technology and make sure we do not miss the boat. That is why I think the committee could do some wonderful work in exploring all of these options and making recommendations about how we can proceed with this. One example is the most common electric vehicle, the Nissan Leaf, which currently costs \$39 000 in Australia. Hopefully it will cost a bit less in years to come.

Other countries are obviously doing a bit better than us. Norway leads with 20 per cent of the market share of electric cars, France is second with 8 per cent, followed by China with 1.4 per cent and Australia with 0.1 per cent. It is my understanding that Toyota is focusing on fuel cell vehicles more than electric vehicles.

I will finish off by saying that I think this is a good reference. Hopefully the committee will have a bipartisan approach to the reference, and it will go out there, look for the facts and look at all the possible opportunities we can explore as a state in order to take advantage of new technology which, like it or not, is the way of the future. The reliance of cars and buses on fossil fuels will be less and less as time goes on. Therefore I think it is very important for a parliamentary committee to take an open approach and look at what is the best possible option for us as a state. I look forward to the committee's recommendations when it concludes, and I wish its members all the best in their deliberations. I am looking forward to the report. With those comments I commend the motion to the house.

**Mr ONDARCHIE** (Northern Metropolitan) — There is 10 minutes of my life I am never going to get back. I refer to Ms Dunn's motion 358 and indicate right at the start that, as Ms Dunn well knows, the Liberal and National parties will be supporting this motion, and I thank her for the opportunity to collaborate with her on the construction of this reference.

The committee has indicated that in relation to this potential reference a reporting date of 14 December 2017 is appropriate. I have to say, and this is not a surprise to Ms Dunn because we have had this conversation, that that is going to be tough for the Standing Committee on the Economy and Infrastructure given their current inquiries, including the inquiry into the Domestic Animals Amendment (Puppy Farms and Pet Shops) Bill 2016, the inquiry into infrastructure projects, the inquiry into the RSPCA Victoria and the inquiry into ride-sourcing services. Now we are adding this one to those, but I suspect that

we will allow the talents on the economy and infrastructure committee to work out the reporting date and report to the house accordingly.

I think this is a good chat to have. I think we need to have the discussion about electric vehicles, about their applicability and about cleaning up our streets, certainly in a parliamentary sense. I should note that Mr Melhem commenced the inquiry already in his contribution today by reading copious Google downloads into *Hansard*. He could have just tabled them rather than reading them to us.

One of the challenges around this is to ensure that Victoria has a reliable, sustainable, affordable source of electricity to be able to support these motor vehicles. Right now the Victorian government is turning its back on 25 per cent of our base load in the state with the closure of the Hazelwood power station, with no alternative to supply base load to the state of Victoria, which is indeed a shame.

We all have views about coal-based energy provision and how we could make our world better through the reduction of emissions. We know that appropriate business investment and jobs are related to a sustainable, affordable, reliable source of energy. But to simply turn the key off with no solution and say, 'That's it for Hazelwood', and for the government to turn its back on all those jobs in the Latrobe Valley with no regard for those families, no regard for the local economy and no care for those people down there who I talked with in great detail last week I have to say is abhorrent.

**Mr Finn** interjected.

**Mr ONDARCHIE** — For a government to profess to care about the workers and then to turn its back on those workers is a great shame.

Paragraph 2 of Ms Dunn's motion notes:

the regulatory, infrastructure, economic, employment and incentive options for supporting the uptake of privately owned electric vehicles ...

I note that she would see this, I suspect, as an alternative to internal combustion engine vehicles. We have to think about, talk about and have the discussion about what that does to the market of organisations and companies that produce engines and components for the internal combustion engines and what it means to walk away from that. As Ford, Holden and Toyota leave this state and we see the effects on the supply chain and the aftermarket, we have to have due consideration through those inquiries for those

companies and supply chains and, more importantly, those employees.

While I talk about the supply chain and the aftermarket, let me commend the Australian Automotive Aftermarket Association (AAAA), led by Stuart Charity and his executive team, for the great work they are doing in ensuring that great exporters, the aftermarket exporters, are doing some great work in that sector. Their members export right around the world, and I have been with them and seen the work they have done internationally. I have to commend AAAA on their great work, particularly the efforts they are pursuing right now in relation to access to data for independent repairers and giving customers a choice in where they repair their motor vehicle. We would say the same thing as part of this inquiry. The service, repair and efficiency of electric vehicles should not be confined to just the manufacturers. There should be a wide range of skills available throughout the market — and I see Ms Dunn nodding away here — to make sure that we provide jobs for Victorians through this agenda.

I pick up Ms Dunn's comments about car share providers and that associated market. One of the things we should be thinking about through this inquiry is: are people necessarily going to own vehicles in the future? As people park their vehicles in their garage at night — and I have several vehicles; I know about this — they are somewhat of a stranded asset. They cost a lot of money to maintain and repair and all that sort of stuff, and they do not always get used. Maybe the car share providers, through the electric vehicle market and other methods, could be an opportunity for us to maybe lessen the amount of vehicles on the roads and do this a different way. We will find that out through this inquiry.

I think the day I turned 18 years of age I was at VicRoads getting my drivers licence — that day. I think many people in my age bracket were probably doing the same thing. These days there is not such an urgency. In fact I have met many, many young Victorians who do not have a drivers licence. They are using public transport to get themselves around because they do not necessarily see that they need to fork out the \$35 000-plus to buy a new motor vehicle —

**Mrs Peulich** — Or their parents are taxidriviers.

**Mr ONDARCHIE** — Or they use their parents as taxidriviers. You are absolutely right, Mrs Peulich, and, somewhat disappointingly, I continue to do that.

So this inquiry will bring us to all those things. We will think into the future about what the applicability of buses and passenger vehicles will be to us in Victoria. I think it is a good reference. I think Ms Dunn can be commended for all the work she has done to bring this forward. As a member of the Standing Committee on the Economy and Infrastructure, I look forward to having these discussions. The Liberals and Nationals commend this motion to the house.

**Ms DUNN** (Eastern Metropolitan) — I would just like to say thank you so much to the government and the opposition for their enthusiasm for this inquiry reference. I certainly take the points raised by Mr Ondarchie in relation to the workload of the committee, and we will leave that in the safe hands of the committee to determine what is an appropriate reporting date should their workload continue to be heavy. All the committees do have a heavy workload in relation to the work that they are doing.

I just wanted to make some comments in relation to one aspect. I hope that the committee deeply explores the need for renewable energy as part of the energy solution for electric vehicles. The reference quite specifically talks about greenhouse gas emissions for that purpose, in that if we really want clean transport provision, then electric vehicles must be powered by renewable energy if we are really to move forward in the future.

Once again I thank members for their contributions, and I certainly look forward to the work of that committee in terms of their exploration of this issue and the facts that they reveal as part of their inquiry. With that, I commend the motion to the house.

**Motion agreed to.**

## MINISTER FOR FAMILIES AND CHILDREN

**Debate resumed from earlier this day; 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.

**Ms SPRINGLE** (South Eastern Metropolitan) — Before I begin my contribution on this unfortunate matter, I would like to circulate in the house a small amendment I have to this motion. I move:

In paragraph (2) omit 'by her'.

I think you will see the point of my amendment as I move through my contribution. It has been an incredibly unfortunate set of circumstances that has led us to this point in terms of the youth justice system. I have not relished this motion. I have sort of been sweating on it in the last 24 hours. I never enjoy these scenarios that we find ourselves in here in this chamber when debating these issues. I find them very distressing and very uncomfortable. There is a sequence of events that I would like to outline the Greens' position on. My contribution is not going to be extensive.

I have spent a good portion of my summer break immersed in the extremely murky and opaque world of youth justice, and it has required that time plus many months prior to the summer break to gain even a moderate understanding of and insight into the reasons for what has been playing out in the public eye over the last few months. In my view there has been a number of junctures where the course of events could have been turned around by the government in the last two months, and for whatever reason at this point I still cannot really get a handle on what those reasons are. Decisions have been made that have led us here, and I think that while maybe a couple of months ago it could have gone a number of ways, the government has committed to a path that we are not easily turned around from. That is why we find ourselves here today.

The Greens take a motion of no confidence in a minister very seriously. It is no small matter, and it is not one that we have considered lightly. As I will outline further in my contribution, we do have grave concerns about the minister's ability to fulfil her role as the guardian of our state's most vulnerable children. But it would be a gross misrepresentation to suggest that the current failures we are seeing in the youth justice system are the result of only the last two years of oversight. The failures of this system can be attributed to successive governments in this state of both sides, and to suggest otherwise is a gross distortion of the facts. To this end, there is the amendment to the motion that I have circulated, which I would like the chamber to consider.

As Mr Jennings has already pointed out, under the coalition government, between 2010 and 2014 there were hundreds of senior staff removed from the department and dozens of very experienced staff removed from centres. It was in fact the coalition's bail law amendments that caused the extreme increase in remand numbers from 20 per cent to the huge 80 per cent that is in those centres now. That is one of the main reasons why we have this problem today, so for the coalition to suggest that they are not culpable in this situation is absolutely outrageous. Although I will say it is not just this Labor government; it was the Labor government prior to the coalition government. The 2010 Ombudsman's report was scathing about the youth justice detention centres, and that was under the Brumby government, so both sides in this scenario are very guilty of what we are seeing now playing out in our state.

That being so, I think we need to draw a line in the sand around some of the events that have happened over the last six months. The reality is that we do have a minister who has chosen a certain set of responses that have been, let us say, less than ideal. In fact I think we could say they are actually outrageous. If we look at the successive reports into the youth justice system that have been commissioned by both sides of politics over the last decade and at review after review which have pretty much been systematically ignored — again pointing to the fact that it is not just one side that is at fault — we do need to come back to the last 12 months, because there have been reports that have purportedly almost predicted what has happened over the last six months.

There was the Muir report, which of course none of us have seen because there is no transparency around this issue. No reports are tabled nor open to the public to view. But what I read in the *Age* — because the *Age* seems to have a copy of the report, whereas none of us do — is that the Muir report that was commissioned by this government actually predicted almost to the letter what was going to happen over the next eight months, and it did happen. It has happened that way almost to the letter in other jurisdictions — jurisdictions like the Northern Territory, where we ended up with issues at Don Dale. So when we are talking about the minister's responsibility, I think we actually do need to draw a line in the sand somewhere. If the minister was informed of the potential risk of these events happening, it does beg the question: why did she not act on that report and subsequent reports?

**Ms Mikakos** — That is nonsense. That is complete rubbish. We started a business case and we announced the outcome on Monday. It is rubbish.

**Ms SPRINGLE** — I will take up that interjection from the minister, because if it is rubbish, if the minister is right, then why did we not know about it? It is not good enough to just say, ‘Well, we have done this. That is enough for the chamber’. We have no detail, we have no transparency and there is no way we can verify what you are saying.

I will go through Ms Crozier’s motion, parts of which I have great sympathy for and other parts that contain what would probably not be my choice of words. We talk about the responsibility of the minister. I would like to step systematically through where we have concerns about her ability to manage this situation and these portfolios.

What is the example that we should expect a government minister to set for young people who break the law? There is no excuse for illegal activity, and that is essentially what we are asking of these kids. We are asking them to accept the premise that there is no excuse for illegal activity or for breaking the law. If we behave badly, we should own up to it. When we do something wrong that causes harm to others, we should demonstrate remorse and contrition. Yet after four of Victoria’s most senior judges in two separate courts ruled that Minister Mikakos had acted unlawfully by transferring teenage children on remand to Barwon Prison, what did she do? She simply shrugged off those court orders and rewrote the rules. Nobody else gets to do that. Ignoring the declaration of unlawfulness from both the Supreme Court and the Court of Appeal sent the children in detention and those in the criminal justice system more broadly the message that acting unlawfully is acceptable if you are the government. It is a double standard that radically undermines the rule of law.

When I asked the minister last year about allegations that children in Barwon Prison were being kept in solitary confinement for 20 hours every day, she indicated that the model of operation in Barwon Prison was similar to other youth detention centres. She also indicated that the management of young people in Barwon Prison did not involve 20-hour lockdowns every day, and she also referred to the transfer to Barwon as being in accordance with all of the relevant legislation and the Charter of Human Rights and Responsibilities. But we soon discovered that none of these statements by the minister were accurate, and they remain inaccurate.

**Ms Mikakos** — You assert.

**Ms SPRINGLE** — No.

**Ms Mikakos** — No, you are asserting that.

**Ms SPRINGLE** — In court. There was a court action that proved it.

**The ACTING PRESIDENT (Mr Ramsay)** — Order! Ms Springle, can I just give some words of advice. It is probably more useful for your contribution if you do it through the Chair rather than through Ms Mikakos, because you are going to invite interruption continually.

**Ms SPRINGLE** — Apologies, Acting President. In fact children were and are routinely in solitary confinement for 23 hours every day, and from what I understand — even from the press conference today of the Human Rights Law Centre — they continue to be under 23-hour lockdown, often due to massive staffing shortages across the system. That amounts to cruel, inhumane or degrading treatment according to the United Nations.

This minister refused to give any account of her actions or her decision-making processes to the Supreme Court. Instead she let her departmental employees submit themselves to cross-examination and let her lawyers do the talking. The minister’s lawyers argued in court that it was somehow less confronting to think about a 16 or 17-year-old boy in solitary confinement if people remembered that they had been charged with, though not convicted of, very serious offences and that they have the size and strength of men, despite not being cognitively or psychologically mature.

Young people in youth justice centres are effectively under the minister’s care and protection, but she has publicly and repeatedly called the young people in Barwon Prison and the other youth detention centres ‘young offenders’, when no court has found them guilty, and the ‘worst of the worst’, which effectively stigmatises them. She even said that yesterday here in this chamber. She has publicly implied that they are potential rapists, and she has had her lawyers argue that the Supreme Court should not take those words into account because they were just politics.

Even yesterday, in here, she was at it again. Instead of taking responsibility for managing what is clearly an incredibly challenging set of circumstances — and no-one is denying that; no-one is denying how difficult this situation is — she seems to have washed her hands of the young people in her care. The failures in Victoria’s youth justice centres have been the failures of adults — failures of successive governments, which have not invested properly in staff numbers and in training and resources, and failures of senior levels of

the Department of Health and Human Services, which have clearly failed to develop appropriate strategies around young people who are coming into the system with new challenges, whether they be from a particular cultural background or with particular substance abuse issues. There have been the minister's own failures in waiting two whole years before commissioning the first major review into youth justice since the year 2000 and her own failure in allowing herself to react angrily and aggressively to these young people's challenging behaviour instead of responding to it in appropriate ways based on the evidence.

Instead of acknowledging these failures, instead of accepting her own failures and instead of recognising this Parliament's collective failure, she actually blamed traumatised teenagers for the failures of adults. Instead of behaving like a responsible adult — instead of looking to see what might be causing young people in Victoria's youth justice centres to behave the way they are — she has punished them by locking them up in prison cells for up to 23 hours at a time. We can say she has not done that personally — she is not at the cell door with the key — but she oversees that system where that is happening, and the buck has to stop with someone. If any other parent treated their children this way, the state would remove them. There is the ultimate irony, because the same minister is also responsible for Victoria's child protection system, from where a lot of these kids have come. They came from there before they began offending.

I think it is important to get something else on the record. It has come from the Youth Parole Board's annual report under the heading 'Characteristics of young offenders' — a lot of the young offenders we are talking about here:

The results of a snapshot survey of 167 males and nine females detained on sentence and remand on 7 October 2015 carried out by the Department of Health and Human Services shows:

- 45 per cent had been subject to a previous child protection order;
- 19 per cent were subject to a current child protection order;
- 63 per cent were victims of abuse, trauma or neglect;
- 62 per cent had previously been suspended or expelled from school;
- 30 per cent presented with mental health issues;
- 18 per cent had a history of self-harm or suicidal ideation;
- 24 per cent presented with issues concerning their intellectual functioning;

- 11 per cent were registered with disability services;
- 10 per cent had a history of alcohol misuse;
- 16 per cent had a history of drug misuse —

a whopping —

- 66 per cent had a history of both alcohol and drug misuse;
- 12 per cent had offended while under the influence of alcohol but not drugs;
- 20 per cent had offended while under the influence of drugs but not alcohol;
- 58 per cent had offended while under the influence of alcohol, and also while under the influence of drugs;
- 12 per cent were parents;
- 38 per cent had a family history of parental or sibling imprisonment;
- 12 per cent spoke English as a second language;
- 10 per cent were homeless with no fixed address or residing in insecure housing prior to custody.

What we are talking about here, for all sorts of different reasons, is a highly disadvantaged, highly disengaged and vulnerable cohort of people.

As I said, I spent a lot of my summer on this issue, and I met with a lot of stakeholders in that time. We are hearing from most in that sector that there is this very small cohort of very, very violent first-time offenders. No-one is denying that this is an issue that must be dealt with, and dealt with swiftly. My response to what is currently happening is the way we are doing it. I can guarantee you that there is no evidence to suggest that punitive measures — locking kids up and abusing them in a prison-style institution — is going to make this problem better. In fact every other jurisdiction shows that it makes it much, much worse.

We are talking about a cohort of between 120 and 180 young people. According to the Ombudsman's report that came out last week, we spend approximately \$72 million on the youth justice system currently. All sorts of policy work has been done by very eminent people in this state, including some of the magistrates in the Children's Court, to talk about solutions to these problems, and I can guarantee you that not one of those solutions that I have seen is to put them in a maximum security-style prison.

What these children need is severe, compulsory, intense, therapeutic responses to their damage. We are not hearing anything like that from this minister. We are not hearing anything about her duty of care as the

guardian of these children, and that is what is the most disturbing element of this. This is a poll-driven, media-driven, knee-jerk response to a very complex social policy problem, and it will not ultimately make our community any safer, because what we will effectively do is show these children how to become hardened criminals. They are on that pathway already, so this response will not solve this problem. It will not make the community safer, it will not stop the carjackings, it will not stop the burglaries and it will not stop the kids that are assaulting people on the street. In fact it is just going to make that stuff even worse and disengage the communities that those kids are coming from.

This minister has behaved in a way that is less than ideal in terms of the care and protection of these children. No, they are not nice little children, and yes, they are exhibiting extremely challenging and violent behaviour, but the minister is reacting to their violence with her own violence. She wants to permanently sever the administrative link between child protection and the youth justice system by moving youth justice into Corrections Victoria. It is very clear that this administrative approach has been implicated in significant abuses perpetrated against young people in youth justice centres in other states, which also have their youth justice systems inside their corrections departments — Western Australia, Northern Territory, Queensland and New South Wales.

The minister actually wants to apply the adult corrections framework to the problems which have emerged in the youth justice system and its facilities even though it is the corrections framework itself that is being rolled out in the youth justice system — the lockdowns, the punishments, the solitary confinement, the prisons and the staff acting like guards — which is actually causing the problems in the first place. She wants to build a new highly secure youth prison in Werribee South, complete with a supermax unit. I also now hear that they have been authorised to use capsicum spray in Barwon Prison, and they are doing that on a semiregular basis. We are seeing extreme punitive measures being used, sometimes on those under 18 years old, who are legally children. The minister is happy for that to happen even though that arrangement has been implicated in major abuses of young people in the Northern Territory and New South Wales.

On that point, it is interesting that the government will often talk about the minister's growing track record in her resourcing of the child and family welfare sector. The peak body, the Centre for Excellence in Child and Family Welfare, which I worked at for a time, is a very

big supporter of the worker Bruce Perry, who is an expert in the field of trauma-informed responses to children. It is universally supported that as people we do not finish developing until we are around 25 years old. That is because the neural pathways of the brain are still moving, changing and developing. When an individual experiences severe trauma, for whatever reason that may be, those neural pathways can be physiologically altered and can start to shut down. When that happens it does impact on behaviour and also on the ability to make good and informed decisions — logical, rational decisions. For a lot of these kids who have come from traumatic backgrounds, for whatever reason — whether it be in the home or whether it be through a migrant or refugee experience — those traumas exist, and they can lead to an impaired ability to make decisions.

I find it quite ironic that the government will talk about trauma-informed intervention, early intervention and prevention while at the same time announcing a facility with maximum-security wings with the potential for growth so they can house more kids in prison as time goes by, while at the same time purporting to be evidence based and having a preventative approach. This minister does not seem to be very concerned with evidence. She has ignored countless warnings that the youth justice centres at Parkville and Malmsbury were like tinderboxes and that a series of decisions taken under both the previous coalition government and the Andrews government have led to huge numbers of children being remanded in custody and nowhere near enough properly trained staff to cope. She continues to blame teenagers whose brains are not anywhere near fully developed, who have suffered tremendous trauma in their own lives, for acting violently in response to constant and arbitrary lockdowns in youth justice centres.

The problems this minister and previous ministers have created in Victoria's youth justice system simply do not exist in other jurisdictions in Australia — for instance, in South Australia they have much smaller centres and the young people are treated with evidence-based therapeutic care and respect rather than being rushed at in riot gear and locked up in solitary confinement. On that point, we have seen in the last couple of months millions of dollars being poured into justice reinvestment and diversionary programs for young people in Queensland and now in the Northern Territory, as a response to Don Dale, which is the path we are heading down with this. The sequence of events that we are seeing being rolled out in Victoria is what happened in the Northern Territory. This minister was talking about how we did not want to go down that path. We were not going down that path late last year,

because we were the shining light of youth justice in Australia. Well, no more.

This minister has not bothered to look at why these young people are behaving as they are. She has repeatedly claimed that she does not know, which is simply another confirmation that she is not fit to be the Minister for Families and Children. If there is one minister in this place that should be advocating for these kids, it is her. She has a corrections minister and a police minister and a Premier who can play bad cop; she does not need to. What these young people need is an advocate, and she is not performing that role. She has found it convenient to blame the young people in her care for the current crisis facing Victoria's youth justice centres because she does not want to take responsibility — or we collectively do not want to take responsibility for it ourselves.

I think I am going to leave it there. To wrap up, I have found this difficult. I know there are others in the chamber who find it difficult. I do not take this lightly. It is not something I enjoy. I would much rather see us talking about something that is working, particularly when we are talking about young people — and young people that need our help. We are not helping them by doing this. We are just finger-pointing, and that does not amount to very much.

**Mr FINN** (Western Metropolitan) — I have to agree with Ms Springle. This might not be something that will happen all that often this year, but I have to agree with her that this is a very difficult issue. We are talking about a very serious matter. It is very serious, and it is also very rare. I have been in this place now for 10½ years, and on only two other occasions can I recall a no-confidence motion being moved in relation to a minister. On both of those occasions those motions related to former minister Justin Madden, who was involved at the time in the Brimbank scandal, which of course is ongoing. Perhaps we will hear a bit more about that at some stage in the not-too-distant future.

I think it is rather sad that we had the minister here for quite some time this afternoon when we were debating electric cars, but when we went back to debating her role in the destruction of the youth justice system, she skedaddled out of the chamber. She scrambled out of the chamber. I think it is sad that she will not stay and actually hear what members have to say. She will not stay and face up to her responsibilities. But I suppose that should not be at all a surprise to us, because to this point she has refused to face up to her responsibilities anywhere. That is unfortunately the basis of this motion today.

Clearly Minister Mikakos should go; she should resign. If she does not resign, she should be sacked. I do not say that she is an incompetent human being, but I do say that she is an exceedingly incompetent minister. She has done an appalling job. I just want to make a quick comparison with the other three ministers who have either fallen on their swords or been beheaded by the Premier since the Andrews government came to office in November 2014.

Firstly, we had Mr Somyurek, who was the victim of a factional stitch-up. He is a man who was verbally. He is a man who was, I believe, treated extraordinarily unjustly. The Premier could not wait to get him out the door, under orders from his friends at the Shop, Distributive and Allied Employees Association. Mr Somyurek can, I think, regard himself as very hard done by. I think it is one of the greatest injustices I have ever seen in politics, and that is really saying something, because I have seen a few.

Then of course we have former Minister Garrett, who whilst in the same faction as the Premier I think might have been in a different subfaction. You might be able to help me with that, Deputy President. You might have more knowledge about the inner workings of the Socialist Left than I do. She had the gall to actually stand up for the Country Fire Authority, and particularly for the volunteers, and of course the Premier was having none of that. For having the audacity to do her job, which I understand is some sort of offence in the ALP, she was dispatched by the Premier.

Then of course we had Mr Herbert, who had a bit of trouble with two dogs. He said to me, 'I'm having a bit of trouble with two dogs', and I said I have a bit of trouble with him myself. That is a major concern. It was a serious thing, but it was a very silly thing that he was dispatched over. I am sure that Mr Herbert, if he were here — sometimes he does come into the chamber now — would agree that what he did, and what his dogs did, was very minor indeed compared to presiding over the entire breakdown of the youth justice system.

What Minister Mikakos, often referred to as the Minister for Pizza and Coke, has done is preside over riots, which have become somewhat of a regular event. You could almost set your clock by the riots that have occurred at Parkville, at Malmsbury and presumably at other places that her charges have been gathered at. We have seen breakouts. Who could ever forget the breakout at Malmsbury recently where 30 youths decided that they would break out. They did not have to try very hard, because somebody left the gate open. They just had to lift the gate open and they were out.

They pinched a few cars, and they were off down the highway at extraordinarily high speeds, I understand, heading towards Bendigo. As I pointed out to one of my local newspapers, if they had come the other way, they would have been heading in my direction, and that is not something I would have been all that thrilled about. I do not know how the people of Bendigo felt about it. Interestingly enough — and this is sort of a nice balance; it is almost mystical in its balance — some of the youths ended up in Werribee. We will get to that in just a moment. Then we had the same youths who crashed cars in Castlemaine.

We have seen an extraordinary turn of events since Minister Mikakos has had this portfolio. I was going to say youth justice has become a joke, but it is not a joke, because it is not very funny. In fact it is not funny at all when you have got dangerous young criminals, but criminals nonetheless, who are roaming the streets because they have broken out of youth detention — and they have not broken out; they have just walked out. Then you have got a problem.

We have got a minister who refuses to take responsibility for doing her job. She is on a fair wicket. She should do her job. She should take on her responsibilities, but she refuses. She comes in here, and I know it is most unparliamentary to refer to a member as a liar, so I would not do that, but I would say that Ms Mikakos is a stranger to the truth. I think it would be fair to say she is very much a stranger to the truth. She did it again yesterday in this place when she came in here and made an announcement that Matthew Guy, the Leader of the Opposition in the Legislative Assembly, had supported the Werribee South detention centre site. That is totally wrong, but she said that, and she repeated it twice, from my recollection.

**Ms Crozier** — She also said there was lengthy consultation.

**Mr FINN** — She did. I am probably getting ahead of myself here, because I want to get to the consultation matter in a moment, Ms Crozier. What we are seeing here is a minister who has presided over the complete and total breakdown of youth justice in Victoria. It is as simple as that. If she will not take responsibility for that, and if the Premier will not hold her responsible for that, then it is the responsibility of this house to hold her responsible for that, and that is our job. That is what we get paid for. If she will not do what she is getting paid for, the very least we can do is do what we are paid for.

A real test of competence is something that has occurred just over the last week or so — I think it was last Thursday morning, from memory, or it may have

been Wednesday. On Wednesday or Thursday of last week there was a story in a little-read newspaper in this town called the *Age*. It announced that there would be a youth jail built at Werribee South. To say it took the wind out of people's sails would be somewhat of an understatement. People largely dismissed it, thinking that it was such a ridiculous proposition that no government would do such a thing, particularly when they had not actually spoken to the local council.

They had not spoken to anybody locally about it, so it was largely dismissed. So you can imagine the horror and the fury that followed a small gathering here in the city last Monday morning at 9 o'clock when the Premier, despot Dan, and his Minister for Pizza and Coke got together with Tim Pallas, the member for Werribee — the totally unrepresentative member for Werribee, the man who has sold out his electorate. They got together and they announced that there would be a youth jail right in the middle of the City of Wyndham. You can imagine how people felt in Wyndham — —

**The DEPUTY PRESIDENT** — Order! I suggest that you refer to members by their titles.

**Mr FINN** — I appreciate your comments, Deputy President. I was just suggesting she should get a promotion.

I think it is just an outrage what this government is doing to the people of Werribee. It is an outrage what the government is doing in Wyndham. The Wyndham council met last night, and of course the Labor Party has a good number of friends on the Wyndham council — I know Mr Melhem over there is very, very close to Cr Khan on the Wyndham council — but the Wyndham council voted against the proposition that this youth jail should be built in the City of Wyndham. The mayor, a man who some years ago just missed out on being a member of this house as an ALP candidate, has slammed this site as totally unacceptable to him, his council and the people of Wyndham. I say, good on him.

Last night I conducted a poll of some thousands of people throughout the City of Wyndham, particularly in Werribee, and some 90-plus per cent, including Labor voters, said, 'We do not want your youth jail in Werribee South'. Indeed it is worth noting, Mr Melhem, that almost 73 per cent of Labor voters said they would change their vote over this issue. If that follows through, Werribee would become a very, very safe Liberal seat.



But the fact of the matter is that this jail has been announced. It has been dumped in the middle of Wyndham, just up the road from a school, from a university, from a hospital; just a short distance from residences and a short distance from the famed Werribee tourism precinct; and not far at all from the new Wyndham Harbour. This has been dumped on the people of Werribee without a word of consultation. The minister came into this place yesterday and said, 'We have consulted. There has been wide consultation'. When we questioned her further on that, we discovered that her consultation involved a phone call not to but from the CEO of Wyndham council to set up a meeting either later this week or next week. That is the consultation. That is the consultation that this government and this minister have given the people of Werribee.

I think it is outrageous. What an insult! What a disgrace this government is to have done that and to be continuing to do that to the people of Wyndham. There has been no consultation, everybody knows that, and today they are doing a letterbox drop more than two days after they announced that this thing was going to go ahead. That is their idea of consultation. Even the mayor has asked the question, 'Does consultation involve asking the people what colour interiors they want for the jail?'. Is that the only consultation that we are going to get? This minister is entirely and totally incompetent. She does not deserve to keep her job, and I support Ms Crozier's motion today.

**Ms PATTEN** (Northern Metropolitan) — I would like to rise to briefly make a contribution on Ms Crozier's motion. I do not know whether it is my personality or that I am in my first term, but this type of debate to me does not seem terribly constructive. I have certainly taken an interest in Parkville and taken an interest in juvenile justice, but continuing to try to blame people does not seem to help the kids in those juvenile justice centres.

This is a systemic problem. Certainly the pot is boiling over, and I can see that we certainly are having problems — the riots there and the fact that Parkville is unlivable — but I would say that she is just the last minister who was in the pot when the pot boiled over, and she has been scalded by it. The department has been asking for improvements to juvenile justice facilities for nearly a decade, and their requests have fallen on the deaf ears of the coalition government and the previous Labor government — this has been going on for years.

This is systemic, and it is not just under the current minister, who has certainly been at the helm as we have seen some unprecedented riots in these juvenile justice facilities. But Parkville is more than 20 years old. It has not been fit for purpose for years. It was not fit for purpose when the coalition was in government. I must say I found it the most depressing place to go to with its overgrown gardens and dank, broken furniture. In its school, Parkville College, which I think is an excellent example of a college that is trying to teach children with significant psychological and health issues — and a range of issues — the children are working in these grey, dingy classrooms with no facilities. If you wanted to say to a child 'I couldn't care less about you', then pop them in Parkville, because that is what you are telling them.

I certainly believe that Parkville needs improvement. I think Parkville needed to be improved 10 or even 20 years ago. I have spoken to and listened to a number of the staff there and, yes, they are frightened because of the lack of staff. This is systemic. This has been a long-term process. This did not just happen in the last two years; this has been ongoing. The department and the community have been calling for change for at least a decade. We are seeing intergenerational issues. When I was at Parkville I met one of the kids there. When I spoke to the director he said, 'You know, when I was a police officer I arrested that child's grandfather. I then arrested that child's father, and now that child is in my juvenile justice centre'. That is what is broken in our system. We need to tackle the issue of why these children are entering into this place.

This leads me to paragraph 4 — I am not even going to go into paragraphs 2 and 3 — which is about providing accurate and timely information. How about we provide some accurate and timely information in this house today? We are constantly hearing about this tsunami of youth crime — crisis after crisis — but the statistics just do not bear this out. Statistics from the Sentencing Advisory Council and the Crime Statistics Agency show that the number of children and young people sentenced has declined since 2008–09. The number of children sentenced in the Children's Court has halved since 2008–09. Of Victoria's 10 to 17-year-olds, less than 1 per cent are sentenced for criminal offences. This is not a tsunami. In fact Victoria has the lowest rate of young people aged 10 to 17 under supervision across all the states and territories. None of these statistics support the hyperbole that we have heard in here. What we know is that a very small cohort of all young offenders are responsible for a significant percentage of youth crime. In fact 1.6 per cent of all young offenders are responsible for 25 per cent of the crimes.

I was speaking to police at the Jewellers Association of Australia forum down in Spencer Street the other week, and they said, ‘This is unprecedented. We’re seeing kids whose first offence is aggravated burglary. Their first offence is going into a jewellery shop with a baseball bat. They haven’t even been picked up for shoplifting prior to that’. So the police are scratching their heads as to how —

**Ms Crozier** — Do you think that is acceptable?

**Ms PATTEN** — I do not think that is acceptable. But we are seeing a completely new system, and this is what the police are saying. When someone gets to aggravated burglary they have generally been in front of the police before that. The police know about them before they get to aggravated burglary. This is not generally the path to a crime such as that. There has generally been a trend up for that.

So what are we doing about these kids? How are we stopping them? How are we intervening? This is where I think we need to be looking. We need to be focusing on how we can identify these individuals. These children are not on the radar because they have not committed a crime before they commit these heinous and violent crimes. Calls for harsher punishment and supermax prisons are a shallow response. I do not think it is actually a very effective response, because it is not going to stop offending. We know we cannot jail our way out of systematic poverty, broken homes and mental health problems when we note that the vast majority of kids who go into juvenile justice centres have mental health issues and drug issues. They are generally victims — very much so — of sexual violence, family violence and a whole range of issues, yet we are trying to treat these kids as if somehow they are to blame.

There are significant problems in the juvenile justice system, but the blame does not lie with this particular minister; it lies with the fact that these problems have been systematically ignored. We have not systematically funded the system, we have not addressed the issues of multigenerational poverty and I do not support this motion. I am very pleased to be on the inquiry that Ms Crozier has established. I hope that that inquiry will mean we will hear not only from the experts — not only from the police, not only from the employees — but also from the kids. We are trying to get a system where we hear from the children as to what it is that is causing them to feel such disquiet within the juvenile justice system. How are we failing them? I do not think that this motion helps those children, and I do not support it.

**Ms PULFORD** (Minister for Agriculture) — I will oppose this motion, and I will take a few moments this afternoon to outline some of the reasons. At the outset I will just make an observation: all of the arguments presented by Ms Crozier and all of the arguments presented by Ms Springle are a completely mismatched set of views on an underlying basis as to their reasons for supporting this motion. This is a complex area, as members have observed during the debate.

I will also start by briefly responding to Mr Finn’s observation that Ms Mikakos is not indulging him with an audience. I can assure the house that Minister Mikakos is working on fixing these problems as we speak instead of sitting in here listening to Mr Finn contradict his leader on the question of the location of the new facility, so his feigned sadness about that is a bit rich. But while we are talking about who is and who is not in the chamber, Ms Wooldridge, who had responsibility for this area of public policy for four years, is also absent, and it is really not hard to guess why.

I will also start with a reflection on my colleague and friend Jenny Mikakos. I have worked pretty closely with Minister Mikakos now for over 10 years, and I knew her for probably as many years again before coming into the Parliament and joining her, where she had already been a member in this place for some time. Jenny is an unfailingly decent person and a person with an extraordinary work ethic. She is a person who displays meticulous attention to detail and undertakes a forensic analysis of any problem that is put before her. The suggestion that Jenny Mikakos is a minister who does not accept responsibility for issues in her portfolio is laughable. It is just not true. It is not consistent in any way with her very nature, not only how she is professionally but how she is personally. She is a person who always accepts responsibility. She is a responsible, decent and hardworking person —

**Ms Crozier** interjected.

**Ms PULFORD** — Well, it is your motion. Ms Crozier suggested that the minister is not accepting responsibility when in fact she is absolutely accepting responsibility. She has answered many, many questions in this place and has embarked on a big and overdue clean-up exercise in this area.

Starting with infrastructure, we all know that the facilities that are available for our youth justice system are not fit for the purpose that they need to be right now. Previous speakers have observed — and Ms Mikakos has described this at length on many occasions in the house — the bare fact that we have a

very different group of young people in our youth justice system than the types of people that were in it when these facilities were planned and built. We have a more violent group of young offenders, and that is not to say that is the case for all of them, but we have a greater incidence of people who have experienced great trauma through their childhood, and we have a higher likelihood that offenders coming in on remand are affected by drugs like ice, and their behaviour is increasingly violent. The facility that we have at Parkville, we recognise, is not up to the standard it needs to be.

This is, of course, not news. This is information that was provided to the former government in a report in 2010. In that change of government active decisions must have been made to not do anything about Parkville. The former government chose instead to take the low-security facility at Malmsbury and add to it some secure facilities. These facilities have since been found to be less secure than we would all want them to be. The Ombudsman's report of 2010 said that Parkville needed to be replaced, but the former government did not accept responsibility; they shelved a youth justice facility master plan. It was a government that was characterised by its inactivity in so many different areas, but here too no action was taken where decisive action was needed.

The so-called secure units at Malmsbury, no doubt, were a cheaper alternative, but one that has left our government and Minister Mikakos working overtime to catch up. The minister has always taken steps to address the challenges in our youth justice system, as I said, and following the November 2016 Parkville riot, the minister took immediate steps to address the need for greater capacity in the system, as Ms Springle has discussed at some length, by gazetting the Grevillea unit at Barwon Prison as a youth justice facility.

The Liberals have been deafeningly silent on whether they support the Grevillea unit being used as a youth justice facility, but whilst in a technical sense the execution of the gazettal of this part of the building to create a youth justice facility was a reasonably straightforward administrative matter, the decision to do it was not done lightly. This is a decision that was born of necessity, because the facilities at Parkville are just not adequate, particularly after the riots in November 2016.

On the question of taking responsibility, particularly as it relates to the infrastructure question, the government has this week announced a \$288 million new, fit-for-purpose youth justice facility. This will be a

great improvement, and the Liberals are all over the shop on this.

**Mr Finn** interjected.

**Ms PULFORD** — Mr Finn, I know, is not somebody who typically comes into this place to contradict his leader, but last week the Leader of the Opposition, Matthew Guy, did say on 3AW that he supported a Werribee South site — —

**Mr Finn** interjected.

**Ms PULFORD** — He said:

Well, I think that 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 ...

And then he went on to say that the government has been 'slow to act' — even though it is much faster than the government he was a minister in — and Neil Mitchell asked him:

But what about Werribee? Do you support Werribee?

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.

And then hours later, not days or weeks or months later — hours later — he said he wanted to retrofit Parkville or Malmsbury. Then again, on Monday of this week he said he wanted a supermax facility, and this is not a category of facility that exists in the youth justice system in Victoria. So the Liberals are yet to say whether they support a new facility or not.

**Ms Crozier** interjected.

**Ms PULFORD** — Do you support a new facility?

**Ms Crozier** interjected.

**Ms PULFORD** — And where do you think it should be, Ms Crozier? Because your colleagues are all over the joint on this.

**The DEPUTY PRESIDENT** — Order! Through the Chair.

**Ms PULFORD** — Since coming to government Minister Mikakos has been putting in place long-overdue changes that are needed to improve the youth justice system, so we will soon have a new fit-for-purpose youth justice facility that we clearly need, and we need it sooner rather than later. There will

be benefits for the local community in the construction of this site, of course, and 450 ongoing jobs.

On the question of jobs, much has been made of this. There is a very disturbing report in the *Age* today about a Parkville youth justice worker. He is seeking compensation for injuries that have impacted his life since January 2013. Of course for anyone who has worked in this very difficult environment and for anyone who has been injured at work — we want them and we want all employees — to be safe and secure in all the work that they do, and for anybody who has been injured at work we certainly want to make sure that the support they need exists for them. That was an attack in January 2013.

I know that the coalition has some sort of funny, rose-coloured view of the period between the end of 2010 and the end of 2014, but there were difficult challenges in this portfolio — difficult challenges in the administration of the youth justice system that go back a little bit before November 2014. It really does the coalition no credit to completely deny that fact.

The government has taken responsibility for staffing issues. There have been 41 new youth justice custodial positions to improve safety in facilities, 100 new custodial workers recruited since September 2016 and there has been a boost to mental health staff and psychologists, with 10 new positions. I note the remarks of people who have contributed to this debate about the very difficult personal circumstances and childhoods — perhaps quite unlike the childhoods that many of us experienced — that have contributed to the circumstances in which these young people find themselves. That is, of course, a welcome investment as well. By contrast, the previous government's so-called sustainable government initiative did the exact opposite in this area, as it did right across government.

The Minister for Families and Children has met with staff, and she speaks to the union regularly. Of course meeting with the union would be something that a coalition minister would be very unlikely to do at the best of times, and in relation to these issues Ms Wooldridge was no exception to that rule.

Forty experienced Corrections Victoria staff have now been placed in youth justice precincts. A number of legislative changes have also been announced. Youth justice will be moving to the Department of Justice and Regulation. The management of the youth justice system will be moving from 3 July 2017. This will include all custodial and community-based youth legal services.

The government will legislate, as we have indicated previously, to increase the consequences in terms of both the sentencing and the parole of young offenders who assault our youth justice workers. All workers should be safe in their workplaces. We are also making sure that the Youth Parole Board is told about any serious incidents.

There will be a new youth control order introduced to give the Children's Court the power to issue a more intensive and targeted supervision sentence for young offenders as well. Work is underway on all of that as we speak and indeed has been for some time.

We are also investing in a statewide youth diversion program, including particular support to some regions and some communities that are disproportionately represented in the youth justice system. Early intervention programs are important, and any young person who can be provided with the hope of a good outcome from education and the hope of a good job, a great family life and the things that I think almost all Victorians aspire to that give them some connection to community is just essential for providing an alternative to a life of crime for these young people — and we are talking in some instances about very young people.

The minister has taken responsibility. The minister has taken a significantly greater amount of responsibility than her predecessor, and she will continue to do so because that is who she is.

I am conscious of time, but the second paragraph of the motion also suggests that the minister has failed to acknowledge incidents. These are incidents that she has commissioned reports into, so that just makes no sense at all. Some of the reports that the former government did not take responsibility for include the report of October 2010. Mr Baillieu had plenty of things to say about this in the lead-up to the election, but the top recommendation in that report was that the Parkville facility be replaced — then he and his government did nothing.

The former deputy ombudsman was recently quoted by the ABC as saying:

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

I have great confidence in Jenny Mikakos as she is an excellent minister dealing with a very difficult issue. The difficulties that she has faced have been caused by a number of things — including a very different group of people in the youth justice system — not least of all by the complete lack of effort given to this problem by

the former government even though it was given some big signs pointing out what it should do.

We will be opposing this motion. We support our minister. She is doing a terrific job. The new facility is much needed, and I look forward to seeing its construction.

**Ms LOVELL** (Northern Victoria) — I am pleased to be able to contribute to the debate on this motion today, and I congratulate my colleague Georgie Crozier on bringing this motion to the house. This is a most important issue. No-confidence motions are not moved lightly.

The fact that the previous speaker pointed out that both the Greens and the Liberals are supporting this motion but that they are coming from different points on it just goes to show how great the crisis in youth justice has become. The Greens would support the no-confidence motion for a completely different reason to the reason that the Liberals and The Nationals would support it, yet that just shows there is broad, cross-section support for the view that this minister, the Minister for Families and Children, is not capable of doing her job. It shows that it is right for us to say there is no confidence in this minister.

Unfortunately this issue, the crisis in youth justice, has become so great that the whole of the community has become concerned about it. The Greens and the Liberals now agree, and everyone has lost confidence in the minister and the government's ability to manage the youth justice system.

In the youth justice area there have been many, many riots over the last few months. There have been more than 30 riots or serious incidents at youth justice facilities since October 2015. That is an enormous number of riots when you consider that between 2011 and September 2015 there was not one riot at a youth justice facility. But the crisis in youth justice goes further than just that. Under this government there has been a loss of experienced youth justice workers as a result of the ongoing violence. In the 2015–16 year the Andrews government actually cut 11 youth justice worker positions from the workforce.

Category 1 assaults in youth justice centres have risen by 263 per cent in the past year alone. That is a disgrace. No wonder nobody wants to work there. Between January and September 2016 ambulances attended the Parkville youth justice centre a total of 57 times, and in the same period ambulances attended the Malmsbury youth justice centre a total of 43 times. That is a tremendous number of visits by Ambulance

Victoria — 100 visits — to youth justice centres in this state just in those nine months alone.

This minister continues to ignore the problems in the youth justice portfolio. In fact there are more than 50 youth justice questions on notice that have not been answered by this minister. That just shows she is abrogating her responsibilities. That gives us even more justification for believing that there is no confidence to be had in this minister.

Last year between 12 and 14 November there was an extremely serious riot at the Parkville youth justice centre. It started on the Saturday. It was controlled for a short amount of time. It started again on the Sunday and went through to Monday. That was three days of horrific circumstances and absolute destruction of the facility. Over those three days the minister and her department were unable to do anything to control the situation.

The problem too is that people refer to these young people as children. These are not children. These are fully grown males in many cases — 16 to 17-year-old males — who are bigger than many men in our society. These young people need to be controlled, and they need to be in a secure facility.

That particular incident highlighted how grave the situation had become. Finally the minister and the government were exposed, the public was really concentrating on them and they were forced to take some action. But they could not even get that right. When they finally took some action after the November riot, they decided they would move some of those young people to the Barwon facility. They moved them there, but what we had was a lawyers picnic. The lawyers said it was unlawful. They took the case to the Supreme Court, which ruled that it was unlawful. What did this minister do? Did she actually go back and see why it was unlawful and how it could be fixed? No. In her completely incompetent style, she pushed forward with arrogance. In fact the only thing that exceeds this minister's incompetence is her arrogance.

We kept hearing from her how fantastic she was and how she was taking charge, but the reality was actually very different. When the Supreme Court ruled that it was unlawful for those young people to be at Barwon Prison, any thinking minister, any competent minister, would have gone back and looked at how they could make it lawful for those young people to be there. This minister had spent an enormous amount of public funds — tens of millions of dollars — defending that proposition in the Supreme Court, only to lose the case.

But she did not go back to see what the problem was. No, she decided she was going to appeal it in the Court of Appeal. This was where the lawyers picnic came in. Again, another court case; again, tens of millions of dollars. What was the result? Their ruling was the same as the ruling from the Supreme Court, that it was unlawful. Then the minister, after she had lost the second case, said, 'Okay, the easy thing to do is to just reclassify that facility as a youth justice facility'. Why did she not do that in the first place? Why did she waste tens of millions of dollars of taxpayers funds defending not one but two court cases, only to be told she was wrong, and then go back and say 'It is simple, we will just reclassify it'? That is just appalling.

It is not just the opposition or the Greens who think that this minister is incompetent and should resign. The media has called for her resignation and the public has called for her resignation. In fact an editorial in the *Age* of 28 January said:

The Victorian government's failure to mitigate, let alone solve, the protracted crisis in the juvenile detention system is appalling. It is all the more disgraceful in light of evidence the government has been repeatedly warned about the situation.

Our special investigation, published today, as well as our exclusive report earlier in the week that the government concealed a May 2016 report into the system's manifold problems, reveal the extent of the Andrews administration's incompetence.

The minister was concealing reports that said there was a problem in the youth justice system and then trying to blame it on former governments. The *Age* editorial went on to say:

We can understand calls for youth affairs minister Jenny Mikakos to be sacked, and she is indeed a lacklustre performer generally ...

Lacklustre is quite kind in describing this minister. This minister is incompetent at best.

The *Herald Sun* of 7 February in its editorial entitled 'Youth jail overhaul' said:

Victoria has endured a juvenile crime wave for the past two years, and youth affairs minister Jenny Mikakos has failed to make a meaningful difference.

Her misplaced priorities were once more on show yesterday, when she sought to blame a coalition ... which lost power in 2014.

She has been the minister for two years. She has done nothing and she continues to blame other people for it. She needs to take responsibility.

The *Herald Sun* went on to say:

Minister Mikakos should not retain responsibility for youth justice; she has failed to make the necessary changes after repeated riots and breakouts at both the Parkville and Malmsbury centres.

That is correct.

Ewan Hannan wrote in *The Australian* of 27 January:

... Andrews could do worse than move Mikakos out of cabinet or, at least, shift responsibility for the youth detention facility to corrections. Mikakos lacks public authority and looks out of her depth. He needs to install a minister capable of rebuilding confidence in the youth justice system.

Ewan Hannan is right. Daniel Andrews could do worse than move Ms Mikakos out of cabinet. That would be the answer. Just move her out and put someone in who can solve these problems.

In the *Sunday Age* of 29 January, following the Malmsbury incidents, an article by Farrah Tomazin said:

It was appalling stuff, yet Andrews was missing in action until Friday, when he announced the government would 'restore order' by sending in Corrections Victoria staff to manage security in juvenile jails — which have been in chaos for months. Meanwhile, youth affairs minister Jenny Mikakos did not front the media to offer an explanation until 20 hours later.

The article then goes on to ask, 'Where was the leadership?'. There was no leadership on this. Mikakos was on holidays and the Premier was on holidays. They did not care that the community felt unsafe. They did not care that women were being dragged out of their cars and bashed by these young thugs. They were on holidays and enjoying themselves.

In the *Herald Sun* 'Text Talk' of 28 January, Gill Browne of Mount Waverley is reported as saying:

So Jenny Mikakos 'cut short her respite' to deal with the youth detention crisis. More than 24 hours after the fact ... can't let a holiday get in the way of work now, can we?

In the '50/50' column in the *Herald Sun* of 10 January Coke Tomy is reported as saying:

The more families and children minister Jenny Mikakos tries to explain, the more incompetent she looks.

That is true. Every time she opens her mouth she looks more and more incompetent. As I said earlier, this issue has highlighted her incompetence and her arrogance. The only thing that exceeds her incompetence is her arrogance. All we keep hearing from her is how fantastic she is and what a good job she is doing. All the community sees is more and more public facilities

being trashed by young thugs, more and more riots in prisons, more and more incompetence in trying to rehouse prisoners and the wasting of taxpayers funds in court cases. This minister is incompetent. This minister should resign or the Premier should sack her. I wholeheartedly support the motion that this house has no confidence in this minister.

**Mr MULINO** (Eastern Victoria) — I begin by echoing one of the sentiments that Ms Patten expressed, and I must say that I echo those sentiments as somebody who entered this house at the last election. Sometimes during motions like this and during lengthy debates like this I wish that this place would be a bit more focused on what we should be doing going forward rather than sometimes descending into what can only be described as a bit of a circus, empty rhetoric and contrived posturing.

These are important issues that we are talking about, and clearly we have a number of complex problems that have been evolving over a long period of time. I think that in her contribution she hit the nail on the head, which is that this place ought to be focused on trying to achieve as much common ground as possible and on the interests of those young people who are in the system or who are at risk of entering the system.

This place also has a role in holding the government to account. That is important, and that is an element of this debate. But I think it is also important to note — without wanting this to become one side making one claim against the other side and the other side countering with a counter plan, which is what politics too often becomes — that when a government is held to account by an opposition it is entirely appropriate for that opposition to have its credibility also tested, because claims made by an opposition against a government are not made in a vacuum. Those opposite come in here today claiming that this is a genuine attempt to hold the government to account, but it is entirely appropriate when listening and evaluating what they say for us to say, ‘How credible is what they are putting to us?’.

I believe there are two tests that we can use to test what they are putting to us today. One is they talk the talk, but did they walk the walk when they had four years on this issue, which has been evolving for a long period of time? Quite clearly this past government, the first one-term government in half a century, did not walk the walk at all. The second issue is that in this current environment it is all well and good for them to hold us to account, but what is their solution? What are they proposing? When it comes to them suggesting serious

policy going forward and where infrastructure should go, what are they putting forward?

I am going to spend most of my contribution talking about what this minister has done in the face of very difficult circumstances, because that should be the focus. I do want to dwell for just a minute or two on the credibility of those opposite, because it is ironic for them to say that Minister Mikakos is arrogant given what they are blurting out currently and what we have heard in their speeches.

*Honourable members interjecting.*

**Mr MULINO** — Listen to the volume from those opposite. They do not like this whatsoever. They do not like the mirror being put back to them one little bit.

We got an Ombudsman report in 2010 saying Parkville needed to be replaced. What capital expenditure did they put in place? We could ask: what capital expenditure did they put in place in transport, in health and in a whole range of areas? Certainly that test of ‘What capital expenditure was put in place?’ also applies when it comes to youth justice. When it comes to members opposite, walking the walk is a test they badly fail. What investment in services did they make, what investment in staff? Again, failure. When it comes to the credibility of those opposite, which is just as important as holding the government to account, it is entirely appropriate for those in the community to ask: how credible are those who are making all of these dramatic claims? They did not walk the walk. They had four years of opportunity and they did not do a thing.

When it comes to the current situation, do we have some kind of comprehensive plan from those opposite? We have some on the opposite benches saying, ‘Oh, look, we think there should be a supermax, but we didn’t do it after four years. It shouldn’t be in Werribee’. But then we have the Leader of the Opposition in the Legislative Assembly saying on Neil Mitchell’s program, ‘Oh, let’s just build it; I’m not going to argue over the site’. Then he changed his position later that day. We then have those opposite being everything to everybody when it comes to whether or not people should be in Grevillea. Those opposite want to be everything to everybody: they want to throw bombs but they do not have a plan.

It is entirely appropriate for the government to be held to account; it is entirely appropriate for the government’s plan to be tested. But it is also entirely appropriate for those who are throwing the bombs and making the accusations to have their credibility tested, because the community has a right to ask. If we are

trying to look forward and evaluate who has got the best plan, we have to look at their credibility. This government has a plan and a track record. I have to say it is actually this minister who at times on a personal level has been impugned during this debate in ways that are not appropriate. It is entirely appropriate for the government's record to be tested in this place, but at times this debate has become far more personal than is appropriate — if indeed those opposite are genuinely about holding the government to account.

Let us talk about what this minister has done and what this government has done. Let us start with the new youth justice facility. Let us talk about a facility which has had funding dedicated to it after careful consideration and formulation of a detailed business case after consideration of a number of sites. Let us talk about a facility that is going to have more than \$280 million invested in it, with over 3000 construction and related jobs and 450 ongoing jobs. This is going to be a critical part of our youth justice system moving forward. Those opposite, of course, did nothing for four years. Then when we announced this facility we either had members focusing on local issues in contravention of what their leader was saying or those opposite saying, 'Oh, too little, too late' — and the irony of that is not lost on anybody.

In addition to the infrastructure, this government has also done a huge amount of work in relation to staffing. We have funded 41 new youth justice custodial positions. We have also implemented rolling recruitment of vacancies, and through that process we have seen more than 100 new custodial workers recruited since September 2016. We have also boosted the number of mental health staff and psychologists, with over 10 new positions.

Again, if you look at the previous term of government, which is important in terms of context because this is a social problem that has been evolving over multiple governments, it has been evolving over a period of 10 years or more. It is entirely appropriate to look at what this government does and compare it to what previous governments of all political persuasions have done. When you do that, like in many other areas of policy, what you find is more infrastructure funding by this government and almost no infrastructure funding made by the previous government, and more service funding by this government and service cuts left, right and centre by the previous government.

Those opposite blithely and in a hollow manner claim there is arrogance on this side. I think the community in their evaluation of the previous government's performance suggest that those opposite should have a

little bit more humility before they make such melodramatic claims about this government. They should actually have a little bit of a look at how they dealt with a complicated problem evolving over a long period of time.

We have infrastructure and significant funding. It seems to be something that those opposite agree with on a certain level, yet they do not really want to commit to agreeing to it on another level. They want to have their cake and eat it too. We have infrastructure funding and we have increased staffing and service funding. That is a core element of what we need to have going forward. We also have a key departmental responsibility change, with youth justice moving to the Department of Justice and Regulation. Again these are key changes in the way in which government operates to respond to an evolving complicated issue. We have legislative changes in relation to a whole series of issues in relation to assaults on staff and youth control orders.

We also have investments in a whole range of important schemes within the justice system — for example, the government has made investments in the intensive monitoring and control bail supervision scheme. The government has invested significantly in statewide youth diversion programs, which of course is an important part of a holistic response to this, which is partly about dealing with controlling those particularly bad offenders and recidivist offenders and their threat to the community. But of course we also have to have a response which deals with the causes of crime.

We also have to have a response which understands that many of the youth that are either in the system or are at risk of coming into the system come from a wide range of backgrounds and are in a wide range of positions. We need to have a justice system that is flexible enough to treat some youth appropriately to protect the community, but we also need the flexibility to treat other youth in such a manner so that we can maximise their likelihood of rehabilitation and to treat them in such a manner so that we can maximise their likelihood of being future contributors to society. These diversion programs that the government is investing in are also critically important.

As somebody who has been involved in evaluating social programs in the past, I have developed some personal interest in these matters and I am very committed to seeing these programs expanded in the future. All of the research that I have read, and to some degree been involved in, suggests that these programs are very, very important, particularly over the longer run. This is something that I think we must not lose



sight of, even in an environment where the short-run emphasis has rightly been on creating infrastructure, on funding and on providing the right training and tools to people in the existing infrastructure and the new infrastructure. We should not lose sight of the fact that we need a holistic response which puts the right emphasis on things like diversion programs and on flexible treatment of youth in the system or those at risk of entering the system.

To finish off, I just want to make the observation that it is entirely appropriate for the government's actions to be held to account, but as so often occurs in this place, what is notionally about holding the government to account very quickly descends into what can only be described as political pointscoring and as a contrived circus. I think those people in the community who really matter, when they listen to this debate, will be most concerned, firstly, with who has a plan going forward. I have just rolled out to the house plans for infrastructure, investment in staff, investment in services, investment in diversion programs and investment in designing appropriate legislation to strengthen a whole range of offences. It is a complete plan going forward.

Now, of course the government has made adjustments along the way, because this is a complex and fluid situation, and it has been for a decade. Of course this government has had to adjust along the way; it would be entirely inappropriate not to do so. The critical thing is: is this motion really about holding the government to account so that we can truly as a chamber come up with the best plan going forward? I do not think so. I do not think that is what it is about.

When we look at the authors of this motion and when we look at the people arguing this motion, we can see people who frankly represent a party that in fairly recent times — in the big scheme of things — was not able to do anything in this space. Therefore when we put those opposite in the spotlight and consider what they are saying, which is just as relevant and appropriate as holding the government to account, I think we have got to ask ourselves: how credible are some of the dramatic claims of those opposite? That is reinforced when one looks at their lack of a plan going forward. They are more than willing to carp, they are more than willing to criticise, but they do not have any plan themselves. Ultimately if those opposite are truly going to be members of a party that aspires to government, they will have to come up with a plan at some point, and then let us hold that to account. But at this point only the government has a plan.

**Mr ONDARCHIE** (Northern Metropolitan) — I rise today to support Ms Crozier's motion relating to the lack of confidence this house possesses for the Minister for Families and Children. I have to say at the outset that is it not interesting that a government backbencher can articulate the needs of the youth justice system better than the minister herself? There may be a message for Daniel Andrews in all of this that Mr Mulino is able to articulate the issues associated with youth justice better than the minister. Nonetheless time will tell if the Premier is listening.

This is a very important motion, and it is not one that is moved and debated very often in this Parliament. Certainly this is the first time since I have been in Parliament that we have had a no-confidence motion. The reason it is not done very often is that this is a serious matter. This is a very, very serious matter. We are talking about our kids in Victoria. We are talking about the future of our kids in Victoria. We are talking about the safety of the community. We are talking about the need for a plan that deals with offenders, a plan that rehabilitates children so they can become worthwhile members of our society and that keeps our families in Victoria safe.

If you were to write a book on leadership, you would use Ms Mikakos as the example. It is all about focusing on getting a job but not doing the job. She rewarded herself and said, 'I am now a minister. It is on my business card'. Two years on she is still celebrating the fact she has become a minister, but she is not doing her job — hence the reason we have this motion before the house today. It is a very serious motion, and it is serious because — I refer to paragraph (4) of Ms Crozier's motion, which talks about providing accurate and timely information to this house — her answers to questions in question time for the entire length of her time as minister have been woeful. They have been absolutely woeful, and you can just about reel them out. We can just about print out what her response will be. It will be about the previous government or it will be blaming her department, blaming the weather, blaming a lack of facilities, blaming a lack of money or blaming everybody else except herself. So if you were to do a case study on leadership, the Mikakos example is a classic because she fails to recognise that she is responsible.

To stand up here in the Parliament and to give very beige answers — ones that are critical of everybody else but not accepting responsibility — is in her mind politically opportunistic in having a go at the opposition. But what does that say for the crossbenchers? They were not here then. It had nothing to do with them. When they asked questions about the

youth justice system and when the Greens asked questions about the youth justice system, it was not them who were responsible.

Why have a crack at everybody else? It is because this is a classic case of a minister who cannot handle her responsibilities, and it is sad. It is sad for the kids, it is sad for the staff, it is sad for the department and it is sad for the safety of Victorians. While she stands here pontificating about everything that has gone wrong and how it has nothing to do with her, she is not doing her job, and that is the basis of today's motion. Mr Mulino might stand up and say it is about being personal and it is about having a go; it is not. It is about the minister doing the job that has been afforded to her by the Crown, purely and simply.

What is interesting is that it is not just the opposition who think this, and it is not even just the crossbenchers who think this. We are getting information from Labor's own party membership about how disappointed they are in Minister Mikakos. I can tell you that because I represent Northern Metropolitan Region in which there are no Liberal-held lower house seats. Apart from the Greens, every other seat is held by the Labor Party. The membership that I see at community events — councillors, people I run into in the street who are generally of the Labor way of thinking — are shaking their heads about Minister Mikakos and what is happening in the youth justice system. They say to me that she has no lower house seat responsibility, because we cover most of the lower house. 'So what is she doing?', they say to me, 'What is she doing with her time? Why isn't she fixing this problem up?'. It is their own ALP members in Northern Metropolitan Region that are being critical.

But if you think, colleagues, that it is us who have no confidence in Minister Mikakos, there has been no greater example of a lack of confidence in Minister Mikakos than from the Premier himself, who is moving youth justice to corrections. He is moving the support, the authority, the management of youth justice from Minister Mikakos to Minister Tierney. Corrections are going to look after things in Grevillea unit, and it is obvious that the Premier does not think she is capable of doing her job.

Mr Mulino should forget about what he thinks those opposite are thinking. Even his own Premier does not have confidence in Minister Mikakos. If the person democratically elected to be the Premier of the state does not have confidence in his own minister, then why expect the rest of Victoria to have confidence in her, and especially this house?

It is unfortunate we had to get to this position, but we did not bring it on; she brought this upon herself. She could stand up here in question time and answer questions with integrity and honesty, because we know, she knows and the Victorian public knows that the system is failing. The first step in dealing with the system that has failed is for her to recognise it, and we have not had that.

Kids at Malmsbury, kids at Parkville, kids at the Grevillea unit, kids raiding on the streets — irrespective of whether you think these kids are good kids or bad kids, they are kids. The Minister for Families and Children should be thinking about that — how do we save our kids, how do we protect our kids, grow our kids, develop our kids — but she has not gone to that point. All her energy in this place and in the public arena is about blaming other people.

Minister, I say to you — and this Parliament says to you — it is not about getting a job; it is about doing it, and quite frankly the Victorian people are sick and tired of it. If the Premier has no confidence in this minister, how can he expect the people of Victoria and this house to have confidence in this minister? I have none, and the opposition has none. I commend the motion to the house.

**Mr ELASMAR** (Northern Metropolitan) — I rise to speak against the no-confidence motion. I find it objectionable and politically self-serving for those across the chamber to make cheap shots at Minister Mikakos when they know full well that years of wilful Liberal coalition neglect in funding and planning properly for the constantly evolving youth justice system in Victoria has directly caused the present situation. Over many years those across the chamber had many opportunities to make strategic and monetary decisions based on information provided by the department regarding refurbishments and dramatic alterations to the housing of juvenile delinquents. Gone are the days of Turana and Baltara, where a short stint in one of those facilities would put kids' heads straight. There are many middle-aged people — and dare I say some politicians — who have benefited from a brief stay in those state-run juvenile justice centres.

However, today is a whole new ball game, with the advent of vicious street gangs who have participated in brutal home invasions and horrifying carjackings of ordinary citizens going about their daily business. It is timely for our government to treat them according to their actions. These young people have not reached their majority, but their offences are horrendous and they are not fit to be supervised by childcare officers. To use Minister Mikakos's words, they are not

choirboys. If what we read in the papers is anywhere near the truth, we have a huge battle on our hands to stem the outrages being perpetrated by these young thugs.

I work with Minister Mikakos and represent the same electorate, and I know how hard she works and how important the kids are to her. She does her best to do her professional job. I would have expected the Liberals to support the decommissioning of Parkville youth detention centre as a matter of urgency. Instead all we see is grandstanding by those people opposite. They had the chance to fix this when they were in government and chose not to, probably because it is easier to be in opposition and carp rather than take on the issue properly.

A series of recommendations have been made to address this serious matter in a productive way. It would be wonderful for the Parliament to protect the people of Victoria by supporting the initiatives outlined in this house yesterday by Minister Mikakos in response to this matter. The minister has been doing a fantastic job, and it is totally unfair to verbally criticise her performance when the solutions to the current problems were around when those opposite were in government.

She has my full confidence, and she should have this Parliament's full support to implement the proposed strategies for fixing the problem. I vote no against this outrageous motion.

**Ms MIKAKOS** (Minister for Families and Children) — As the Minister for Families and Children, I believe I have taken every opportunity to inform both this house and the wider Victorian community about the challenges facing our youth justice system. I believe I have taken every opportunity also to inform the community about what we are doing in this respect. If members opposite wanted to have a constructive debate about these issues, I would in fact welcome such an opportunity. However, it is very disappointing that they want to bring on debate about these matters in the form they have, particularly, as has been noted by a number of speakers, as these types of motions are very infrequent and when they have occurred they have tended to have been about very serious matters relating to alleged misconduct by ministers.

It is very disappointing that it has come to this. Particularly it is very disappointing — galling, some might say — that we are having this debate today accusing me of failing to take responsibility when we have had from those opposite a complete failure and a complete lack of acceptance of any shred of

responsibility on their part for the situation that we are in at the moment. By contrast I have demonstrated my responsibility for my portfolio through the consistent actions I have taken. My responsibility is to ensure the safety of the community, the safety of the staff who work in our justice facilities and the safety of the young offenders who live in those youth justice facilities.

There is no greater example of the responsibility and the actions I have taken than the announcement that the Premier, the Treasurer and I made just this Monday: the biggest ever investment in our youth justice system in this state. It is a facility that is going to be the highest security youth justice facility we have seen in Victoria. It is a very significant investment of \$288 million that will see a new purpose-built, high-security facility being built for Victoria and for Victorians' security. It is an investment of more than \$288 million to build a 224-bed facility to futureproof our needs in the youth justice system for many years to come. It is a facility that will create up to 3000 construction and related jobs as well as 450 ongoing jobs at the facility itself. It is a facility that will bring an economic benefit worth almost \$420 million to the local community, with abundant opportunities for local businesses.

We have made a very significant investment in relation to this new facility, and yet we are yet to see what the opposition's position is because we have seen a lot of inconsistent positions taken just in the last week. We have seen Ms Crozier issue a statement saying she supported the idea of a youth prison for violent youth offenders. We had Matthew Guy on 3AW just last week saying to Neil Mitchell, and I quote:

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.

Then within hours on a different media outlet he backtracked and said he wanted to retrofit Parkville or Malmsbury, completely contradicting Ms Crozier. And then just on Monday on another news outlet Mr Guy again flip-flopped, 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.

What we want to know is: does the opposition support this new facility or not? We know that all we see from the opposition in relation to these issues is just politics. We have just seen politics. They have not been interested in seeing the system that they left in tatters being reformed at all. They did not fix Parkville when they were in office, and now we are back to square one. Mr Guy is completely incapable of explaining why he sat at a cabinet table for four years and allowed a secret

master plan for the Parkville redevelopment to be shelved during his time.

Whilst we have been in office we have been addressing the infrastructure facilities. This will also include going and fixing the job that was left undone at Malmsbury. We had Ms Wooldridge, who ironically is going to vote for this motion, commission three new secure units at the Malmsbury facility — so-called secure units — and she built that on an open site. We are going to reassure the Malmsbury community of their safety. We are going to be taking steps to further enhance the security measures at Malmsbury.

We have also taken responsibility for the staffing issues. We have had 41 custodial staff and rolling recruitment introduced. We have recruited more than 100 staff since September last year. There are 10 mental health clinicians funded to deal with the significant challenging behaviour which we are seeing in our facilities, and there are 40 community-based youth justice workers funded to support the new youth control orders and the intensive bail supervision that we are going to be legislating for soon.

We have had ongoing dialogue with staff and the union. We know that Ms Wooldridge would never have let the union in her door for the four years that she was the minister.

**Ms Crozier** interjected.

**Ms MIKAKOS** — Are you denying that, Ms Crozier? Just go and ask them.

We have seen 40 corrections staff introduced into our youth justice system. I have explained in this house on many occasions the changing cohort of young offenders that we see in our facilities. This in fact has been happening for a number of years now, including during the time of the previous government. We had a critical incident response team put in place in our youth justice facilities that had only plastic shields to protect themselves and their work colleagues. We do not regard it as acceptable to allow our staff to be vulnerable in this way.

This is why we have put corrections staff in place. We now have corrections staff as general managers at each of our three youth justice facilities. We have corrections staff, including incident response staff, in there with the experience, the expertise, the training and the equipment they need to be able to respond to incidents in a timely way before these incidents in fact escalate.

We have flagged legislative changes to protect our staff again. I have flagged that we will soon be legislating for

changes so that there will be greater consequences both in terms of sentencing and parole for those young offenders who assault our staff.

We have got legislation coming to the Parliament soon to introduce a new youth control order to give the Children's Court the power to issue a more intensive and targeted supervision sentence for young offenders. We have had investment in an intensive monitoring control bail supervision scheme based on a UK model that is going to be a very important reform as well. We have also funded statewide coverage of bail supervision. In the time of the previous government there were only two staff available statewide to supervise young offenders on bail.

We are making a number of other investments in relation to a statewide youth division program. When Mary Wooldridge was minister she put out a discussion paper and sat on it for a couple of years. We have invested in early intervention programs; funding for Aboriginal young people in particular, who are over-represented in our criminal justice system; and prevention programs, such as \$4 million for the Empower Youth program, that has seen the first Victorian government funding for youth workers in this state for more than six years, again targeting disadvantaged communities that are experiencing crime issues. We have also provided funding for particular communities that have an over-representation of young offenders in our criminal justice system.

I want to move to the second point in the motion, which is around reports and reviews. I find it quite ironic that the opposition have put this particular point into their motion, because the most important report that they failed to act on was the 2010 Ombudsman's report, the top recommendation of which was that the Parkville facility be redeveloped. The most telling thing we saw was former deputy ombudsman John Taylor being quoted by the ABC just last week on 28 January. He said:

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

So John Taylor, the person who wrote the 2010 Ombudsman's report, is damning in his indictment of the previous government for not taking action in response to this particular recommendation. He acknowledges that this is why we are in the situation that we are in today.

This is why our government is taking action and is going to build a brand-new, fit-for-purpose youth justice facility in this state. Along with other

government members, I have spoken in this house about how I have commissioned independent reviews of incidents. We know that the previous government had a number of reports that it never released publicly, but we have acted in respect of each and every one of these reports, and the department has either implemented or is in the process of implementing every single one of those recommendations. These reports deal with the sensitive matters that go to the security of these facilities, and that is why they have not been released. This is the same approach taken by the previous government.

I asked Neil Comrie, a former Chief Commissioner of Police, to conduct an independent review of the November 2016 riot. He concluded that the Parkville youth justice precinct had inherent safety and security issues arising from the construction and design of the precinct and that the precinct was not adequate for its intended purpose. That is why Mr Comrie recommended that the government complete a business case and look at a new youth justice facility at a greenfield site. That is exactly what we have done. We have also said that not only will we accept all of Mr Comrie's recommendations, but we will also ensure that all of his design specifications are taken on board in respect of this new facility.

We are also undertaking a complete and sweeping reform of our youth justice framework, which has not been updated for 16 years. The work of Penny Armytage and Professor Jim Ogloff are very important to that.

In respect of the third point in this motion, it is clear that both the opposition and the Greens do not understand that we have in fact complied with the act and with the charter. We have gazetted the Grevillea facility as a functioning youth justice centre. It is a safe centre. It is a centre that does comply with the requirements, and we will defend any future legal action in this respect.

The Ombudsman's report just yesterday published correspondence between the commissioner for children and young people, myself and my department, which indicates the progress that we are making to improve the conditions at that facility. We were honest enough to say that things were not perfect from day one, but incredible work has gone into making sure that the services that are available at that facility are comparable to what exists at our other youth justice centres.

In relation to the fourth point, I have legislated for incident reports to go to the Commission for Children and Young People. We have published quarterly

incident data — something the coalition never did. We have provided far more transparency in relation to these matters than we ever saw previously. This is why this is a farcical, nonsensical debate. I have been taking responsibility. I have been taking action. I have ensured transparency in terms of the issues that we have been facing. I have talked about it to the community on numerous occasions. I have certainly talked about it in this house on many occasions as well. I will continue to do everything possible to improve our youth justice system and to make sure that we can ensure the safety of the community.

**Ms FITZHERBERT** (Southern Metropolitan) — What a rushed, breathless performance that was. Was that a study in leadership by a senior minister, or was that some kind of dissembling 'Don't look at me, I've been put on the spot, I'm going to go through my shopping list of what I've said I'm going to do' contribution? I think it was the latter. Is that how you explained it to the Premier when he called you in and said, 'What on earth is happening in our youth justice centres'? I really hope not, because I think it would have been quite an unimpressive performance. In his shoes, I would have expected much better from a minister. That is why motions of this kind are rare. In recent years they have occurred only on a handful of occasions, and they are not attempted lightly.

We are having this debate today because of great concern about this minister's leadership, and not just in this place and by the members who sit here today, but also by people in the community, who have been able to see on the news and in the newspapers every day and every evening evidence of the failings of this minister. The issue of ministerial performance is something that the Andrews government has on occasion taken upon itself to address during this government. There are a number of examples —

**Ms Crozier** — Mr Somyurek.

**Ms FITZHERBERT** — Yes, Ms Crozier, I am thinking, firstly, of Mr Somyurek. It was because of a complaint from a staff member about former minister Somyurek, which was denied by him, I note, that an investigation was quickly launched by the Premier into both the complaint and the capacity of the minister's office. The Premier also decided to involve himself when the former Minister for Corrections was using his ministerial car to ferry dogs to his country home.

The Premier's fingerprints were all over it again when Jane Garrett in the Legislative Assembly resigned from the ministry over the Country Fire Authority (CFA) enterprise bargaining agreement (EBA). The Premier

was keen to push the agreement through, but Ms Garrett argued that she could not support the EBA because of the detrimental effect it would have on the CFA.

In this instance this minister has presided over a totally disastrous period in the juvenile justice sector, and that is why we are having this debate today. She has on a number of occasions tried to stop scrutiny of what is happening and has ridiculed those who have tried to shine a light on what is happening, as indeed Ms Crozier has done on a number of occasions. For instance, we are not allowed to see the costs for the damage that has occurred. The costs will be paid by public money, and the public has a right to know what that figure is, yet we are unable to have that information.

Despite this, the crisis and the chaos remain obvious in a couple of key ways: firstly, because they have impacted on ordinary Victorians in a dreadful and frightening way. After the breakout from Malmsbury recently we saw and heard from Victorians who had been carjacked, abused and attacked. They told of abuse and fear. They told of having their homes broken into. They told of having their possessions stolen. One story was especially upsetting. A woman told of how she and her mother stopped for what they thought was a broken-down car in order to help. It turned out to be a trap, and their car was stolen. The young woman told of her mother being verbally abused and being dragged out of the car by her hair, all because she stopped on a country road to help somebody. I would hate it — well, I would very much be upset — if the incidence of visible crime that we have around us in our community and that we see so much of in the media has any sort of detrimental impact on that basic desire that many people have to help someone else who appears to be in trouble.

It never should have got to this point. One reason why it has is that the minister in question has repeatedly sought to avoid responsibility and ownership. It is always someone else's problem. In fact that was what she was telling us during her very, very rushed and breathless address to the house just before: it is not her fault; it is not her responsibility. It is clear that she resents both Ms Crozier and Ms Springle for repeatedly raising these issues in Parliament, as they should and as is their proper role. I think of what the minister said to Parliament on 6 December last year:

But can I just say that I am very concerned about the pattern of Ms Crozier and members of the opposition coming to the Parliament and making assertions in relation to these matters.

Generally, can I say, Ms Crozier has been right on the money with her reports on what is happening, because she is in touch with her sector and she speaks regularly to people who are involved. There are a number of times when she has told me directly about things that are happening in the sector, at Malmsbury or at Parkville, and a short time later it has emerged in public that that is indeed the case.

There has been violence and rioting at two youth justice centres, which the minister prefers to characterise as 'incidents'. These have resulted in injuries to staff and extensive damage to property. It is reported that there have been data breaches, and this is extremely serious. Centres have gone into lockdown and the police have been called repeatedly to try to attempt to get some sort of order into these centres when staff have been unable to do so. Then of course there is the legal action against the government for moving youth offenders to an adult prison due to the circumstances in which this was undertaken. Back in November the minister dismissed any suggestion that what the government had done was in any way questionable. Answering a question from Ms Springle at the time, she said on 24 November:

I thank Ms Springle for her question. We have had, I know, some media reports in relation to these matters, and can I just say that the legal action that some groups in the community have been contemplating — or any legal action — our government will defend vigorously, because the action we have taken in relation to the gazettal of the Grevillea unit at Barwon Prison and the actions taken to transfer young offenders to the Grevillea unit are in accordance with all the relevant legislation and the Charter of Human Rights and Responsibilities.

As it turns out, the Supreme Court and the Court of Appeal, including the chief justice, have quite a different view.

We had the unedifying sight of the state government yet again embroiled in expensive legal action, this time over the Christmas period. On 21 December the Victorian Supreme Court ruled that sending youths to an adult prison was illegal, and this was upheld a week later in the Court of Appeal. Can I say this is yet more public money spent on defending the bad decisions of this government — very much like the public money that has been spent on trying to stop the Ombudsman from looking at allegations from ALP whistleblowers about the work practices in government members' offices.

There is more trouble, though, in the youth justice system. A recent WorkSafe report on Malmsbury found that staff were at risk of death or serious injury in attacks that were occurring almost on a daily basis, and I understand that WorkSafe in one month recorded

almost 40 incidents of violence against staff. These included threats of rape made against female youth justice workers.

In October 2015 there was a riot at Parkville. There was weaponry used at this riot, including iron bars and cricket bats, and this resulted in a damage bill that I understand is estimated at around \$141 000. Peter Muir was called in to review this incident.

In March 2016 it was happening again. This time six detainees with metal bars climbed onto the roof of the Parkville centre and were seen smashing windows and skylights and also damaging air-conditioning units. The trouble began on 6 March, when the centre was locked down after a number of tools, including pitchforks, were stolen from a garden shed and police were called in. After that the state government again called in Mr Muir to review the riot. We have a lot of riot reviews in this state — it is something that unfortunately we are getting quite used to. In May Mr Muir delivered his report to the Andrews government, but it was kept secret until somehow Fairfax got a copy and leaked it some eight months later.

**Ms Crozier** — Even though we had asked for it.

**Ms FITZHERBERT** — Exactly as Ms Crozier said, it had been requested; it just simply would not be handed over. That scrutiny was not allowed.

We saw this kind of violence happen again in September 2016, with more detainees on the roof of Malmsbury during a 2½-hour siege. Then in November 2016 — I believe on Saturday the 12th through to the early hours of Monday the 14th — there was more violence and more damage as detainees ripped ceilings and walls apart. People were arming themselves, climbing onto the roof, and they destroyed at that time around one-third of the centre. These alleged instigators of the riots were sent to the adult Barwon Prison at the end of November.

It occurred again in January. Six detainees at Parkville broke the pool fencing apart to use as makeshift weapons, and police were called again while the rioting continued. It happened again on 25 January with another riot, and on this occasion there were about 15 detainees who escaped. I spoke earlier of one of the many frightening incidents that occurred as a result of that escape. Cars were stolen, there was ramming of other vehicles and there were police pursuits across Melbourne. It was also on that day, 25 January, that Fairfax Media reported that the government was warned in May 2016 that the system was spiralling out

of control and that one of the consequences of this was risk to the safety of staff and clients. This was after the secret 61-page report that was done by Mr Muir regarding the March 2016 riots was made semipublic, in a sense, through leaking.

Earlier this month it emerged that locks at one of the youth justice centres have had to be changed following a prison break and riot, and there is some concern about the cost implications of this and also safety. It is reported that there have been data breaches, and centres have gone into lockdown and the police have been repeatedly called.

### **Business interrupted pursuant to standing orders.**

**Ms CROZIER** (Southern Metropolitan) — I desire to move, by leave:

That standing order 5.02 (2) be suspended to the extent necessary to provide:

- (1) for the extension of general business beyond 5.00 p.m. for the purpose of completing debate on a motion moved by me earlier today in relation to the Minister for Families and Children; and
- (2) following the completion of the motion the order of business will be statements on reports and papers, 60 minutes; government business, maximum 30 minutes; and adjournment, up to 20 members.

### **Leave refused.**

## **STATEMENTS ON REPORTS AND PAPERS**

### **Ombudsman: youth justice facilities**

**Ms CROZIER** (Southern Metropolitan) — I rise to speak on the Victorian Ombudsman's *Report on Youth Justice Facilities at the Grevillea Unit of Barwon Prison, Malmsbury and Parkville: February 2017*, which has been tabled in recent days. I am disappointed that other speakers are not able to contribute to the motion that I moved in relation to youth justice, but this report highlights many of the issues raised in the debate on the motion I moved earlier today.

I commend the Ombudsman for this report; it is a very thorough report. It looks at many of the issues that have occurred in youth justice. I am pleased that my colleagues have been able to well articulate those issues that have been very, very significant in the youth justice facilities and the youth justice system in Victoria for many, many months. The government's response is disappointing in relation to those matters which have been of concern for some time.

This report was conducted by the Ombudsman. In the foreword she writes:

The riots at the Parkville youth justice centre in November 2016 and the government's subsequent establishment of a youth justice centre within Barwon Prison have prompted reviews, inquiries, and legal proceedings, by numerous agencies.

That is very true. There have been a number of reviews and reports looking at issues because of the significant concerns that have arisen throughout the youth justice system in the last two years. It is fair to say that issues have arisen and will continue to happen within youth justice facilities; no-one is denying that. But what we have seen over the past two years is a complete breakdown of youth justice.

We have a community that is very concerned about the significant issues that have arisen, because they have been very visible. They were visible on our televisions on almost a weekly basis when the riots occurred; they were visible in our newspapers as the stories got out. We saw a very human side in the devastating and horrific circumstances that occurred following the mass breakout at Malmsbury in late January.

This report was actually concluded just prior to that mass breakout. I am sure the Ombudsman will look at that, because the government continues to blame the former government for the lack of security that led to that mass escape. If they were concerned about the security at Malmsbury, then surely they would have acted on it. It is clear through the mass escape at Malmsbury that there were security concerns. It is my understanding that the issue of a very secure door was not addressed for many weeks. That simply is not good enough.

This report goes to the issues that have arisen in our youth justice facilities and the issues surrounding transfers to Barwon Prison. I note today more legal proceedings have been initiated against the government. Page 14 of the report talks about a previous decision on what the minister did. I will quote from the report, which says:

... the court found that orders in council establishing Grevillea were invalid and of no effect, and that the minister's recommendation to make the orders in council failed to give proper consideration to the human rights of the young people to be detained at Grevillea.

That was the court's finding, yet the minister and the government went back to the Court of Appeal to argue it, and again they lost. They lost in the Supreme Court, they lost in the Court of Appeal and they are pursuing further legal action, as has been highlighted today. They have continually failed in so many respects. I will have

more to say on this report. I do not think the issues at hand are being addressed by the government. I think they are panicking. They are making decisions on the run, and I think all and sundry is going to be disclosed.

### **Auditor-General: *Security of Critical Infrastructure Control Systems for Trains***

**Mr ELASMAR** (Northern Metropolitan) — I rise to speak on the Auditor-General's report entitled *Security of Critical Infrastructure Control Systems for Trains*, tabled on 9 November 2016. The report focuses on the potentially increasing vulnerability of our public train system to potential cyber attacks on our network security systems.

We have all seen terrorist attacks on international railway systems; in particular London comes to mind. In 2010 an audit was commissioned to assess the dangers to our own railway system. Following on from this security assessment a series of recommendations were contained in the final report. This infrastructure report highlights the need to comply with those initial recommendations.

As passenger train services for the Victorian public are a normal part of everyday infrastructure, there is reasonable expectation by the community that they should be able to travel in safety. However, in this changing world of international political tensions it is incumbent on all governments to be ready in the case of a cyber attack. Electronic signals and computer procedures are integral to the safe operation of our train services. The last report identified weaknesses within the security system that were targeted for action. However, since that time machinery of government changes effectively transferred accountability for train control systems and the responsibility for resolving the recommendations from the 2010 audit to Public Transport Victoria.

The importance of a strategic and coherent plan to offset or negate a cyber attack cannot be underestimated when it relates to the train travelling public in Victoria. I would like to be assured that when Transport for Victoria is up and running, the recommendations contained in this report will be among its top priorities. There is no doubt in my mind that as cyber attacks become more sophisticated, control systems become more vulnerable. In addition the move away from standalone control systems to those that are connected with other computer systems and networks also increases exposure to cyber attacks.

There is no doubt we need to do better and we need to focus our energies before an attack occurs. It will be too



late afterwards. According to the report, Public Transport Victoria and train operators are at this time working cooperatively to address security issues concerning governance of control systems.

I fully support the recommendations contained in the report and I am also confident the new entity, Transport for Victoria, will tackle this critically important issue. I thank the Auditor-General's office for their comprehensive report.

### **Public Accounts and Estimates Committee: budget estimates 2015–16**

**Ms LOVELL** (Northern Victoria) — I rise to speak on the state budget 2015–16, which funded a number of additional train services for other parts of the state but not for Shepparton. Of course the spin is that Shepparton got an additional train service, but in fact what we got was a replacement quarter of a service, because we always had a 4.31 p.m. service to Shepparton. It was a train to Seymour and a bus from Seymour to Shepparton, and that section of it, the bus from Seymour to Shepparton, has been replaced with a train. So there are no additional services, just a replacement service.

Before I start on the need for additional services in Shepparton, I am going to speak a little bit about the trains — the locomotives and the passenger carriages — that run on our line. These are old carriages and locomotives. They were purchased in the 1970s by the Hamer government, and they are extremely unreliable. We often have breakdowns and we often have — I have spoken about this before in this house — toilets overflowing and the contents of the bowl running down the carriage floor.

I want to speak today particularly about a Facebook post that was posted by Jenni George-Slade of Mooroopna just this afternoon. She said:

My son is travelling on the 12.52 service from Melbourne. It has stopped once in Kensington for V/Line staff to attempt to fix electrical problems. The lights are now working, but the air conditioning is not!

It is well into the 30s at home, I believe, today.

Why is it that our service has consistently substandard rolling stock? Who do we need to speak to, to get air-conditioned carriages?

In Shepparton we have been saying for many years that we need better carriages, we need better locomotives, we need better tracks, but most of all we need more services. But this government has not listened to us, and in fact, in order to give us what they claim is a new train service — which we say is a replacement service

at 4.31 p.m. — what have we had to lose? We have actually had to give up our 6.22 p.m. service that used to arrive in Shepparton at 8.59 p.m. that has been pushed out to 7.08 p.m. and now does not arrive in Shepparton until almost 10 o'clock. Under the old train timetable, it left Melbourne at 6.22 p.m., arriving at 8.59 p.m. The new one leaves at 7.08 p.m. and does not arrive until nearly 10 o'clock. If you are working in Melbourne for the day, you could not possibly get the 4.31 p.m. train, so you would be penalised — you would now have to get home at almost 10 o'clock at night, because it would not be realistic for anybody who is working in Melbourne to leave work in time to get the 4.31 p.m. train service and for their work to think that was acceptable.

This has been highlighted by a number of people. Mary Shaddix wrote on Facebook, in relation to when this service would arrive:

We have always had a 4.31 weekday service from Southern Cross to Shepparton. Arrive Seymour 6.08 p.m. ...

And she would arrive at Murchison, where she lives, at 7.21 p.m. She was quite happy with that service, but now, no, she would have to get home in Shepparton at 9.45 — almost 10 o'clock — 46 minutes later than the train she had been able to take before.

In Shepparton we do not have many options, even in the morning. We have four trains a day to Melbourne and now four trains a day to Shepparton, but to get to Melbourne by 9 o'clock you need to get the 5.15 a.m. train, so to be up and at the station to catch the 5.15 a.m. train, work in Melbourne all day, get the 7.08 p.m. home and arrive home at almost 10 o'clock — in fact, you would probably get to your home after 10 o'clock — is just not acceptable for a major regional centre.

Rhiannon Tuffield wrote in the *Shepparton News* the other day about a woman who has been commuting from Nagambie. Her name is Kelly Allen, and she has travelled from Nagambie to Melbourne and back on a daily basis for the past two years. Now she can no longer get home to Nagambie unless she gets that 7.08 p.m. train, because even though the 6.22 p.m. train that used to go all the way to Shepparton still runs, it terminates at Seymour. There is not even a bus connection, so between the 4.31 p.m. and the 7.08 p.m. train there is no connection to anywhere beyond Seymour, and this is not good enough.

The recent *InterCity* report said we should have eight return train services from Shepparton to Melbourne per day, and this government must do better for the Shepparton line.

### **Ombudsman: local government decision-making**

**Mr RAMSAY** (Western Victoria) — My statement on a report is a reflection on the Ombudsman's report titled *Investigation into the Transparency of Local Government Decision Making*. I thought it was an opportune time to reflect on the Ombudsman's comments in this report, particularly in relation to the government's review of the Local Government Act 1989 and the upcoming parliamentary inquiry into local government generally of the Environment, Natural Resources and Regional Development Committee. That inquiry will start once the committee's report on invasive species is tabled in March.

Local government has been an interest of mine for a long time. My electorate of Western Victoria Region covers in excess of 28 local councils — local governments — and I can say with some degree of confidence that nearly every one of those councils in the past has had significant problems in delivering for its community through the democratic process. I read with interest some of the recommendations of this report, and I note that the chief failing of many of the councils that were used as examples in the report was in providing an appropriate measure of transparency to the communities they represent. The report indicates that particularly with closed hearings in local government, whereby community members are basically shut out of the forward information from the agenda process through to the issue at hand, the debate process and finally the council's deliberations and recommendation through that closed hearing. So they are basically shut out of access to the decision-making process of their particular council.

Deborah Glass, the Ombudsman, has made a number of recommendations for improving the transparency of those closed hearings to enable some community engagement and at least some recognition of the issue at hand, how it is being dealt with by the council and some of the reasons for which the council made its decision.

I note particularly that some of the concerns raised in the report are about councillors making decisions without the appropriate support and advice from council officers. My experience with councils is that councillors refer to council officers particularly to provide the background and research that is required — —

**Mrs Peulich** — They're not allowed to.

**Mr RAMSAY** — Council officers make reports to council in relation to issues, so certainly I would expect councillors to take note of some of the information that is provided to councillors in relation to deliberations that they might have.

Without prolonging discussion of the issues around transparency in this report, it is very clear that there are a number of recommendations on how to improve the transparency of councils, particularly those councils that were identified as examples in this report.

I want to go to an issue that is particularly close to home for me, which is the City of Greater Geelong, which many will appreciate is in limbo because it now has administrators running it up until the October election process for Greater Geelong ratepayers. In fact it was this chamber that agreed that the City of Greater Geelong community would go to a local government election in October 2017 to elect its councillors.

We have just seen a process of a citizens jury of 100 citizens, who were to debate the merits of a particular structure model for the City of Greater Geelong. Out of the 100 only 30 actually provided the final report to the Minister for Local Government, and in fact there was no consensus on how that structure might look. In fact they were tied 50-50. I am concerned, given that the October election is quickly approaching about how the government will plan for the local government election in the City of Greater Geelong. I hope it will actually allow for some debate in this chamber about a preferred model that it might well choose in relation to — —

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

### **Ombudsman: youth justice facilities**

**Mrs PEULICH** (South Eastern Metropolitan) — I wish to make some remarks on the Victorian Ombudsman's report on youth justice facilities at the Grevillea unit of Barwon Prison, Malmsbury and Parkville, dated February 2017, which was tabled yesterday. I wish to congratulate Deborah Glass, the Ombudsman, for bringing together a range of information from a range of agencies that have a role, often overlapping, in relation to managing youth justice facilities and clients. What has perplexed me is that, as she mentions in her foreword:

The riots at the Parkville Youth Justice Centre in November 2016 and the Government's subsequent establishment of a youth justice centre within Barwon Prison have prompted reviews, inquiries, and legal proceedings, by numerous agencies.

That is on page 2 of the foreword. I am amazed at the number of agencies that do have a role, but I am not confident that indeed all of these reviews, all of these inquiries, are necessarily going to be tackling the problem. The problem is one that perhaps was not so visible over successive governments but has become a more recent phenomenon.

Ms Glass notes in her foreword as well:

The facts that emerge from independent sources provide succour to both sides of the debate: while youth crime is decreasing overall, more is being committed, more violently, by a small cohort of repeat offenders, who the system is plainly failing to deal with.

She goes on to identify a whole range of failings, including infrastructure, the interplay of health and human services, education and the justice system, increasing numbers of detainees on remand and so on. Part of that is a result of the courts not being efficient enough to be able to deal with them, or perhaps because they are more serious offenders it takes more time for those cases and those briefs to be prepared in order to appear before the courts, which of course does place additional stress on these facilities with remandees.

There are constant references to a different cohort of young offender that is in the system. On page 4 of the report, in providing some background on youth crime and reoffending in Victoria, Ms Glass notes that:

63 per cent were victims of abuse, trauma or neglect;

62 per cent had previously been suspended or expelled from school ...

Now, clearly something is very wrong in our education system when a particular child, perhaps less academic, is not catered for, and I suspect that since the demise of our technical schools in the 1980s a clear path for non-academic students is no longer there. The report also notes:

66 per cent had a history of both alcohol and drug misuse ...

The drug that is on everyone's lips is ice. This government appears to have done so little to deal with the problem of ice. It is ripping lives apart; it is ripping families apart. Across the south-east we have seen a proliferation of youth crime, much of it either committed in the south-east or linked to individuals from the south-east. Regrettably there is also an increasing number of, often, organised bikie gangs throughout the south-east, and there seems to be little work being done to respond to this problem.

The information on page 8 of the report notes that the offenders are now moving 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.

These are very serious matters that I do not believe all of these inquiries will get to the bottom of, but what we are seeing are the symptoms in our community; the deterioration in the administration of law and order; and the failure of a number of agencies, obviously including Victoria Police, to deal with this epidemic. I call on the government to ensure that these issues that are creating the young, more serious offenders are investigated and addressed — in particular, could I say, those from multicultural backgrounds. So little work has been done by this government to actually understand the drivers of crime.

## ADJOURNMENT

**Mr DALIDAKIS** (Minister for Small Business, Innovation and Trade) — I move:

That the house do now adjourn.

### **Shepparton East Primary School**

**Ms LOVELL** (Northern Victoria) — My adjournment matter is for the Minister for Education, and it is regarding the need for improvement works for the access road and adjacent car parking area that service Shepparton East Primary School. My request of the minister is that he provide for the necessary funding to be made available through the Department of Education to upgrade the service road area to a sealed car park that is suitable for use as a pick-up and drop-off point for the rapidly expanding Shepparton East Primary School.

I have had contact from staff and parents of Shepparton East Primary School, who have detailed the rapid expansion of the school in recent years, the expected continued growth of the school into the foreseeable future and the subsequent need for works to be undertaken at the school site. Five years ago the school population was 100 to 110 students. There are currently 260 students enrolled at the school for the 2017 year. This number is expected to increase by about 25 per cent per year over the next three years. The school facilities are made up of four permanent classrooms and 10 portable classrooms, and the administration building was built to service a maximum of only 150 students. Further, the school is a popular institution and also enjoys community involvement. For example, more

than 600 people attended the end-of-year school concert in 2016.

The school is in discussions with the department about the capital works needed for the school to be able to keep up with increasing demand going forward, but in addition to the need for the school to be updated in the short-to-medium term, there is an immediate need for an upgrade of the school pick-up and drop-off point on the service road off the Midland Highway. The current service road is a gravel road with no parking bays or centre dividing lines, and during last year's wet winter the condition of the service road deteriorated significantly.

Greater Shepparton City Council advises that, under the Road Management Act 2004, the service road at the front of the school is a council road, and at various times over the past 10 years discussions have been held with VicRoads and the school to determine if works could be done to improve traffic flow, pedestrian safety, bus movements and parking.

A design and cost estimate was prepared in 2013 for the purposes of seeking funding from the Department of Education to facilitate the works. It is not the council's responsibility to provide this pick-up and drop-off point; it is the Department of Education's responsibility, and these works could be facilitated if the department funded them. In 2013 the total estimated cost came in at approximately \$74 000, including a contingency fund of just over \$12 000.

I wrote to the minister in December last year, asking that he direct his department to look into funding opportunities that may be available to allow the necessary works to be undertaken. In January the minister acknowledged receipt of my letter, but I am yet to receive an actual response. My request of the minister is that he provide the necessary funding, to be made available through the Department of Education, to upgrade the service road area to a sealed car park that is suitable for use as a pick-up and drop-off point for the rapidly expanding Shepparton East Primary School.

### **Never Leave Kids in Cars**

**Mr EIDEH** (Western Metropolitan) — My adjournment matter today is for the Minister for Families and Children, the Honourable Jenny Mikakos. The Andrews Labor government is committed to doing whatever is necessary to eliminate the insidious scourge of kids being left, and subsequently dying, in cars, and I was pleased to see the announcement by the Andrews Labor government of the Never Leave Kids in Cars awareness campaign.

My electorate of Western Metropolitan Region is certainly not immune to this terrible situation, with statistics showing that last year nearly 100 calls were made to Ambulance Victoria about kids locked in vehicles. That was in my electorate alone. The statistics for Victoria as a whole are nothing short of alarming. It is hard for most people, especially parents, to fathom how this could happen, and with such frequency, in a society that values the protection, nurturing and health of our children. But it does happen, and it needs to be addressed as a matter of urgency.

The Never Leave Kids in Cars campaign actively encourages parents to have their children accompany them whenever they get out of the car. The failure to do what seems like common sense to most parents has deadly consequences for some children, and this is unacceptable. When you get out of a car you do not leave your valuables, such as money, credit cards or phones, inside the vehicle, so why leave children inside a car?

I am proud to be a member of a government that is taking this matter seriously and is starting a campaign that will save lives. My question to the minister is: how will this awareness campaign best be conveyed to my constituents in Western Metropolitan Region and how can they access further, more detailed information about it?

**The ACTING PRESIDENT (Mr Ramsay)** — Order! Mr Eideh, can I have a clarification? You asked a question of the minister, but my understanding of the adjournment debate is that an action is required. Could you rephrase — —

*Honourable members interjecting.*

**The ACTING PRESIDENT (Mr Ramsay)** — Order! I think I am okay, Mr Leane and Ms Shing. I am just asking Mr Eideh if he could clearly articulate an action by the minister.

**Mr EIDEH** — I am asking the minister how the awareness campaign will best be conveyed to my constituents in Western Metropolitan Region and how they can access further information. They need more details on how they can get the information.

**The ACTING PRESIDENT (Mr Ramsay)** — Order! That is still a question, Mr Eideh. I do not want to labour the point, and I am sure Mr Dalidakis will somehow define how an action might be taken out of that question. I am just giving you that opportunity. Is there a direct action you are asking the minister to take, rather than a question to the minister?

**Mr EIDEH** — Yes. I ask the minister to provide more information to our community in Western Metropolitan Region, and I ask her to meet with them.

### **Caroline Springs Blue Devils Basketball Club**

**Mr FINN** (Western Metropolitan) — I wish to raise a matter for the attention of the Minister for Sport. I have this afternoon received an urgent piece of correspondence from the Caroline Springs Blue Devils Basketball Club. It relates to their very grave concern about the arrangement they have with Melton City Council at the Caroline Springs Leisure Centre. The club last year put in an application for a licence renewal for the use of courts 1, 2 and 3 at the Caroline Springs Leisure Centre for Monday, Tuesday, Wednesday, Thursday, Friday and Sunday for the entire year, barring school and public holidays.

The calendar that was submitted was clearly marked by the club committee for the days that were required. The calendar and the full 20-odd page submission were completed and sent to Melton City Council on 8 November 2016. On 22 December Melton City Council responded to the application, and the response was not what the club had requested or indeed anticipated. In fact they did not receive the Monday, Tuesday or Wednesday sessions as requested at all. This is causing a great deal of grief to the basketball club. As you can imagine, a basketball club in a place like Caroline Springs, where a lot of youngsters are, is an important part of the community. For them to find themselves in a situation where the Melton council has for all intents and purposes locked them out on Mondays, Tuesdays and Wednesdays is causing a great deal of difficulty.

I understand they have attempted, with some success, to gain access to basketball courts in other places, and that has meant the parents of some of these children who play basketball have had to travel a fair distance from their homes. It is far from ideal, and it is something that I believe the minister really should involve himself with. I ask the minister to facilitate a meeting between the basketball club and the Melton City Council with a view to satisfying the needs of this basketball club in the hope that we can get a satisfactory solution.

### **Public transport**

**Ms PATTEN** (Northern Metropolitan) — My adjournment matter is for the Minister for Public Transport, and the action I seek from the minister is to appoint an expert panel to assess the viability of Victoria's public transport privatisation model. It is kind of interesting that we are calling it privatisation,

yet we seem to spend billions and billions of dollars on privatisation. I understand we have probably spent about \$10 billion on contractors for the privatisation of our public transport. I am suggesting that an expert panel could provide insight into a better practice of contracting.

We have seen Dr John Stone, a senior lecturer in urban planning at the University of Melbourne, explain that currently incentive payments are based on five factors. Three of those are secret, and the other two are customer satisfaction plus reliability and performance. That is all very well, except that they are self-assessed. So the private companies — and foreign governments partly own those private companies — are self-assessing whether they have done a good job. They are coming back to the government saying, 'I've done a brilliant job. Pay me my subsidies and my bonuses'.

I think an expert panel would be best placed to provide some advice on this and improve what is a pretty high-quality service but also make it affordable for both governments and users. I also note that currently we collect money but we collect less than 24 per cent of our public transport expenditure, and this seems like something that could be remedied. I would like to see an expert panel introduced into the mix so we could leverage the public transport expertise in our state. An expert panel would be a very efficient way to do that.

### **Land 400 project**

**Mr RAMSAY** (Western Victoria) — My adjournment matter is for the Minister for Industry and Employment, the Honourable Wade Noonan. The action I seek is that the minister commit to supporting Geelong as a preferred site for the \$5 billion Land 400 project and have his Labor members — Christine Couzens, John Eren and Lisa Neville in the Assembly — play a more active role in advocating for Geelong as an option rather than being doggo and silent in the debate or, even worse, behaving like the federal member for Corio, Richard Marles, in advocating —

**The PRESIDENT** — Order! Mr Ramsay, where you are going at the moment is really not acceptable. You are asking the minister to tell colleagues to do more in terms of advocacy when in fact that is really not something that the minister is responsible for. Using words that are disparaging about those members in terms of their current advocacy for this project is just not appropriate. Can you change tack in terms of your advocacy for this project and your expectation of the minister?

**Mr RAMSAY** — Certainly the minister should be playing a more active role in advocating for Geelong as an option rather than being silent on the matter.

The reason I raise this — and this will become apparent to you, President — is that Minister Wade Noonan in the *Geelong Advertiser* said that the two tenderers for the \$5 billion Land 400 project, BAE Systems and Rheinmetall Defence Australia, preferred only the Fishermans Bend site in Victoria, not Geelong. That has actually been proved incorrect, because both companies reported in the *Geelong Indy* that they were willing to work in Geelong, but the Andrews government wants the project based in Melbourne at Fishermans Bend. In fact Rheinmetall Defence chairman Andrew Fletcher said his company had no site preference, and BAE's Brian Gathright said Geelong's disused Ford factory was still an option for the Land 400 project.

Again my plea, if you wish, is for the minister to be truthful to the Geelong community and say that in fact the two tenderers currently competing for that project have no site preference at all. That is why I am seeking this action for the minister to advocate for Geelong as an option for the site of the Land 400 project.

### Salvation Army community shed

**Mr LEANE** (Eastern Metropolitan) — My adjournment matter is for Martin Foley, the Minister for Housing, Disability and Ageing. The Salvation Army, through a grant from the Andrews government, has nearly completed an area at their Bourke Street premises which they are turning into a type of men's shed. In saying that, it is not going to be just men who will be welcome to use it. Men and women will be welcome to utilise the facilities there and use their hands to build different things, which is how men's sheds usually operate.

As I said, the premises are close to being completed. The action I seek from the minister, which is a request from Brendan Nottle, who as we know is a very prominent Melburnian and a great driver of the Salvation Army, is that he open the new community shed when it is completed in the coming weeks.

### Southern Metropolitan Region crime

**Mr DAVIS** (Southern Metropolitan) — My matter for the adjournment tonight is for the attention of the Minister for Corrections, and it relates to the Auditor-General's report released today entitled *Managing Community Correction Orders*. There are chilling new statistics in this report, and I draw the

house's attention to figure 2C, the table on page 12 at 2.3.2. What it shows is a massive rise in the number of high-risk offenders from 2013 to 2016, with a huge increase in 2015–16 — from 5871 offenders in 2013 to 11 730 offenders, which means the percentage of high-risk offenders rose from 4.9 per cent to 27.1 per cent.

In the past week I conducted a crime forum in my electorate. There were almost a hundred people there from all walks of life who are very concerned about local crime and the risk to the community. There are certainly significant issues with carjackings and home invasions. I know in my region there have been some very severe robberies as well that have caused —

**Ms Crozier** — Horrific.

**Mr DAVIS** — Horrific, as Ms Crozier points out, and she is very familiar with Tony Fialides and others who have faced the full brunt of a number of these occurrences.

It does appear that the government has lost control of many of these issues. What I am seeking from the Minister for Corrections — and I understand that there are personal matters involved here and that she would not be able in any way to release the personal details of individuals — is the release of indicative statistics for my region that would show in the format that has been laid out in the Auditor-General's report the exact number of high-risk offenders, the number of total offenders and the percentage of high-risk offenders.

I understand that the tools the government is using for these classifications are not yet validated and will not be validated finally until the end of 2017. Nonetheless, the government has provided the statistics to the Auditor-General, and the aggregate figures must have been comprised of the subsets of the different areas of the state. So in that circumstance I seek from the minister the release of the relevant figures for Southern Metropolitan Region or the region on which these are aggregated which most closely approximates my region.

I think the community has every right to hear the truth on these figures. These offenders are living in their community, and the community has every right to feel a need to qualify its safety, to make sure there is adequate policing and to make sure they understand precisely the terrible risks they are now facing under Daniel Andrews.

### Chandler Highway bridge

**Mr ELASMAR** (Northern Metropolitan) — My adjournment matter tonight is for the Minister for Roads and Road Safety, the Honourable Luke Donnellan. The Andrews Labor government has committed \$110 million to upgrade and expand the Chandler Highway bridge. This includes widening the existing bridge to six lanes and building a new bridge west of the existing bridge. The action I seek from the minister is that he give me an update on the Chandler Highway project.

### Youth justice centres

**Ms CROZIER** (Southern Metropolitan) — My adjournment matter this evening is for the Minister for Families and Children. Whilst we have been debating issues around the crisis in youth justice today, the issue I want to speak about is in relation to the staff who have been severely impacted by incidents, events and very severe occurrences throughout the youth justice system, specifically since 2015. As members know, I have been very concerned about the number of riots, threats, assaults and other really very demeaning and alarming threats made, especially to female staff. I understand that there have been a number of threats of rape. I understand that a number of females have been bashed. I understand that other staff have also been constantly threatened and physically hurt. There is not only the physicality of those situations I have described but the ongoing mental and psychological trauma they have also been experiencing whilst undertaking their work.

The effects of the ongoing situation and of trying to deal with what has been going on in youth justice, especially during recent times with the severe incidents that we have been discussing today, have meant that staff have really been suffering. I have spoken to some of the staff members who have quite literally been fearing for their lives. They have been fearing for their lives, and they have been fearing for those of other offenders in the youth justice facilities as well. They feel they have not been able to do the work they were charged to do, because of the ongoing dangerous situation.

It is concerning that these situations are ongoing and that many of these staff are on stress leave and extended sick leave. They are wanting some provision from the government to assist with these issues. The action I seek is that the minister provide the house with the details of counselling and support provided to those staff who have experienced physical assaults, threats of rape and other abuse resulting in them fearing for their

own safety and of course their wellbeing in the context of all of the incidents I have just highlighted since 2015.

### Upwey-Belgrave RSL

**Mr O'DONOHUE** (Eastern Victoria) — I raise a matter for the Minister for Veterans in the other place. It relates to the future viability and operation of the Upwey-Belgrave RSL. The action I seek from the minister is that he visit the RSL to learn more about their activities, to learn more about the wonderful museum they have and to explore ways to assist the RSL to stay open.

The Upwey-Belgrave RSL is a very popular place in the hills. They do a wonderful Anzac Day service and commemorate veterans in a range of ways throughout the year. They operate a fantastic restaurant, which I have frequented on many occasions, and they also have the magnificent Running Rabbits Military Museum, which has an extensive collection of memorabilia, historical weapons, military gear and historical and personal accounts. It is a real hub of the community. I know that many veterans in particular feel a great deal of affinity and affection for the RSL and for everything it does throughout the broader community.

It was reported several weeks ago that the Upwey-Belgrave RSL is facing the prospect of having to close its doors after the conclusion of this year's Anzac Day services. This of course would be catastrophic for the RSL and a great loss for the broader community in the hills. There are obviously some issues with its ongoing financial viability, but there must be ways the minister can assist, facilitate and work with the leadership of the Upwey-Belgrave RSL to ensure it remains open, that it remains viable, that its wonderful community service continues and that the fantastic Running Rabbits Military Museum remains open to the community. For that reason, the action I seek is that the minister personally visit the RSL to learn more about some of the challenges being faced and work with the leadership of the RSL to find a way to make sure it stays open.

### Responses

**Mr DALIDAKIS** (Minister for Small Business, Innovation and Trade) — We have had adjournment matters this evening from Ms Lovell to the Minister for Education with regard to Shepparton East Primary School; from Mr Eideh to the Minister for Families and Children asking for information from the minister and also an opportunity to provide that information to his constituents in relation to the policy to try and prevent children being left in cars; from Mr Finn to the Minister

for Sport in relation to the basketball club at Melton — —

**Mr Finn** — It was Caroline Springs, actually.

**Mr DALIDAKIS** — My apologies — Caroline Springs. We had a matter from Ms Patten to the Minister for Public Transport to establish an expert panel to look at the privatisation model for public transport; from Mr Ramsay to the minister — I will come back to that one. I cannot read my writing. My apologies.

There was a matter from Mr Leane to the Minister for Housing, Disability and Ageing asking the minister to open a community shed in Bourke Street, Melbourne; from Mr Davis to the Minister for Corrections in relation to the release of statistics of high-risk offenders and other offenders as identified in the Auditor-General's report, as they pertain to his electorate of Southern Metropolitan Region or the closest area that includes that region; from Mr Elasmar to the Minister for Roads and Road Safety for an update on the Chandler Highway upgrade; and from Ms Crozier to the Minister for Families and Children to provide the house with counselling information in relation to staff at the youth justice facilities.

I happen to be the acting Minister for Veterans at the moment while Mr Eren is mourning the passing of his father. Mr O'Donohue asked Minister Eren on his return to visit the Upwey-Belgrave RSL to hold discussions with them to try and work out a plan to possibly make them profitable, ensuring that they have a long and prosperous future. We all hope the RSLs in our communities are there for a long time, but, as we all know, often the decision about whether an RSL stays open or not is an issue for the Returned and Services League itself. No doubt Minister Eren will do his very best to support the veterans in that community.

**The PRESIDENT** — Order! The matter referred to by Mr Ramsay was a bit contorted, but it was in regard to getting the minister to consider the Geelong site as one of the opportunities for that particular facility.

**Mr DALIDAKIS** — That is right — the Minister for Industry and Employment. Thank you, President, for reminding me. I believe that I can dispense with this matter directly. It is my understanding that the reason Geelong has not been considered, despite the fact that both tenderers were happy to consider it, was that the federal government's Department of Defence did not include Geelong as a preferred site. In that tender requirement the department required the tenderers to look at other areas for defence procurement, not

including Geelong. Unfortunately Mr Ramsay is not here to hear that, but obviously I am happy for *Hansard* to record that. I am happy to dispense with that adjournment matter right now.

Other than that, I have a written response to an adjournment debate matter raised by Ms Bath on 8 December 2016.

**The PRESIDENT** — Order! The house stands adjourned.

**House adjourned 5.56 p.m.**