PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-EIGHTH PARLIAMENT

FIRST SESSION

Wednesday, 2 September 2015

(Extract from book 12)

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By authority of the Victorian Government Printer

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The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC, QC

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Minister for Local Government, Minister for Aboriginal Affairs and Minister for Industrial Relations	The Hon. N. M. Hutchins, MP
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Minister for Families and Children, and Minister for Youth Affairs	The Hon. J. Mikakos, MLC
Minister for Environment, Climate Change and Water	The Hon. L. M. Neville, MP
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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 Planning	The Hon. R. W. Wynne, MP
Cabinet Secretary	Ms M. Kairouz, MP

OFFICE-HOLDERS OF THE LEGISLATIVE ASSEMBLY

FIFTY-EIGHTH PARLIAMENT — FIRST SESSION

Speaker:

The Hon. TELMO LANGUILLER

Deputy Speaker:

Mr D. A. NARDELLA

Acting Speakers:

Mr Angus, Mr Blackwood, Ms Blandthorn, Mr Carbines, Mr Crisp, Mr Dixon, Ms Edwards, Ms Halfpenny, Ms Kilkenny, Mr McCurdy, Mr McGuire, Ms McLeish, Mr Pearson, Ms Ryall, Ms Thomas, Mr Thompson, Ms Thomson, Ms Ward and Mr Watt.

Leader of the Parliamentary Labor Party and Premier:

The Hon. D. M. ANDREWS

Deputy Leader of the Parliamentary Labor Party and Deputy Premier:

The Hon. J. A. MERLINO

Leader of the Parliamentary Liberal Party and Leader of the Opposition:

The Hon. M. J. GUY

Deputy Leader of the Parliamentary Liberal Party and Deputy Leader of the Opposition:

The Hon. D. J. HODGETT

Leader of The Nationals:

The Hon. P. L. WALSH

Deputy Leader of The Nationals:

Ms S. RYAN

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 ASSEMBLY

FIFTY-EIGHTH PARLIAMENT — FIRST SESSION

Member	District	Party	Member	District	Party
Allan, Ms Jacinta Marie	Bendigo East	ALP	McLeish, Ms Lucinda Gaye	Eildon	LP
Andrews, Mr Daniel Michael	Mulgrave	ALP	Merlino, Mr James Anthony	Monbulk	ALP
Angus, Mr Neil Andrew Warwick	Forest Hill	LP	Morris, Mr David Charles	Mornington	LP
Asher, Ms Louise	Brighton	LP	Mulder, Mr Terence Wynn [1]	Polwarth	LP
Battin, Mr Bradley William	Gembrook	LP	Napthine, Dr Denis Vincent [2]	South-West Coast	LP
Blackwood, Mr Gary John	Narracan	LP	Nardella, Mr Donato Antonio	Melton	ALP
Blandthorn, Ms Elizabeth Anne	Pascoe Vale	ALP	Neville, Ms Lisa Mary	Bellarine	ALP
Brooks, Mr Colin William	Bundoora	ALP	Noonan, Mr Wade Matthew	Williamstown	ALP
Bull, Mr Joshua Michael	Sunbury	ALP	Northe, Mr Russell John	Morwell	Nats
Bull, Mr Timothy Owen	Gippsland East	Nats	O'Brien, Mr Daniel David [3]	Gippsland South	Nats
Burgess, Mr Neale Ronald	Hastings	LP	O'Brien, Mr Michael Anthony	Malvern	LP
Carbines, Mr Anthony Richard	Ivanhoe	ALP	Pakula, Mr Martin Philip	Keysborough	ALP
Carroll, Mr Benjamin Alan	Niddrie	ALP	Pallas, Mr Timothy Hugh	Werribee	ALP
Clark, Mr Robert William	Box Hill	LP	Paynter, Mr Brian Francis	Bass	LP
Couzens, Ms Christine Anne	Geelong	ALP	Pearson, Mr Daniel James	Essendon	ALP
Crisp, Mr Peter Laurence	Mildura	Nats	Perera, Mr Jude	Cranbourne	ALP
D'Ambrosio, Ms Liliana	Mill Park	ALP	Pesutto, Mr John	Hawthorn	LP
Dimopoulos, Mr Stephen	Oakleigh	ALP	Richardson, Mr Timothy Noel	Mordialloc	ALP
Dixon, Mr Martin Francis	Nepean	LP	Richardson, Ms Fiona Catherine Alison	Northcote	ALP
Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Ryall, Ms Deanne Sharon	Ringwood	LP
Edbrooke, Mr Paul Andrew	Frankston	ALP	Ryan, Mr Peter Julian [4]	Gippsland South	Nats
Edwards, Ms Janice Maree	Bendigo West	ALP	Ryan, Ms Stephanie Maureen	Euroa	Nats
Eren, Mr John Hamdi	Lara	ALP	Sandell, Ms Ellen	Melbourne	Greens
Foley, Mr Martin Peter	Albert Park	ALP	Scott, Mr Robin David	Preston	ALP
Fyffe, Mrs Christine Anne	Evelyn	LP	Sheed, Ms Suzanna	Shepparton	Ind
Garrett, Ms Jane Furneaux	Brunswick	ALP	Smith, Mr Ryan	Warrandyte	LP
Gidley, Mr Michael Xavier Charles	Mount Waverley	LP	Smith, Mr Timothy Colin	Kew	LP
Graley, Ms Judith Ann	Narre Warren South	ALP	Southwick, Mr David James	Caulfield	LP
Green, Ms Danielle Louise	Yan Yean	ALP	Spence, Ms Rosalind Louise	Yuroke	ALP
Guy, Mr Matthew Jason	Bulleen	LP	Staikos, Mr Nicholas	Bentleigh	ALP
Halfpenny, Ms Bronwyn	Thomastown	ALP	Staley, Ms Louise Eileen	Ripon	LP
Hennessy, Ms Jill	Altona	ALP	Suleyman, Ms Natalie	St Albans	ALP
Hibbins, Mr Samuel Peter	Prahran	Greens	Thomas, Ms Mary-Anne	Macedon	ALP
Hodgett, Mr David John	Croydon	LP	Thompson, Mr Murray Hamilton Ross	Sandringham	LP
Howard, Mr Geoffrey Kemp	Buninyong	ALP	Thomson, Ms Marsha Rose	Footscray	ALP
Hutchins, Ms Natalie Maree Sykes	Sydenham	ALP	Tilley, Mr William John	Benambra	LP
Kairouz, Ms Marlene	Kororoit	ALP	Victoria, Ms Heidi	Bayswater	LP
Katos, Mr Andrew	South Barwon	LP	Wakeling, Mr Nicholas	Ferntree Gully	LP
Kealy, Ms Emma Jayne	Lowan	Nats	Walsh, Mr Peter Lindsay	Murray Plains	Nats
Kilkenny, Ms Sonya	Carrum	ALP	Ward, Ms Vicki	Eltham	ALP
Knight, Ms Sharon Patricia	Wendouree	ALP	Watt, Mr Graham Travis	Burwood	LP
Languiller, Mr Telmo Ramon	Tarneit	ALP	Wells, Mr Kimberley Arthur	Rowville	LP
Lim, Mr Muy Hong	Clarinda	ALP	Williams, Ms Gabrielle	Dandenong	ALP
McCurdy, Mr Timothy Logan	Ovens Valley	Nats	Wynne, Mr Richard William	Richmond	ALP
McGuire, Mr Frank	Broadmeadows	ALP			

[1] Resigned 3 September 2015
[2] Resigned 3 September 2015
[3] Elected 14 March 2015
[4] Resigned 2 February 2015

PARTY ABBREVIATIONS

ALP — Labor Party; Greens — The Greens;
Ind — Independent; LP — Liberal Party; Nats — The Nationals.

Legislative Assembly committees

Privileges Committee — Ms Allan, Ms D'Ambrosio, Mr Morris, Ms Neville, Ms Ryan, Ms Sandell, Mr Scott and Mr Wells.

Standing Orders Committee — The Speaker, Ms Allan, Ms Asher, Mr Brooks, Mr Clark, Mr Hibbins, Mr Hodgett, Ms Kairouz, Mr Nardella, Ms Ryan and Ms Sheed.

Joint committees

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

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

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

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

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

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

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

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

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

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

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

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WEDNESDAY, 2 SEPTEMBER 2015

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Wednesday, 2 September 2015

The SPEAKER (Hon. Telmo Languiller) took the chair at 9.34 a.m. and read the prayer.

LOCAL GOVERNMENT AMENDMENT (IMPROVED GOVERNANCE) BILL 2015

Introduction and first reading

Ms HUTCHINS (Minister for Local Government) — I move:

> That I have leave to bring in a bill for an act to amend the Local Government Act 1989 to improve the governance standards of councils, amend arrangements for local government elections and provide for other matters, to amend the City of Melbourne Act 2001 to repeal part 4A of that act and to consequentially amend the City of Greater Geelong Act 1993, the City of Melbourne Act 2001, the Electoral Act 2002 and the Victorian Civil and Administrative Tribunal Act 1998 and for other purposes.

Mr CLARK (Box Hill) — I ask the minister to provide a brief explanation of the bill, further to the long title.

Ms HUTCHINS (Minister for Local Government) — This bill will raise the standards of behaviour by councillors and generally improve — —

Honourable members interjecting.

The SPEAKER — Order! I remind members to remain silent while the Chair is on his feet. That applies at all times during parliamentary proceedings. I request members to comply with that.

Ms HUTCHINS — The bill will raise standards of behaviour by councillors — —

Mr R. Smith interjected.

The SPEAKER — Order! I warn the member for Warrandyte!

Ms HUTCHINS — It will generally improve council governance in Victoria and improve the conduct of the general council elections to be held in 2016.

Motion agreed to.

Read first time.

BUSINESS OF THE HOUSE

Notices of motion

The SPEAKER — Order! Notices of motion 1 to 5 will be removed from the notice paper unless members wishing their notice to remain advise the Clerk in writing before 2.00 p.m. today.

PETITIONS

Following petitions presented to house:

Eltham ambulance station

To the Legislative Assembly of Victoria:

The petition of residents of the state of Victoria draws to the attention of the Legislative Assembly the state of the Eltham ambulance station, which is in need of an extensive upgrade.

The residents of the state of Victoria note that the Victorian government has promised to spend $20 million to upgrade nine ambulance stations across the state.

The petitioners therefore request that the Eltham ambulance station be one of the nine ambulance stations to receive the funds necessary to upgrade the station.

By Ms WARD (Eltham) (16 signatures).

Gippsland regional aquatic centre

To the Legislative Assembly of Victoria:

The petition of the residents of the Gippsland region and in particular Traralgon draws the attention of the house to strong community support calling upon the state Labor government to provide funding for the construction of the Gippsland regional aquatic centre (GRAC) in the township of Traralgon.

The former coalition government had in 2014 made a $9 million pre-election commitment to assist in the construction of a Gippsland regional aquatic centre in Traralgon.

Traralgon has a population of approximately 28 000 residents and is surely the only town in the state of Victoria with a population of 20 000 residents (or more) that does not have a public heated indoor swimming facility. The current outdoor pool is substantially outdated and underutilised, and has not had any significant investment since its opening in 1959.

The benefits of the GRAC project are inclusive of:

> support active and healthy lifestyle for all — inclusive of swimming clubs, schools, community groups, individuals, and those of all abilities et cetera;
>
> provide a modern facility that can be utilised all year round;
>
> centre of swimming for Traralgon, Latrobe city and the greater Gippsland region;
>
> provide venue for events and competitions;

supporting jobs during construction and providing ongoing employment.

The petitioners therefore request that the Legislative Assembly of Victoria call upon the Labor government to match the above-mentioned funding commitment of at least $9 million, as a state government contribution to build the GRAC.

By Mr NORTHE (Morwell) (3575 signatures).

Tabled.

Ordered that petition presented by the honourable member for Morwell be considered next day on motion of Mr NORTHE (Morwell).

ENVIRONMENT, NATURAL RESOURCES AND REGIONAL DEVELOPMENT COMMITTEE

Country Fire Authority Fiskville training college

Ms HALFPENNY (Thomastown) presented replacement interim report.

Tabled.

Ordered to be published.

Ms HALFPENNY (Thomastown) (*By leave*) — On behalf of the Environment, Natural Resources and Regional Development Committee, I rise to speak briefly on the tabling of a revised version of the *Interim Report on the Inquiry into the CFA Training College at Fiskville*. Due to administrative errors in the report it was necessary for the errors to be amended and a corrected version of the report to be tabled in lieu.

DOCUMENTS

Tabled by Clerk:

Crown Land (Reserves) Act 1978 — Order under s 17B granting a licence over Alexandra Gardens Reserve and Alexandra Park Reserve

Hazelwood Mine Fire Inquiry Report 2015–2016 Volume 1 — Anglesea Mine — Ordered to be published

MEMBERS STATEMENTS

Geelong family and youth services

Ms COUZENS (Geelong) — On Wednesday last week the Minister for Families and Children, who is also the Minister for Youth Affairs, visited Geelong to announce the rural and regional local government youth engagement program — a $425 000 grant program for grants of up to $30 000 to develop youth engagement strategies and resources to better support disadvantaged young people — and to launch the education state consultations for early childhood.

It was a real pleasure to spend the day with the minister to meet with the many organisations and individuals who work hard in our great city of Geelong. The minister was made very welcome in Geelong, and there is certainly a great feeling of confidence in the minister and the Andrews government. The visit included a meeting with leaders of Geelong organisations that provide support to families, children and young people. The minister and I acknowledged the valuable work they do in the Geelong community. We met with Geelong child protection workers, who have one of the most difficult jobs working with families and children who are at risk. The workers were very happy to receive the news from the minister that there will be an additional 13 child protection workers in Geelong as a result of the recent Andrews government budget.

Whittington Primary School

Ms COUZENS — We also visited the Whittington early learning and family centre to launch the education state consultations for early childhood, and we had the opportunity to speak to staff, parents and children who use the centre. The Whittington community is looking forward to the rebuild of its primary school thanks to the commitment made by the Minister for Education.

Newcomb Power Football Club

Ms COUZENS — It was also a real pleasure to meet with the Newcomb Power Football Club to hear about its ideas for a youth program based at the club.

The SPEAKER — Order! The member's time has expired.

Special religious instruction

Mr DIXON (Nepean) — This government is not living up to its rhetoric about Victoria being the education state. Last sitting week in this place only 1 hour of about 23 hours was allocated to an education bill, and that was virtually the last hour of the week. Education is hardly a priority for this government. We have a Minister for Education who will not work in his own department and who is never seen there.

We have a Minister for Education who insists on being called the Deputy Premier. He has not even produced his exciting new numberplates yet. We have a Minister for Education who has ceded his authority to the Socialist Left of the party. The Socialist Left has told

him to break his election commitment to not change special religious instruction. He did not even have the decency to tell schools and stakeholders of his backflip; all they saw and heard about it was a cowardly media release.

Before last year's election the Deputy Premier was telling every religious instruction stakeholder that the program was in safe hands with Labor. Those school principals and tens of thousands of families now see the unedifying spectacle of the Deputy Premier mouthing the words of the far left of his party, having completely abandoned his own principles, beliefs and promises on the matter.

Pope Francis

Mr DIXON — On another matter, last Sunday I had the honour of meeting His Holiness Pope Francis. Pope Francis took the opportunity to ask me and other politicians to convey his greetings to our Parliament. He wished peace and prosperity to our jurisdiction while thanking us for our work in creating better societies.

Tony Chirico

Mr BROOKS (Bundoora) — I rise to pay tribute to Tony Chirico, deputy principal of Loyola College, who passed away on 7 August. Tony was an inspirational educator with a profound sense of commitment to students, parents, colleagues and friends alike. He had the special gift of being able to recognise and nurture potential. An avid photographer, he will be remembered through his photographic journals. He captured the soul of the school through his lens.

Tony began his teaching career at St Joseph's College in North Melbourne in 1984, and he first came to Loyola College in 1998, where until 2003 he held several leadership positions as year level coordinator and head of the religious education faculty. In 2003 Tony left Loyola to work at Marcellin College in Bulleen, but in 2009 he returned to Loyola in the role of deputy principal, administration and personal development.

His unequivocal commitment to teaching was solid through his work in the classroom and across the college, including college archives and the Loyala Ex Students Association. He brought the same commitment to the many committees in which he was involved within the broader community.

Tony has left a legacy that will be long remembered in the minds and the hearts of those whose lives he touched. A saying of Tony's was: 'Say hello to people that don't like you, because they will eventually turn around'. On behalf of my community, I say to Tony's family and the Loyola school community that he will be sadly missed by the entire Bundoora community.

Eleanor Patterson

Mr D. O'BRIEN (Gippsland South) — I congratulate Leongatha's own Eleanor Patterson on her stunning eighth place in the women's high jump at the International Association of Athletics Federations world championships in Beijing last week. Eleanor is just 19 and is two years younger than her nearest competitor and as a result lacked experience, but with last year's Commonwealth Games gold medal under her belt, she is certainly a star to watch in the future, particularly at the Rio Olympics next year.

Eleanor was Australia's youngest ever finalist at a world championship and the first in the women's high jump since 1991. Clearing 1.92 metres she finished ahead of five other finalists, in eighth place. True to her competitive spirit, Eleanor was disappointed with herself, given her personal best is 1.96 metres.

Eleanor, we are not disappointed in you. Leongatha, Gippsland, Victoria and indeed the whole nation are proud of your efforts, and we look forward to seeing you go from strength to strength in future. Bring on Rio.

Biggest Ever Blokes Barbecue

Mr D. O'BRIEN — Speaking of pride, I am very proud of the Sale and district community. After raising some $45 000 for charity through Dancing with Our Stars several weeks ago, this time it was the blokes' turn, with over $80 000 raised through Sale's Biggest Ever Blokes Barbecue. Proceeds will go to prostate cancer research, and I note many members of the house are wearing their badges for the prostate cancer foundation today. Some of the proceeds will also go to the Central Gippsland Health Service. Efforts of the fundraiser and a significant bequest mean a much-needed expansion of the oncology unit will now go ahead.

I am very proud of my community for raising nearly $130 000 for local charities in recent weeks. Well done to the big band of volunteers, many of whom worked on both events.

Central Bayside Community Health Services

Mr RICHARDSON (Mordialloc) — It was a pleasure to join the Minister for Health recently at Central Bayside Community Health Services, where we

announced funding for eight dental chairs, new and upgraded sterilising equipment and an X-ray machine.

A real highlight for me was to join a former member for Heatherton and a former member for Mentone, the Honourable Peter Spyker, who served this community for well over 13 years as a local member and a minister. Peter is on the board of Central Bayside Community Health Services. At the age of 73, Peter is still serving the community continuously, giving his time and mentoring in the area.

The history of this site is that it was the old Mordialloc hospital. A lot of locals were born at that hospital, and instead of it being put to another use, it was turned into a community health centre. It operates an amazing service there on a range of different platforms. Dental care is a real growth area, and I was very pleased to join the Minister for Health to share in that announcement.

Mordialloc College

Mr RICHARDSON — Recently I also attended Mordialloc College with the Premier to have a tour of the school, to which we have committed and funded $4.5 million to upgrade facilities. This is a fantastic school with 620 students, and it is estimated to go towards 900 over the coming few years. I thank the principal, Michelle Roberts, and Nicky Hersey for taking us around and showing us such a wonderful school.

Guide Dogs Victoria

Mr T. SMITH (Kew) — It is my pleasure to advise the house that last week the Leader of the Opposition visited Guide Dogs Victoria in Kew and pledged $2.5 million for the rebuilding of the Arnold Cook centre. This is great news for guide dogs, visually impaired people and the Kew electorate. Guide Dogs Victoria does an enormous amount of good.

I also pay tribute to the local newspaper, the *Progress Leader*, and its Fix Our Digs campaign. It has been campaigning quite hard over some time for funding from both state and federal governments to assist the guide dogs in Kew. We call on the government to match that funding commitment. I have spoken to the minister about this matter on a number of occasions, and I will be raising it tonight in the adjournment debate to see if the government can commit $2.5 million for the Arnold Cook centre at Guide Dogs Victoria.

Kew electorate road death

Mr T. SMITH — I also raise a very sad issue. On Saturday a teenager was killed at Yarra Boulevard in my electorate. I went for a run that morning and happened to run past the crash site. It was simply horrible. When you see 16-year-old kids being killed in car crashes around the corner from where you live, it brings it home pretty strongly. It was an awful sight. My sympathies go out to the individual's family.

Hepatitis

Mr CARROLL (Niddrie) — Last Friday, 28 August, I had the pleasure of speaking at the Melbourne West Hepatitis Action Forum event titled 'Leading the way for real change', which was held at the Western Centre for Health Research and Education located at the Sunshine Hospital. The Minister for Health addressed the forum, as did Tim Watts, the federal member for Gellibrand; Kieran Donohue, president of Hepatitis Victoria; Melanie Eagle, CEO of Hepatitis Victoria; and Associate Professor Alex Cockram, CEO of Western Health. The forum was moderated by David Iser, a gastroenterologist and hepatologist.

We heard some incredible personal reflections about living with hepatitis from Ross Williams and Nafisa Yussf. There was a fantastic panel discussion, with Lyn Morgain, chief executive of cohealth; Dr Ian Kronborg, director of gastroenterology, Western Health; and Chris Carter, an adjunct/associate professor from the Melbourne Primary Care Network. A highlight of the day was the announcement by the Minister for Health that the Andrews Labor government would develop a stand-alone hepatitis strategy to deal with this infectious disease.

While I was there I was pleased to participate in the Western Liverability Festival, which is now in its second year. An incredible 120 000 Victorians live with viral hepatitis, and liver cancer — the fastest growing cause of cancer death in Australia — is largely caused by viral hepatitis. We all have a vital role to play to raise awareness, combat stigma and address this important public health issue. In my electorate of Niddrie I have met some wonderful Hep Heroes, who support those living with hepatitis and work to reduce the stigma associated with it.

Nicholas Xynias

Mr THOMPSON (Sandringham) — I pay tribute to Nicholas Xynias for his outstanding contribution to Australia. He was one of Queensland's most prolific

voices for ethnic diversity. The Ethnic Communities Council of Queensland, which he co-founded in 1976, stands as a tribute to his great work. He also served as chairman of the Federation of Ethnic Communities Councils of Australia.

Sandringham Hospital fundraising bike relay

Mr THOMPSON — I pay tribute to Alistair Murray and the Premium Red Group, which conducted a fundraising bike relay between Black Rock and Mordialloc on the weekend and which to date has raised over $120 000 for Sandringham Hospital.

Jack Farmer

Mr THOMPSON — I honour the memory of Jack Farmer, who served the Mentone Lifesaving Club, which he first joined in 1939. After serving in the Royal Australian Navy in World War II he began a 37-year period of service to the Mentone Lifesaving Club committee, including a role as its longest serving president.

Janice Douglas

Mr THOMPSON — I also wish to honour the memory of Janice Douglas, OAM, who served as principal of Mentone Girls Grammar School. She had a clear vision for the school and was able to gain the support of students, parents, staff and council to work towards achieving that great educational vision and building a strong learning environment for young women. She had a positive impact on many people over her lifetime.

Nepean School

Mr EDBROOKE (Frankston) — Last Wednesday, 26 August, I had the pleasure of accompanying the Minister for Creative Industries on a visit to Nepean School, where students and teachers are proud of their latest art project — a series of kinetic sculptures powered by the sun, wind and rain. They could not wait to show off their efforts to the minister when we visited the Seaford school last week.

A $10 000 grant from Creative Victoria's 2015 artists in schools program has allowed sculptor and sound artist Michael Prior to work with students on the project, which brings together rhythm, motion and energy and explores themes of creativity, community and sustainability. The arts can have a powerful effect on learning. This project brings together the arts and sciences to investigate a vital issue of our time — environmental sustainability — in an engaging way.

Frankston railway station precinct

Mr EDBROOKE — It was also my great honour on the same day to pass on the Frankston precinct redevelopment recommendations to the Minister for Public Transport. The task force consists of Frankston stakeholder representatives from no less than the Frankston Business Network, Frankston Community Coalition, business owners and Frankston City Council. The task force was told by many members of the community what was required for Frankston. Over 1000 hours were put in by our devoted task force members, and I thank them. I found it very interesting to let the evidence speak for itself in this process.

It is interesting to note that during our options review at the final task force meeting not one member of the task force when confronted with the evidence presented to them chose as their priority to select the options of committing money to a multilevel car park or to removing buses from Young Street, both of which were options we committed to explore. Instead the task force showed boldness, and there was unanimous support for utilising the state government commitment in line with local council plans to ensure the vision for Frankston's future.

Public housing

Ms SANDELL (Melbourne) — Victoria faces a housing crisis with over 33 000 people on the waiting list for public housing and with emergency housing services operating above their capacity. The crisis needs urgent government action, and I was disappointed to see virtually no new money for public housing in this year's budget. I am also disappointed that the government seems to have no plans for significantly increasing public housing stock and has refused to answer questions on whether it still plans to transfer 12 000 public housing units to the private sector, as was the previous government's plan.

The crisis needs big investment and big changes in housing policy; however, there are also some immediate opportunities to act. All currently empty properties acquired for the doomed east–west link toll road should be immediately given to public housing, as the Premier himself has suggested. At least 30 properties in the Evo building in my electorate are lying empty. The Huttonham estate in Preston, which could host at least 300 dwellings, has lain undeveloped for more than four years. I urge the government to immediately act on these opportunities.

I also recognise the work of those fighting for better housing in Victoria. Fiona Ross and the Friends of

Public Housing Victoria are tireless advocates for public housing tenants. Crisis accommodation services like MacAuley House in my electorate provide support to people at their most vulnerable, which is often to women and children with incredibly limited resources escaping family violence. The Council to Homeless Persons and the Housing for the Aged Action Group advocate to bring this issue into the spotlight when governments would rather turn away from the challenge. To these and to the many more individuals and organisations dedicated to improving the lives of people who are homeless or in housing stress across Victoria, I say thank you.

Ivanhoe electorate community

Mr CARBINES (Ivanhoe) — I rise to make a contribution in relation to some disturbing recent activities in my electorate, particularly in West Heidelberg. I draw members' attention to a neo-Nazi group, Combat 18, which plastered anti-Islamic stickers over children's playgrounds in West Heidelberg. I would like to commend a local family in my electorate who reported those activities to Banyule City Council and also to police. A woman was reported by Fairfax as having said about the area:

> It's a real mix of middle-class people and Muslims and migrants and some drug abusers and some rough stuff, but no-one I know in this area has ever seen anti-Muslim stuff. I think it's as much a scare campaign as it is a recruitment tool.

The article continues:

> The woman said she had been 'greatly saddened' to have to explain to her young son what the stickers meant, and reported the stickers to police and the Banyule council.

There is always a balance to be found between drawing attention to these matters and staring down these activities, but I think it is appropriate to put on the record again the great support the electorate of Ivanhoe has for the work we do, which is funded by governments across the spectrum, for events such as Harmony Day in the mall. I also acknowledge the hard work of particularly the African community in the electorate of Ivanhoe and across the electorates of Essendon and Melbourne, where there are also significant African communities. I commend them for their work and their ongoing support across the electorate and for the work they do to bring understanding, support and equality through their community activities, as well as through their commerce, work and jobs.

James 'Bill' O'Callaghan

Mr McCURDY (Ovens Valley) — Wangaratta identity Bill O'Callaghan passed away on 20 August. Bill was a former Wangaratta mayor and councillor, teacher and renowned historian. He would have turned 90 last week. He passed away peacefully following a short illness. He had a lifelong passion for Wangaratta and education. He taught at Wangaratta High School for 22 years and also at Galen College. For over a quarter of a century Bill's column in the Wangaratta *Chronicle*, 'O'Cal's corner', honoured many individuals and families by recounting their life stories. His contribution to Wangaratta has been recognised with the naming of O'Callaghan Drive and the Bill O'Callaghan Oval. I offer my deepest sympathy to his wife, Lesley, and his family.

Cobram Roar Football Club

Mr McCURDY — Last Sunday Cobram soccer won its way into the grand final of the Goulburn North East Football Association League by beating Shepparton South 3-2. This was an outstanding effort. For many years Cobram has been divided between Cobram Victory and Cobram. This has really divided the town at times. After three or four false starts Cobram Roar Football Club was finally born this year for the 2015 season. It is absolutely brilliant to see the one team working together and making the grand final. I wish the team the best for the final; however, it is fair to say that soccer in Cobram is already a winner and demonstrates that working together can reap rewards. Good luck to Cobram Roar.

Victorian Regional Achievement and Community Awards

Mr McCURDY — Well done to the local entrants who have made the semifinals of the Victorian Regional Achievement and Community Awards. King Valley Walnuts of Myrrhee is a finalist for the Regional Development Victoria Business Achievement Award, Women's Health Goulburn North East of Wangaratta is a finalist for the Victorian Automobile Chamber of Commerce Regional Safety Award and Wangaratta resident Shirley Elliott is a finalist for the MOA Benchmarking Community Service in Aged Care Award. Good luck for the next stage of the awards.

Yarrawonga railway station

Mr McCURDY — Congratulations to Elaine Price and the members of the Save our Station committee in Yarrawonga. Last month the station was officially returned to the community.

Save Footy in Its Backyard

Mr McGUIRE (Broadmeadows) — Attitude, education and opportunity largely determine where we all end up in life, and the combination with sport is vital to help connect the disconnected. That is why it is now imperative that the AFL financially commits to my campaign to 'Save Footy in Its Backyard'. While the AFL has invested a fortune in the northern states and reaped major rewards, not one dollar has been invested in Melbourne's northern suburbs for decades. Eight clubs in the game's heartland have folded, including St Dominic's in Broadmeadows, where Collingwood Football Club president Eddie McGuire first played footy.

The AFL's record $2.5 billion television rights deal means there is no better time for it to join a global learning village model, delivering lifelong learning and promoting sport to families in a community where unemployment was recently equal to the rate in Greece and youth unemployment is perilously high. AFL chairman Mike Fitzpatrick and CEO Gillon McLachlan, who last night launched Friends of the AFL in this Parliament, support this collaborative proposal. Other potential partners include the Essendon and Collingwood football clubs, Hume City Council, the Clontarf Institute and the recently opened Michael Long Leadership and Learning Centre, which is especially important because the local Indigenous school was closed by the former government.

The last club standing in the northern suburbs, Jacana, plays in a senior grand final on Saturday despite struggling off field. Eighty per cent of the club's juniors and premiership contenders are local, emphasising the significance of this proud footy club to the community. It is a tribute to the fighting spirit and the heritage that has produced a host of senior stars, including Carlton legend Bruce Doull, Brownlow medallist Scott Wynd and triple AFL premiership player Chris Johnson, who has returned to help his old club and is expected to play at Windy Hill on Saturday.

The DEPUTY SPEAKER — Order! The member's time has expired.

Eastland

Ms RYALL (Ringwood) — It was amazing to tour the new Eastland development, which is due to open in just over two months time. The work under construction is phenomenal, and Eastland will become a major shopping destination as well as a sought after restaurant and food mecca.

A development in conjunction with the City of Maroondah, the new Town Square will be an amazing central meeting point, opening out onto the Realm, as well as including some of the best alfresco dining around. With a huge screen, this area is set to become a focal point of Ringwood. Just opposite the new development is the $66 million Ringwood railway station redevelopment, which was funded and commenced under the Napthine government and is to be finished at the same time as the Eastland opening. The station has lifts, stairs and ramps, as well as our all-important protective services officers assisting and providing safety for commuters.

Being adjacent to Eastland will mean easy access for people from all over Melbourne. The jobs created out of this development and into the future in retail and food, as well as the input into our local economy, make for a very exciting future for so many. The new face of Ringwood is very exciting, and I am looking forward to an asset that will enhance our local community.

Aquanation

Ms RYALL — It was very exciting to join Maroondah City Council representatives and Michael Sukkar, on behalf of the federal government, at the opening of Aquanation in the Ringwood electorate, home also of the state diving centre. This state-of-the-art facility is another fabulous addition to the new face of Ringwood. The coalition government contributed $3 million to this incredible asset that will mean much joy, exercise, increased competition in both diving and swimming, and a major focus for our local community.

Anzac centenary

Ms KNIGHT (Wendouree) — One hundred years ago today Alfred Bayley was on board the HMT *Southland* when it was torpedoed off Lemnos. The *Southland* was eventually scuttled closer to Lemnos. Thirty-six on board died, but Alfred Bayley survived. Alfred Bayley lived at 1 Seymour Crescent, Soldiers Hill, which is in my neighbourhood.

I am sure all of us in this chamber recognise the importance of this year, being the centenary of Anzac. Significant events commemorating World War I will continue over the next four years. Today is just one of many significant events, because while milestones such as Anzac Day are so important, we should also remember the day-to-day tragedies and victories such as Alfred Bayley's survival against the odds. Stories such as Alfred Bayley's also provide us with the opportunity to reflect on all our servicemen and

women, those who make up our history and those who are currently serving.

The Victorian Anzac Centenary Committee, led by former Premier Ted Baillieu, is encouraging all Victorians to tell the stories of those family members who served in World War I. The Minister for Veterans is here in the chamber; I know he is very supportive of that committee and of all our veterans. He also encourages not only all members in this chamber but also all members of our community to get online at the Victorian Anzac centenary website and download their stories and photos so we can all remember.

Yarra Glen Winter Lights Festival

Ms McLEISH (Eildon) — The inaugural Yarra Glen Winter Lights Festival held recently was a great success. Organised by the Community Fun Projects Group — you really have to love that name — this event was well supported by the community, with approximately 400 people in attendance, mostly families. The festival was a novel idea and the brainchild of locals Beth Williams, Kate Flight, Catherine English and Erin O'Neill. Many people constructed simple floating lanterns, including students at Yarra Glen Primary School and Dixons Creek Primary School, and these lanterns were then launched on the small lake in the centre of Yarra Glen at dusk, floating away in a gentle breeze on a perfect Saturday evening. It was a sight to behold.

I would like to thank Patrick, Gabriel and Gideon Houlihan of Healesville, who made two lanterns for me to launch. The event was auspiced by the Yarra Glen and District Living and Learning Centre, with support from the Yarra Glen Chamber of Commerce and the Yarra Glen Men's Shed. The project team did an amazing job, including arranging a workshop to create the lanterns prior to the event, led by the highly talented Elisabeth Bromley. There was an enormous effort during and after the event from Beth Williams, Debra Traill, Alex Lagerwey and Stan Hardidge.

Country Fire Authority Wesburn-Millgrove brigade

Ms McLEISH — I attended the Wesburn-Millgrove Country Fire Authority brigade Red Hot Fireman's Ball at the Sam Knott Hotel in Wesburn recently, and what a red hot night it was. Success can be measured by the fun experienced and funds raised, and this was a great success on both fronts. It was a terrific effort to raise about $6700 for the brigade with some great novel events, including darts at balloons and racing, with the first to the raffle prize being the one to claim it. It was a real hoot.

The DEPUTY SPEAKER — Order! The honourable member's time has expired.

Hurstbridge Wattle Festival

Ms GREEN (Yan Yean) — Spring is festival time in the Yan Yean electorate, in particular in Nillumbik. Last weekend was the first festival of the festival season, being the Hurstbridge Wattle Festival. The lead-up to it was just amazing, with community volunteers making wattle pom-poms and yarn bombing all the great trees, the trading areas and the shops all throughout Hurstbridge. Of course no wattle festival would be complete without Miss Wattle, and since the wattle festival she has been claiming that it is now the Miss Wattle Festival. I think her ego is getting out of control, but she really has made this festival her own.

Schools, community groups and all the traders are just so involved in this great festival. There were more than 10 000 visitors to the town, so not only is it a great opportunity for the community to get together but it is a great economic generator. Fantastic bands, a night market and a steam train travelling between the Diamond Creek and Hurstbridge stations are all part of the fun, with a yarn-bomb train on the fence of the station.

Later this month is the Diamond Creek town fair and next month the Eltham festival, which I know the member for Eltham will love. All these festivals would not be the successes they are without the fabulous volunteers. Congratulations again on a magnificent festival.

Ashwood Netball Club

Mr WATT (Burwood) — On Saturday, 29 August, I joined members and parents, past and present, of the Ashwood Netball Club for its 25th anniversary celebration. It was great to see such a vibrant part of my community celebrating the success of female participation in sport. I particularly want to pay tribute to Eike Shields, who was there from the start and is still contributing 25 years later. On Saturday she was made the inaugural legend of the club.

Bennettswood Bowls Club

Mr WATT — On 29 August I joined other members of the community for the opening of the green at the Bennettswood Bowls Club. Unfortunately the weather was not great and the game was only short lived. I look forward to the challenge of the Burwood

electorate parliamentary bowls tournament later this year and wish Bennettswood all the best for the upcoming season.

Burwood District Bowls Club

Mr WATT — On 29 August I was pleased to roll the jack for the opening of the Burwood District Bowls Club green. I want to pay tribute to the outgoing president, Mike Hendry, for his efforts over his time in the top job. I found this year particularly enjoyable, with the triple teams I skipped having a fairly convincing win, 8 to 2. I look forward to the challenge of the Burwood electorate parliamentary bowls tournament later this year and wish Burwood District Bowls Club well for the upcoming season.

Glen Iris Primary School

Mr WATT — This year is the 150th anniversary of Glen Iris Primary School, and on Sunday I joined past and present parents, teachers and students to mark the occasion. It was a great celebration of the school, recognising where it has come from. I spoke with many who had stories to share, with many memories being sparked by the museum showing paraphernalia of yesteryear. I was particularly taken by the mosaic put together by students, marking the occasion with representations of the chickens, the owl and the teapot.

The DEPUTY SPEAKER — Order! The honourable member's time has expired.

Pascoe Vale Football Club

Ms BLANDTHORN (Pascoe Vale) — I rise to acknowledge the outstanding efforts this season of the Pascoe Vale Football Club, in particular its role in the Pascoe Vale Sports Club. I would like to acknowledge in particular the president of the Pascoe Vale Sports Club, Brian Campisi; the president of the football club and secretary of the sporting club, Jenny Tydell; and the secretary of the football club, Terriann Seath.

I dare suggest it is one of the few football clubs around town that has women in both its president and secretary positions, and of course it has very successful female teams. I know the Minister for Sport, who is in the chamber, has acknowledged that previously and will further recognise that in building the facilities that are being developed at the club.

The week before last I was pleased to visit the club at Raeburn Reserve for the opening of the Strathmore Bendigo Bank pavilion. This was a combination of much hard work by Bryan, Jenny, club stalwart Jason Cunningham and, of course, the other people associated with the Pascoe Vale Football Club.

As I said, the women's teams have been particularly successful over many years and have played in many finals. This was the first time, however, that the Panthers senior team has enjoyed immense success in its first season in the premier division of the well-regarded Essendon District Football League. It was the first time in 35 years that the team has played in a final. After finishing the home and away season in third position on the ladder the team secured its finals berth. Unfortunately it was short lived and did not go the team's way, but it was gallant in defeat.

John Nicol

Mr PALLAS (Treasurer) — I rise to commemorate the life and contribution of a local member of and leader in my electorate, John Nicol, OAM. John passed away suddenly on 26 August, leaving behind devoted family members and friends and leaving Werribee the poorer for his passing. I would like to express my condolences to his family: to his wife, Pauline; to his sons Brett, David and Jeff; and to his daughter, Lisa.

John was a pillar of the Werribee community and a gentleman in the truest meaning of the word. John embodied service and duty, whether it was his long years as president of the Werribee Football Club, as a member of the local Rotary and Apex clubs or as a board member for any number of community groups and local organisations. He was recognised for his community service with an Order of Australia Medal in 1989, but that did not mark the end of his service to Werribee. John was still involved with so much that occurred in Werribee until his passing. He was a strong advocate for the Werribee Mercy Hospital, and through his role on the Committee for Wyndham he was a tireless advocate for his community.

John embodied community service, humility, good humour and simple decency. He rightly deserved the high regard in which he was held by politicians of all persuasions who dealt with him, yet John would have been the last person to want his praises sung in Parliament. His recognition — —

The DEPUTY SPEAKER — Order! The honourable member's time has expired.

STATEMENTS ON REPORTS

Family and Community Development Committee: abuse in disability services

Ms EDWARDS (Bendigo West) — I rise to make a further contribution on the Family and Community Development Committee interim report and stage 1 of the inquiry into abuse in disability services. As the committee's chair I want to record my thanks and extend my appreciation to Dr Janine Bush, who was executive officer throughout stage 1 of the inquiry, and to Ms Vicky Finn and Mr Patrick O'Brien for their exceptional attention to detail, their hard work and their excellent research. Without their support and commitment it would not have been possible to have the report completed in the required time frame. I would like to also acknowledge the member for Shepparton for her attendance at all of the public hearings and for her attendance in person and by teleconference at all of our committee meetings. I would also like to put on the record that five of the seven members of this committee are regional members of Parliament, and I thank again all members of the committee for their work on stage 1.

To those in the disability sector who have waited so long for this inquiry — the people this inquiry has been established to support — I say thank you for your patience and understanding as the committee moved quickly to conclude stage 1. I have great confidence that the recommendations in the stage 1 report, if adopted by the Council of Australian Governments Disability Reform Council, will have lasting benefits for people with a disability who for too long have endured a system that has failed to protect them from abuse. There is no doubt that unless changes are made to the prevention, reporting and investigation of abuse of people with disabilities, they will continue to suffer and often in silence.

We have a great obligation to ensure that the future for people with a disability under the national disability insurance scheme (NDIS) and the time between now and its rollout is one where protections, preventive policies and practices, reporting systems, and investigative processes are strengthened and improved. If we do not, then people with a disability will continue to be silenced in the face of in some cases extreme physical, emotional and sexual abuse.

I would like to make it very clear that the committee has completed research and public hearings in a timely and thorough manner. This is evident in the recommendations, which are quite extensive and which are in the final stage of the report. However, there is more to do, and as the committee now progresses to stage 2 of the inquiry further opportunities are open to people with disabilities, service providers and workers in the disability sector, and oversight and investigative bodies to further contribute to how we can strengthen the Victorian system. In stage 2 of the inquiry we want to hear from people who have a disability and their families. We want to hear about their experiences. I encourage people to break down the barriers of fear, retribution and silence that have prevented the reporting of abuse in the past and consider making a submission to the inquiry either in writing or at a public hearing. Confidentiality is assured if requested.

At this stage the NDIS is not due until 2016–17. Stage 2 of our inquiry will inform the Victorian government on how to strengthen the Victorian system in the interim and during the transition to the NDIS.

Much of what the committee does will be informed by the national rollout and time frames. It will also need to consider what the national framework for the NDIS might look like, and that will depend on decisions made by the national disability reform council. Stage 1 of the inquiry identified weaknesses in the Victorian system that have allowed the systemic abuse of people with a disability to occur and to go unreported and uninvestigated for too long. However, the inquiry also identified strengths in the Victorian system that could be adopted at a national level and built upon in the Victorian disability system over the next few years.

There were many harrowing stories of abuse in the submissions made to stage 1 of this inquiry, and I have no doubt that there are many more harrowing, shattering and painful experiences that have not been told. What I hope will come out of this inquiry, and in light of the recommendations in this report, is greater support for people with a disability; that abuse of people with a disability is not accepted on any level; that preventive measures are strengthened and implemented across the service providers; and that Victoria can have the best and strongest system to prevent abuse, and if it should happen, the best and most easily understood process for reporting and a thorough, transparent and accountable investigation process. I want to see a system where the voices of those with a disability and their families are heard and where their experiences are acknowledged and protections are guaranteed. I look forward to working towards this outcome in stage 2 of the inquiry.

Public Accounts and Estimates Committee: budget estimates 2015–16 (hearings alert)

Mr WATT (Burwood) — I rise to speak on the budget estimates hearings alert report which was tabled on 27 May. I will particularly go to the section with regard to the Treasurer and his contribution to a Public Accounts and Estimates Committee (PAEC) hearing. I will refer specifically to one of the presentations he made at the hearing and look at some of the figures presented in the budget and that he presented at that hearing.

Yesterday during question time we talked about the massive cuts made to the surplus even though before the Treasurer took on the job he was the shadow Treasurer and he made very firm commitments to the people of Victoria. My community certainly understood that the Treasurer said the surplus position would not change with a change of government. It was a very firm commitment he made. I do not think people in my electorate expected a 46 per cent cut to the surplus. I do not think those in my electorate — or anybody throughout Victoria — expected a 24 per cent cut in infrastructure. In the lead-up to the last election members of the now government seemed to make a lot of noise and a lot of promises about infrastructure, and they talked about all the things they were going to do. But I do not think they explained to the electorate that a 24 per cent cut to infrastructure was on the cards. I find that disappointing.

Looking at the fiscal overview, I am particularly interested in the surplus and what the Treasurer said regarding the surplus. The previous government had forecast surpluses of $3 billion, $3.2 billion and $3.3 billion in 2015–16, 2016–17 and 2017–18. We can then look at what the current budget has provided for and what the Treasurer talked about at the PAEC hearing. We can see that those figures go from $3 billion down to $1.2 billion; from $3.2 billion down to $1.4 billion for 2016–17; and from $3.3 billion down to $1.4 billion for 2017–18.

I raise these figures — and sometimes large numbers like 3 billion and 1.4 billion can be very abstract to the average person in an electorate — to indicate the way the government deals with people's money. Governments need to remember that when they are expending money, it is not the money of the government, it is not the money of the Parliament and it is not even the money of the Labor Party. It is very important that a government or a member of Parliament takes heed of the fact that the money they spend does not belong to them and considers what they actually spend it on. There is interesting reading on the front pages of the papers today.

Nonetheless, when talking about these abstract figures, in the minds of people they do not necessarily relate to, say, jobs. The government, before it became the government, had lots of promises around jobs. I think it talked about 100 000-odd jobs it was going to create. We have come to learn that since Labor got into government there have been 12 400 jobs lost in full-time employment.

I know my community expects that if we are going to talk about jobs, we are not talking about somebody who does a couple of hours a week, because quite frankly a couple of hours a week is not going to sustain a household budget. Most people think when the government talks about jobs it is going to talk about full-time jobs that will allow people to sustain a household budget. It is quite disappointing that this government talks a lot of rhetoric but that when it comes to the hard figures, we are talking about 12 400 full-time jobs lost in just nine months. To me that means that this government has another three years and three months to find 112 400 new full-time jobs — and it had better get its skates on.

In this budget we see money being wasted instead of being put into the services that are required. I looked through the report. I looked through the PAEC stuff and I listened at a few of the hearings, and I was quite disappointed that the Minister for Education would not provide enough money for Parkhill Primary School to invest in the future of its students. I am disappointed in that particular policy of the government. I am disappointed in this government. I am disappointed in — —

The DEPUTY SPEAKER — Order! The honourable member's time has expired.

Public Accounts and Estimates Committee: budget estimates 2015–16 (hearings alert)

Mr BROOKS (Bundoora) — I wish to make a statement today on the Public Accounts and Estimates Committee's 2015–16 budget estimates hearings alert report. In particular I want to highlight some of the evidence and discussion that was presented to the committee and included in the report from one particular portfolio area. I would like to focus on the evidence that was given and the discussion that took place around the portfolio of the Minister for Families and Children, particularly in the critical area of child protection.

At the very outset I commend Ms Mikakos on the fine job she is doing with a difficult portfolio. Any person who reads through the evidence that was given and the discussion that took place at the hearing would understand that this is a difficult space. There are some real challenges in our child protection system, and we need to always remember that we as members of the state Parliament have the ultimate responsibility. The government has responsibility for children who are in state care, whether they be in residential units, out-of-home care situations, foster care or kinship care. It is a serious responsibility, and that was brought home to me by a report released by the Commission for Children and Young People a few months after Ms Mikakos gave her evidence to the committee. The commission conducted an inquiry into the adequacy and provision of residential care services to Victorian children and young people who have been subject to sexual abuse or sexual exploitation whilst residing in residential care.

That report, titled "*… as a good parent would …*", was made available in August of this year. I challenge any member in this place to read through that report and consider the information the commission has provided and not be emotionally affected by the scale of the challenges in the child protection system and the child welfare system and the impact they are having on children who are in state care. That report outlines 189 reports of alleged incidents of sexual abuse or exploitation. One hundred and sixty-six children were subject to those reports, and 42 of those kids were subject to multiple reports.

This is a fairly confronting set of statistics. As the title of the report invites us to do, we need to consider these issues as we would if they affected our own children. Many of these kids have come from fairly damaged backgrounds, and the state is in effect their parent. We have that responsibility. It is a damning read. This is not a political comment on the previous government or the performance of governments before that. This is one of those areas where, aside from the need for robust scrutiny to be applied by an opposition and the media as much as possible, people from all different political persuasions need to work together to resolve these issues in the spirit of genuine goodwill. It is important that the kids in those situations get the best possible outcomes from government.

As I said, the report that has been provided by the commissioner for children and young people makes for stark reading. Photos contained in the report show the living conditions of some of the kids. One of the photos is of a note that a child has left in one of the residential areas, referring to how horrible 'resi' is — resi being residential care — and the suicidal thoughts that they have as a result of the low level of care they receive. This is a confronting area, and the minister should be commended for tackling it head-on through a broad review of the area, the road map to reform that the minister has announced, and also through a whole range of additional financial resources the government has ploughed into this area. The most important thing we can do is ensure that this is not forgotten after one day's coverage in the media and that we continue focus on it day to day, just as we would focus on our own kids every day.

Family and Community Development Committee: abuse in disability services

Ms KEALY (Lowan) — I rise today to speak on the Family and Community Development Committee's *Inquiry into Abuse in Disability Services* interim report. This is a first-stage report which was released in the last sitting week. I am a member of the Family and Community Development Committee, and I thank all members of the committee for their cooperation in undertaking this inquiry to date. We have put forward some really strong recommendations, which I urge the government to adopt.

This inquiry was established in the lead-up to the last election after a report on *Four Corners* late last year on Yooralla and abuse that was occurring in disability services. This report focused on the movement of staff, particularly casual staff, because there were claims that staff were abusing disability clients. There were also complaints made that people with disabilities were not being heard and that these complaints were not being acted on appropriately. As soon as the *Four Corners* report went to air the then coalition government rightly made a commitment that there would be an inquiry into abuse in disability services. Later that day Labor made a similar commitment, and I am pleased that we have seen delivery of that pre-election promise by both parties, and we are now able to see progress being reported.

One of the key parts of the committee's terms of reference relates to finding out why abuse is not reported or acted upon. That is something we need to focus on further in the second stage of this report. To date the committee has not heard from any person with a disability who has been abused, and that has led to some gaps in our report. I have highlighted that this issue should be addressed in the second stage of the report. When we are focusing on understanding why people are not making a report, how on earth can we work out why that is occurring unless we speak to these people and listen to them? If we do so, we will then

know whether it is the system that they do not understand.

In the first stage of this report we did a lot of work looking at governance structure in relation to complaints handling. Even for our committee, it was difficult to map where complaints should be dealt with. There were clearly gaps in the system, but in addition sometimes there were multiple providers or complaint handlers. It was hard enough for us to work out where you would make a complaint in a certain situation. I cannot imagine how difficult it would be to negotiate that if you had a disability. If you are in a situation where your main carer is abusing you, it would be very confronting if you did not know where to turn. Also if you did make a complaint, you would be concerned that the complaint may jeopardise your ongoing care. I would like to see us focusing on that area in the future, during the second stage of the inquiry, further engaging people with a disability and their family members to get an understanding of how we can work to empower them and ensure that if they are abused, or subject to abuse, they know how to make complaint and then that complaint would be handled appropriately.

I would like to thank the members of committee secretariat, who did a fantastic job in supporting us. We had an exceptionally short time frame to undertake this inquiry, which limited the number of submissions we could accept and our hearing schedule was also extremely restricted. I would like to make note of Dr Janine Bush, the executive officer; Ms Vicky Finn, research officer; Mr Patrick O'Brien, research officer; and Ms Helen Ross-Soden, administrative officer. I thank them very much for their support. We would not have got this out so quickly if it was not for them.

I would like to also thank all the organisations, families and individuals who made submissions to this inquiry. If people are not prepared to tell their stories about how they have been subject to abuse, and that is often quite confronting, we are not in position in our roles as parliamentarians to change the system. I thank them very much for being so brave. We will ensure that their voices are heard. We have put forward some strong recommendations which will help to translate the Victorian system to the national disability insurance scheme as it is rolled out. As a final point, I urge the government to implement all recommendations, to be a strong voice for people with a disability across the state and particularly making sure that when they negotiate the national disability insurance scheme complaints framework that we ensure that the Victorian system is not diminished in any way.

The DEPUTY SPEAKER — Order! The member's time has expired.

Public Accounts and Estimates Committee: budget estimates 2015–16 (hearings alert)

Mr PEARSON (Essendon) — I am delighted to make a contribution in relation to the inquiry on the 2015–16 budget estimates. I am particularly drawn to the presentation provided by the Minister for Public Transport on 15 May. The minister provided a very comprehensive and detailed assessment, both in terms of public transport patronage going right back to the 1950s and then talking more about what is to be done. In relation to the minister's slide on metropolitan train patronage, for example, we are looking at a projected increase of 316 per cent by 2025–26, using 1993–94 as the base number.

Interestingly, public transport patronage growth used to basically track population growth. From the 1970s until about 2000 it was tracking along at about 3 per cent growth per annum. As people would remember, after the GST was introduced a spike in petrol prices caused a step change in consumer behaviour. I understand that some people in regional areas did not have this option — nor did some people who live in outer suburban areas — but those of us who had good public transport linkages made a conscious decision in the early part of the last decade to use public transport as a viable alternative. That led to spectacular compound growth of about 10 per cent per annum, which has led to this large spike. If you look at the figures from 1993–94 and the projection for 2025–26, you will see an increase of 316 per cent.

The situation with regional train patronage is similar. The forecast shows an increase of 509 per cent from 1993–94. The interesting thing there is that there was a huge jump after the Bracks government indicated it would commence upgrading the lines to Ballarat, Bendigo, Geelong and the Latrobe Valley, and an even greater jump will occur once regional rail has come online. This is important because we are trying to find ways for people from regional areas to participate in the half-dozen key postcodes in the Melbourne CBD that have created most of the economic activity and growth over the last 15 years.

As I have indicated to the house previously, if you think of postcodes as sovereign nations, in a state like Victoria postcodes 3000, 3001, 3004 and 3006 are megawealthy nations, while the rest of the state lives in degrees of subsistence or poverty. The importance of regional rail is that when there are trains travelling every 10 minutes from Geelong to Melbourne,

providing efficient and reliable public transport, it ensures that people are able to come into the city, work, participate in that great economic growth story, and then repatriate that wealth to their home communities. This is a very important initiative.

It is expected that tram patronage will increase by 177 per cent from 1993–94. That is obviously less than the projected increases in regional public transport and metropolitan train use but it is nonetheless significant. It is probably reflected in the greater level of urban clustering and density in the CBD and inner Melbourne.

The minister then gave the government's response in light of these heightened levels of patronage. On slide 5 of the presentation, under the great slogan 'Getting on with it' — I personally would have liked to have seen a hashtag there, #gettingonwithit — the minister indicated a $20 billion budget investment, which is the largest investment in public transport in Victoria's history. The cornerstone of this will be not just the removal of 50 level crossings but also the construction of the Melbourne Metro rail tunnel in 2018, with $1.5 billion for preconstruction works and detailed design to commence immediately.

This is really important because it will increase capacity across the Melbourne Metro network by about 10 per cent. This will make sure that people in the far-flung suburbs of Melbourne are not disadvantaged by the great economic growth story of the CBD of Melbourne. It will ensure that there is reliable public transport and very good access to public transport linkages. It will ensure that people in the outer suburbs of Melbourne can come into town and participate. That is why we are getting on with it.

Family and Community Development Committee: abuse in disability services

Ms McLEISH (Eildon) — I am pleased to have the opportunity to speak for a second time on the Family and Community Development Committee's interim report of its inquiry into abuse in disability services. I am deputy chair of that committee and one of seven committee members. I note that five of the seven are country or regional members of Parliament. This interim report into stage 1 of the two-stage inquiry was tabled last month. The interests and wellbeing of people with a disability are paramount. Any behaviour that poses a risk to the safety and wellbeing of people with a disability is unacceptable and will not be tolerated under any circumstances.

By way of background to this report, in November 2014 the then Minister for Community Services, Mary Wooldridge, now the Leader of the Opposition in the Council, committed to commissioning the parliamentary Family and Community Development Committee to undertake an inquiry into the systemic mistreatment of people with a disability living in supported accommodation. This was adopted by the then opposition, now the government, and we have seen this commissioning come to fruition and the inquiry commence with a bipartisan approach.

The terms of reference for stage 1 were about informing Victoria's position on the proposed national disability insurance scheme quality and safeguarding framework. Victoria's position will be considered by the Council of Australian Governments Disability Reform Council. The council may or may not take on board our recommendations or the recommendations put forward by the Victorian government following our inquiry, but I would certainly like to suggest that it does. Our inquiry considered strengths and weaknesses.

To provide further context, some abhorrent, high-profile cases of abuse have been very well publicised and documented. At the same time we have the imminent rollout of the national disability insurance scheme, which is transitioning from 2016, and it is important to note that the national disability insurance scheme will replace existing state-based arrangements. Individuals will have choice and control over the services they use. It is important that within this scheme the appropriate oversights exist, including in the prevention, reporting and management of abuse within the system.

As I have mentioned previously, we had a very short time frame for this report. In addition, there are a number of other inquiries taking place, most notably that of the Victorian Ombudsman, whose report we had regard to and with whom we had a couple of sessions.

I cannot highlight the importance of this inquiry enough. Often the most disabled people in our communities are the most vulnerable — those who cannot speak for themselves, those who cannot defend themselves and those who may not know or understand what is happening to them, although the rest of us know that it is wrong. Abuse can take many forms; it can be high level or low level. There can be kicking, biting and punching, and sometimes that can be between disabled clients, which is very distressing for the families.

Abuse can be at this low level between client carers and a staff member. Abuse can involve theft. It can involve the removal of rights and the taking away of

somebody's choice. There is also the much more abhorrent nature of abuse, including sexual abuse and those sorts of things that make everybody sick to the stomach. Abuse takes a physical and emotional toll on people, both on the individual and the family, and the stress that it brings can manifest in a variety of ways.

Some of the issues we needed to consider were the reporting, the under-reporting and the non-reporting. We have to look at a system that can appear to be quite complex because there are number of different bodies involved, and when you map it out you can see why people find this very challenging. The different bodies have different oversight accountabilities and powers, so it was important that we put forward and endorsed one of the recommendations of the Ombudsman, which was to have a single oversight body going forward.

I would like to thank the contributors to our inquiry, including the representatives of the service providers, statutory authorities and government departments, as well as the members of the public who are in some way connected to the industry, including through family members and also through the community visitors. They contributed either at hearings or via submissions. As the member for Lowan mentioned, we did not hear from those with a disability this time, but I am really hoping that during stage 2 of the inquiry, which we have now kicked off, we will have that opportunity to listen to and learn from those people.

SERIOUS SEX OFFENDERS (DETENTION AND SUPERVISION) AND OTHER ACTS AMENDMENT BILL 2015

Statement of compatibility

Mr NOONAN (Minister for Corrections) 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 Serious Sex Offenders (Detention and Supervision) and Other Acts Amendment Bill 2015 (the bill).

In my opinion, the bill, as introduced to the Legislative Assembly, is compatible with human rights as set out in the charter. I base my opinion on the reasons outlined in this statement.

Overview

The bill amends the Serious Sex Offenders (Detention and Supervision) Act 2009 (the SSODSA) in order to, amongst other things, provide new police powers in relation to offenders and to further provide for the management of offenders and to further provide conditions of supervision orders. The bill also amends the Bail Act 1977 (the Bail Act) concerning an accused's entitlement to bail when held in custody, by creating a new presumption against bail.

Human rights issues

To preface my consideration of relevant human rights affected by these amendments, it is necessary to restate the purpose of the SSODSA and the nature of orders made under the SSODSA. The main purpose of the SSODSA is to enhance community safety by requiring offenders who have served custodial sentences for serious sex offences and who pose an unacceptable risk of harm to the community to be subject to either a supervision or detention order. The secondary purpose of the SSODSA is to facilitate the treatment and rehabilitation of such offenders so as to reduce their risk of harm to the community. The scheme is not punitive in nature, and ensures that the orders effect the minimum level of limitation upon rights necessary to ensure community safety. In making a supervision order, a court must be satisfied that an offender poses an unacceptable risk of reoffending if the order is not made and the offender is in the community. The evidence justifying the decision must be cogent and the court must be satisfied by that evidence to a high degree of probability. The court retains discretion as to whether or not to make any order. It may take account of any matter in exercising its discretion.

Amendments to management of offenders

Clause 4 inserts new section 158F into the SSODSA, which empowers the secretary to authorise certain prison officers to exercise the existing powers or functions of a community corrections officer under the SSODSA. Clauses 11 to 25 amend provisions of the SSODSA to provide that specified prison officers may exercise the powers of community corrections officers, that is, to:

- be responsible for the day-to-day management of an offender, if directed by the commissioner;
- be subject to the direction of the commissioner;
- give reasonable instructions to an offender necessary to ensure compliance with rehabilitation or treatment plans or directions of the adult parole board;
- if directed by the commissioner, to exercise search powers on an offender's residence, vehicle or person (garment or pat-down search);
- if carrying out a search, seize any compromising item found in possession or under the control of the offender;
- be obligated to record seized items on the seizure register; and
- direct an offender to submit to alcohol and drug testing in accordance with the SSODSA.

I note that these powers are the same as those that are currently held by community corrections officers, and the amendments merely extend the class of persons who can exercise such powers. I consider that this extension does not change the underlying compatibility of the existing SSODSA provisions with the charter, nor the efficacy of the existing legislative safeguards, as considered by the Statement of Compatibility to the Serious Sex Offenders (Detention and Supervision) Bill 2009. I rely on the reasons advanced in that statement.

However, in addition to extending the class of persons which can exercise existing powers, new section 158F grants specified prison officers a unique power to direct an offender to do or not do anything that the officer believes on reasonable grounds is necessary for the safety of the officer, the offender or any other person, and to use reasonable force to compel an offender to obey such a direction if the officer believes on reasonable grounds that the use of force is necessary to prevent the offender or another person being killed or seriously injured. The use of reasonable force may also include the application of authorised instruments of restraint by specified officers who fall within a relevant exemption under the Control of Weapons Act 1990, such as extendable batons and oleoresin spray, if the application of that instrument of restraint is necessary to prevent the offender or another person being killed or seriously injured.

Relevant human rights

The power to use reasonable force to compel an offender to obey a direction may involve the physical restraint or apprehension of a person, which may constitute an interference with an offender's rights to life (s 9) bodily privacy (s 13) security of person (s 21) humane treatment when deprived of liberty (s 21) and protection from cruel, inhuman or degrading treatment (s 10).

The use of force may reasonably limit these rights provided it occurs within the framework of the law and with the objective of protecting public order, people's lives or property. Human rights principles require that the law and policies governing the use of force protect life to the greatest extent possible and safeguard the circumstances in which force is used. Any use of force must be no more than absolutely necessary and strictly proportionate to achieving a clearly defined lawful purpose.

New section 158F accords with these principles as it permits reasonable force to be used only in strict circumstances directly connected to protecting life. It is only authorised where a specified prison officer has given a direction to an offender that is necessary for the safety of a person, and reasonable force is required to compel an offender to obey this direction to prevent a person from being killed or seriously injured.

The primary purpose of the provision is to ensure the security and safety of the offender, the specified prison officers and others in the community. The very nature of supervision orders necessitates that offenders subject to such orders may present a danger to officers tasked with their management, as well as to the community. Such offenders constitute an increased risk to safety in the absence of authority for officers to use force to prevent loss of life or serious injury. Further, the provision meets important community expectations that specified prison officers tasked with the supervision or management of high-risk offenders are able to use reasonable force if necessary to prevent loss of life or serious injury. This expectation forms part of a broader and legitimate expectation that officers with duties under the SSODSA are able to fulfil their role in contributing to public order and public safety. Finally, the secretary has an implicit duty of care to ensure a safe working environment for specified prison officers, which may require the use of reasonable force when necessary to prevent loss of life or death to any person, including staff, prisoners or members of the public.

Existing operational procedures for prison officers exercising similar powers under the Corrections Act 1986 ensure that the use of force is always proportionate to the relevant safety risk and a last resort. Officers are trained to appropriately assess security risks and must identify possible courses of action that involve the use of all other options before resorting to the use of force to manage risks to safety, such as verbal direction, communication or negotiation.

Accordingly, I am satisfied that any interference with human rights caused by new section 158F is compatible with the charter.

New entry and arrest powers for Victoria Police

The SSODSA currently provides police officers with power to arrest a serious sex offender who is in breach of a supervision order. However, under section 459A of the Crimes Act 1958, Victoria Police members may only enter premises to make an arrest if the police officer reasonably believes such a breach has occurred or will continue. Moreover, unlike supervision officers at Corrections Victoria, Victoria Police members do not have a general power to enter premises where the offender resides to monitor their compliance with a supervision order.

As an increased community protection measure and a stronger response to breaches of supervision orders, a stronger suite of police powers will be introduced by the bill. Clauses 4 and 5 of the bill provide for a greater ability to enter premises to check whether serious sex offenders are complying with their orders and creates a lower threshold to enter premises to arrest an offender in breach of a supervision order. The need to monitor compliance and address breaches of supervision orders can arise at places where the offender resides as well as places where they should not be residing.

Clause 4 inserts new sections 158C to 156E into the SSODSA to enable a police officer to enter any premises where an offender is residing if the police officer reasonably suspects the offender is present at the premises and the entry is reasonably necessary to monitor the offender's compliance with a supervision order. If necessary, a police officer may use reasonable force to enter premises.

Clause 5 inserts new sections 171A to 171C into the SSODSA to provide that a police officer, for the purpose of arresting an offender under existing section 171 of the SSODSA (which relates to an offender who is reasonably suspected of breaching a supervision order), may enter and search any premises (including any residence or vehicle) where the police officer reasonably suspects the offender is to be present. If necessary, a police officer may use reasonable force to enter premises.

To ensure appropriate protections for the offender and other persons in the premises where entry is being effected, the bill provides a police officer must announce that the officer is authorised by law to enter the premises. If the police officer has been unable to obtain unforced entry, the police officer must give any person at the premises an opportunity to allow entry to the premises.

Immediate unannounced entry to the premises can still be made if the police officer reasonably suspects that such entry is required to ensure:

the safety of any person;

that the effective monitoring of the offender's compliance or that the prevention of a breach or a continuation of the breach of a supervision order is not frustrated; or

that the arrest in relation to the breach of a supervision order is not frustrated.

Relevant human rights

The power to enter any premises by force to monitor an offender's compliance with the supervision order or to search for an offender who is suspected of breaching a supervision order may constitute a limit on a person's right to privacy (s 13), including of persons not subject to a supervision order.

However, like with the new specified officer powers above, I am of the view that any limits on human rights resulting from the exercise of these new police powers are reasonably necessary. These powers meet important community expectations that police have the capacity to monitor an offender's compliance with the SSODSA where necessary, and be able to respond to suspected breaches of the SSODSA. While the power of entry to monitor compliance is broad, the extent of the limitation on an offender is likely to be low, as an offender will already be subject to other limits on privacy arising from the conditions of the supervision order, such as monitoring conditions.

The entry power is also limited to circumstances where entry is reasonably necessary to monitor compliance. This means that police will only be able to exercise their power of entry as a last resort. The power to search premises to effect an arrest is limited to the very serious circumstances of where a breach of conditions is suspected, which poses real community safety concerns given the purpose of the scheme and its application to offenders posing unacceptable risk. While the exercise of these powers may involve unintended breaches of privacy of other persons not subject to a supervision order who may be residing at the same premises as an offender, I am of the view that there is no less restrictive means available to achieve the purpose of these provisions.

Further, existing operational procedures for police officers require that these entry powers be exercised proportionately. Accountability is further provided through the operation of oversight provisions (new sections 158E and 171C); which require the Chief Commissioner of Police to advise the Secretary to the Department of Justice and Regulation of any exercise of these powers, who in turn must report the matter to the adult parole board. Clause 42 requires the details of the exercise of powers of entry under section 158C and 171A to be annually reported to the board under section 72 of the Corrections Act. Section 72(2) of that act requires the minister to cause the board's annual report to be laid before the Legislative Council and the Legislative Assembly before the end of the 14th sitting day of the Legislative Council or the Legislative Assembly after the annual report has been received by the minister. This provides for parliamentary oversight of the exercise of these new powers.

Accordingly, I am satisfied that any interference with human rights caused by new sections 158C and 171A is compatible with the charter.

Amendments to bail entitlements when held in custody

Clause 40 extends the application of section 4(4) of the Bail Act to include circumstances where an accused is charged with an indictable offence that is alleged to have been committed while the accused is the subject of a supervision or interim supervision order, or the accused is the subject of a supervision or interim supervision order at any time during the proceeding with respect to bail.

Section 4(4) of the Bail Act imposes a presumption against bail where an accused is charged with certain offences. The standard of proof is one of 'show cause', which involves a weighing of all relevant circumstances to support a conclusion that the detention in custody is not justified. While a reverse onus in the context of criminal proceedings is normally evaluated under the right to be presumed innocent in section 25 of the charter, this reverse onus is more appropriately evaluated in the context of the right to liberty in section 21, as it is concerned with matters relating to pre-trial detention rather than with proving guilt of an offence.

Right to liberty and security of person (s 21)

Section 21(6) of the charter provides that a person awaiting trial must not be automatically detained in custody. The right is not compatible with a complete prohibition on the grant of bail, but recognises that the denial of bail is justified in certain circumstances, such as where there is risk of an accused absconding, interfering with criminal justice processes (such as influencing witnesses or destroying evidence), committing further serious offences or where it is necessary in order to protect the accused or prevent a disturbance of public order.

While clause 40 introduces a new obstacle in certain circumstances to an accused being granted bail, I am of the view that a reverse onus in this context which requires an accused to show cause why detention in custody is not justified does not limit this right. Clause 40 applies to a narrow range of circumstances, involving a person charged with an indictable offence who is the subject of a supervision or interim supervision order. This is a serious and concerning category of offending, as it involves a person who has served a custodial sentence for certain sexual offences, who has been found by a court to present an unacceptable risk of harm to the community to warrant the imposition of a supervision or interim supervision order, and who has committed a further indictable offence in addition to the offence which has drawn the application of the SSODSA. The mere fact that the accused is subject to a supervision order is indicative that there are serious community protection issues relevant to the granting of bail.

It is my view that it is reasonable to draw an inference that an accused in such circumstances presents an elevated risk of absconding, a threat to public safety or a likelihood of committing further serious offences while on bail, including further sexual offences, which justifies a reversal of onus requiring the accused to show that he or she should be released on bail. The standard of proof of 'show cause' will allow an accused opportunity to discharge the presumption if the nature of alleged offending and personal circumstances of the offender support a conclusion that detention in custody is not justified.

Accordingly, I am satisfied that the amendments in clause 40 do not limit the right not to be automatically detained in custody when awaiting trial in s 21(6) of the charter.

Amendments to electronic monitoring conditions of supervision orders

Clauses 7 and 8 introduce new conditions which must be imposed alongside any electronic monitoring condition imposed by the court in relation to an offender, or the court authorised the adult parole board in relation to an offender at a residential facility. This relates to requiring an offender to submit to electronic monitoring of the offender's compliance with a supervision order under s 17(1)(m) and 20(1)(c) of the SSODSA.

The new conditions are that the offender must:

> comply with any direction given by the adult parole board relating to electronic monitoring;
>
> for 24 hours of each day, be electronically monitored by wearing an electronic monitoring device fitted to the offender at the direction of the adult parole board;
>
> not tamper with, damage or disable any electronic monitoring device or equipment used for the electronic monitoring; and
>
> accept any visit by the secretary (or delegate) to the place where the offender resides, at any time that it is reasonably necessary and for any purpose including to install, repair, fit or remove any electronic monitoring device or equipment used for the electronic monitoring of the offender's compliance with the supervision order.

Relevant human rights

To preface my discussion of relevant human rights, it is important to note that the scheme is based on the risk of reoffending, rather than the fact of a person having been convicted. Whilst conviction may be a 'trigger' for eligibility, whether an order is imposed is based solely on an assessment of future risk. Accordingly, the imposition of new conditions does not limit the rights not to be tried or punished more than once (s 26), or the protection against retrospective criminal laws (s 27) in the charter.

While criminal process rights are not affected by these amendments, a number of other human rights may be relevant, including:

> protection against degrading treatment (s 10(c)), by requiring offenders to wear an ankle bracelet, which if seen may result in stigmatisation of a person so as to interfere with their relationships and employment prospects;
>
> right to freedom of movement (s 12) and right to liberty (s 21(1)), by controlling or restricting a person's capacity to move freely; and
>
> right to privacy (s 13), through interference with a person's personal privacy and physical integrity caused by the ankle bracelet, the 24-hour monitoring, the requirement to accept visits at any time and the sharing of information collected in the course of monitoring, such as information relating to an offender's location and journey.

In my view, the requirement to wear an electronic monitoring device in this context does not meet the threshold of 'cruel, inhuman or degrading treatment' so as to limit the charter right in section 10(c). Any stigma experienced by an offender is an incident of this particular supervisory measure and is not intended to be punitive. For example, the new requirement can be distinguished from an offender having to wear a bracelet of a particular colour in public to signify they are a supervised sex offender, which might be more of a punitive measure than a protective measure and may engage section 10. The bracelet contemplated by these amendments may be concealed by long pants or thick socks, allowing the interference with an offender's dignity to be minimised.

I also do not consider the right to privacy under section 13 of the charter to be limited, because although the cluster of new electronic monitoring conditions will interfere with an offender's privacy, the imposition of these conditions are neither 'unlawful' nor 'arbitrary' for the following reasons:

> the conditions are confined to the purpose of electronic monitoring the condition of the order;
>
> it will not be arbitrary as it will only apply to persons who, by virtue of being subject to a supervision order, have been found to pose an unacceptable risk of committing a relevant offence. The test applied in order to determine that a supervision order ought to be imposed is precise, transparent and accessible. The supervision order, and therefore the monitoring condition, will cease to apply upon the determination that the offender no longer poses an unacceptable risk;
>
> the amendments do not interfere with procedural and judicial safeguards relating to the imposition and periodic review of supervision orders, the court's power to determine the appropriateness of a supervision order, or offenders' rights to seek appeal or review of the imposition of the condition of monitoring; and
>
> in relation to the sharing of information collected in the course of monitoring, clause 34 amends section 189 of the SSODSA to limit the sharing of such information to circumstances reasonably necessary to enable persons to carry out functions under the SSODSA or other legislation, and creates a new offence prohibiting any unauthorised use or disclosure of such information.

Finally, in my opinion the new conditions relating to electronic monitoring do not impose any further restriction on liberty (s 21) or movement (s 12) distinct from the other conditions of an offender's supervision order. In other words, any restriction on an offender's liberty or freedom of movement is a consequence of the other conditions of the supervision order, such as residence, accompaniment, exclusion areas and curfew.

If the alternative view is taken that these amendments limit human rights, I am of the view that any such limitations are demonstrably justified. The inclusion of additional conditions relating to electronic monitoring enhances the efficacy of the SSODSA scheme, which has the primary object of community protection through preventing the risk of further offending by persons already convicted of a relevant sex offence.

Electronic monitoring is directed at reducing the risk of offending because it monitors an offender's relevant conditions of the order, which can be used to detect whether the offender is breaching, or is at risk of breaching, the conditions of the order, such as by having contact with other

offenders or frequenting areas of exclusion where risk of offending is heightened. In this way, it can alert authorities to patterns of potential offending so that case management practices can be adapted to meet the particulars of the offender and preventative steps can be taken in advance of reoffending. The requirement for 24-hour monitoring and prohibition on tampering with or removing the bracelet is essential to ensuring the proper operation of the monitoring scheme. The requirement to accept visits at any time is a necessary interference with an offender's privacy to ensure the proper operation of monitoring equipment and the ability of the secretary to promptly respond or address any malfunctions or failures in the operation of the equipment. The supervisory measure in itself has a further deterrent effect, as the wearing of a bracelet acts as a physical cue that reminds offenders of their obligations under the order. Accordingly, there is close relationship between any limitation on rights and the purpose for which the limitation is imposed. The discretion to remove a condition to electronic monitoring another condition of a supervision when justified on a variation, review or renewal of the order also allows for less restrictive means to be employed when the circumstances require.

Accordingly, I am satisfied that clauses 7 and 8 are compatible with the charter.

Hon. Wade Noonan, MP
Minister for Corrections

Second reading

Mr NOONAN (Minister for Corrections) — I move:

That this bill be now read a second time.

Speech as follows incorporated into *Hansard* under sessional orders:

A recent event has rightly raised community concern about those serious sex offenders who are under supervision in our community. Immediately after this event, the Andrews government took swift action and ordered an immediate review by the Department of Justice and Regulation of the management of this individual. All recommendations of this review have been acquitted. In addition, Corrections Victoria immediately reviewed the compliance of all serious sex offenders under supervision orders in the community at the time and stronger management arrangements were put in place including in some circumstances new residential arrangements.

The Andrews government announced earlier this year a review of the Serious Sex Offenders (Detention and Supervision) Act 2009 (SSODSA) led by former Court of Appeal Judge David Harper. The Harper review is considering how the Serious Sex Offenders (Detention and Supervision) Act could be improved or another post-sentence legislative framework be created to strengthen the protection of the community from complex adult victim sex offenders and improve the management of complex adult victim sex offenders who may also be violent. It is also considering the governance models for improved decision-making and case management between the criminal justice and mental health service systems in relation to these offenders. The review is to be completed at the end of October this year.

In the meantime this bill will strengthen the current scheme for serious sex offenders. The government will consider additional reforms and associated legislative amendments that may be required as a result of the Harper review.

In that context, the governing principle demonstrated by this bill is that the paramount consideration is for the safety and protection of the community from risks posed by serious sexual offenders.

The Serious Sex Offenders (Detention and Supervision) and Other Acts Amendment Bill 2015 will amend the SSODSA and the Bail Act 1977. The main purpose of the bill is to strengthen and improve the supervision and management of serious sex offenders for the safety and protection of the community from sexual offending including through new police powers and a new presumption against bail.

The SSODSA is a civil, non-punitive scheme to provide ongoing supervision or detention of offenders who have completed their prison sentence and present an ongoing unacceptable risk of committing further sexual offences. The Supreme Court or County Court determines who will be on these orders and sets the conditions which must be aligned to their risk of sexual offending, such as where they are to reside in the community, whether they will be subject to electronic monitoring and treatment.

A stronger role and powers for Victoria Police for community safety and protection

The bill will introduce a new stronger role and powers for Victoria Police in the monitoring of serious sex offenders in conjunction with the management role of Corrections Victoria. Supporting the reforms in the bill is a new operational unit in the sex offenders management branch of Corrections Victoria. This unit will contain embedded Victoria Police members to monitor, supervise, case manage, and respond to identified risks from serious sex offenders subject to the serious sex offenders scheme. To this end, developed in consultation with Victoria Police, the amendments in the bill provide for stronger entry and arrest powers for Victoria Police to enhance the protection of the community from risks posed by serious sex offenders.

The SSODSA currently provides police officers with power to arrest a serious sex offender who is in breach of a supervision order. Under section 459A of the Crimes Act 1958, Victoria Police members however may only enter premises to make an arrest if the police officer reasonably believes such a breach has occurred. Moreover, unlike supervision officers at Corrections Victoria, Victoria Police members do not have a general power to enter premises where the offender resides to monitor their compliance with a supervision order.

The bill provides for a greater ability for Victoria Police to enter premises to check whether serious sex offenders are complying with their order and creates a lower threshold to enter premises to arrest an offender in breach of a supervision order.

The need to monitor compliance and address breaches of supervision orders can arise at places including where the offender resides or where they should not be residing and at night or early morning.

First, the bill will amend the SSODSA to enable a police officer to enter any premises where an offender is residing if

the police officer reasonably suspects the offender is present at the premises and the entry is reasonably necessary to monitor the offender's compliance with a supervision order. If necessary, a police officer may use reasonable force to enter premises.

Secondly, for the purpose of arresting an offender who is reasonably suspected of breaching a supervision order, a police officer may enter and search any premises (including any residence or vehicle) where the police officer reasonably suspects the offender is to be present. If necessary, a police officer may use reasonable force to enter premises.

To ensure appropriate protections of the offender and other persons in the premise where entry is being effected, the bill provides a police officer must announce that the officer is authorised by law to enter the premises. If the police officer has been unable to obtain unforced entry, the police officer must give any person at the premises an opportunity to allow entry to the premises.

Immediate entry to the premises can still be made if the police officer reasonably suspects that such entry is required to ensure:

the safety of any person;

that the effective monitoring of the offender's compliance or that the prevention of a breach or a continuation of the breach of a supervision order is not frustrated; or

that the arrest in relation to the breach of a supervision order is not frustrated.

This reflects that these new police powers are designed to be protective, not punitive.

As explained below, specified corrections officers will also have new powers to address these breach of supervision order issues. Community corrections officers will also continue to use their current powers under the SSODSA to visit offenders to monitor their compliance. These powers will be better integrated under the new operational unit embedded with police officers in the sex offenders management branch of Corrections Victoria.

To ensure oversight of the exercise of these police powers, the bill requires the Chief Commissioner of Police to report on instances of entry to the Secretary to the Department of Justice and Regulation who then reports the matter to the detention and supervision division of the adult parole board. Each year, the adult parole board is then legally required in the bill to report on the operation of entry powers under section 72 of the Corrections Act 1986 which is then required to be tabled by the minister in Parliament. This ensures appropriate oversight of these significant new powers.

Victoria Police may test serious sex offenders for alcohol and/or drug use

The bill also amends the SSODSA to give a police officer the power to test serious sex offenders for alcohol or drug use if a police officer reasonably suspects that the offender has breached a condition of the order by consuming alcohol or drugs. The amendment broadly aligns with the current power of community corrections officers to alcohol and drug test serious sex offenders under section 156 of the SSODSA.

Police officers' testing procedures will be approved by the Chief Commissioner of Police.

Specified corrections officers may use certain safety powers when supervising serious sex offenders

The bill will also amend the SSODSA to provide that a specified prison officer or class of prison officer can be directed by the secretary to exercise certain safety powers when the officer is assisting in the supervision of a serious sex offender, including at Corella Place or another location where the offender resides. The 'specified officers' are intended to be the prison officers in the Security and Emergency Services Group (SESG) who are also community corrections officers.

The bill provides that the specified officer who is a community corrections officer can exercise some functions and powers analogous to SESG prison officers on safety grounds. Due to their special training and experience (including specialised communication and negotiation skills), the effect of the bill will be that, when these officers are assisting in the supervision of serious sex offenders in the community, these officers will have powers to protect themselves, the offender, or any other person.

The officers will have the power to order an offender to do, or not to do, anything which the officer believes on reasonable grounds is necessary for the safety of a person. The officer may use reasonable force (including using authorised instruments of restraint) if the officer believes it is necessary to prevent the offender or another person being killed or seriously injured. The functions and powers of the officer will include the use of reasonable force, batons and capsicum spray, but only on safety grounds to carry out their official duties and in accordance with an exemption order to be made pursuant to the Control of Weapons Act 1990. These powers are defensive and aim to ensure community protection. Firearms cannot be used.

As a further measure for community safety and protection, the officer may garment or pat-down search the offender or search a location occupied by the offender, as directed by the commissioner of Corrections Victoria. Items found may be seized on safety or welfare grounds or due to a risk of reoffending. The officer may alcohol or drug test the offender. Those offenders required to reside at Corella Place who are temporarily outside the facility can be accompanied by these officers and returned to that residential facility. These amendments align with the existing powers of supervision officers under the SSODSA.

The new role of SESG officers in supervising serious sex offenders in the community does not undermine the proper role of Victoria Police. The SESG officer will be, in effect, a specialist community corrections officer responding to safety issues when supervising serious sex offenders in the community. The chief role of Victoria Police in community safety under the SSODSA is enhanced and strengthened by this bill. Corrections Victoria will continue to closely work with Victoria Police including on after-hours responses that require police support including under the new operational unit supporting this bill.

A new presumption against bail

Further offending by serious sex offenders who are also on bail is a very serious matter. A serious sex offender is already judged by the courts to be a risk to the community and a

supervision order is designed to address that risk. Further offending therefore demonstrates a new risk to our community.

The Bail Act however creates a presumption in favour of bail for all offenders. In general, an offender will be bailed unless the court is satisfied that there is an unacceptable risk that, if released, the offender would fail to answer bail, endanger the safety of the public, interfere with witnesses, or obstruct the course of justice.

However, there are two classes of offences under section 4(2) of the Bail Act that, when alleged against any offender, displace this presumption. First, if a person is charged with murder, treason or serious drug offences then they must show exceptional circumstances to justify the grant of bail.

Secondly, if a person is charged with (among other things) any offence under the Bail Act or a repeated and serious breach of a family violence intervention order or an indictable offence involving the use of a firearm or offensive weapon, then section 4(4) of the Bail Act provides that the court must refuse bail unless the offender shows cause why their detention in custody is not justified.

The current law is inadequate in relation to serious sex offenders charged with further serious offending. There are no provisions in the Bail Act that deal specifically with people subject to a supervision order under the SSODSA.

The bill will add a person, subject to a supervision order or interim supervision order, who is charged with any indictable offence, to the list in section 4(4) of the Bail Act. Any person in this category will be required to show cause why their detention in custody is not justified before they may be granted bail.

If a person is able to show cause, the court will also consider the general test for bail and may still refuse bail if the person poses an unacceptable risk.

The amendment creates an extra hurdle before bail may be granted to those subject to a supervision order or interim supervision order who are alleged to have committed a further indictable offence. It will ensure that courts consider the particular risk to the community posed by people who are subject to these serious orders, yet are alleged to have continued to offend.

If a serious sex offender under a supervision order under the SSODSA is charged with any indictable offence it is to be presumed that bail will not be granted. This reform aims to ensure all the risk to the community is considered by the courts in bail decisions with the starting point that they are not released unless community safety can be satisfied first.

Further measures to strengthen the current sex offender scheme

Quicker charges for breach of supervision orders

Importantly, the bill will also allow prosecutions to be brought more quickly where serious sex offenders are charged with breach of their supervision order. The bill will repeal sections 172(2) and (3) of the SSODSA.

Following consultation with Victoria Police and the Office of Public Prosecutions, the requirement that an offender be given at least 14 days' notice of the intention to charge them for an alleged breach has become redundant. As most breaches are considered serious, notice is often dispensed with. The bill does not alter existing protections in the Criminal Procedure Act 2009 and the common law which allow an accused person to raise a reasonable excuse to a charge.

Quicker charges will also mean quicker bail hearings and hence the more immediate use of the new presumption against bail introduced by this bill.

Electronic monitoring conditions

The SSODSA currently empowers courts with discretion to impose on a supervision order a condition that the offender be electronically monitored for compliance with the order. The bill amends the SSODSA to make explicit that electronic monitoring is 24-hour monitoring and includes wearing a device. The offender must not remove, tamper with, damage or disable the device or equipment. The offender must obey directions by the board and the secretary regarding the electronic monitoring. It is currently an offence carrying up to 5 years imprisonment to fail to comply with conditions of a supervision order without reasonable excuse and this offence will now explicitly include these conditions.

These amendments ensure there are clear, basic and universal obligations for those serious sex offenders who are subject to electronic monitoring including at the residential facility at Corella Place in Ararat.

These reforms align with conditions of electronic monitoring under parole orders and community correction orders.

Instructions by supervision officers

Section 137 of the SSODSA permits a supervision officer to issue instructions to these offenders whether they are inside or outside the residential facility (Corella Place). Clause 5 of the bill also provides that it is a core condition under section 16 of the SSODSA requiring an offender to obey those instructions. Failure to comply will be a breach of a supervision order under section 160.

This additional amendment addresses the issues raised regarding these instructions in the case of *Jack Heath (a pseudonym) v. The Queen* [2014] VSCA 319. In that case, the instruction that was issued to the offender outside the facility was to cease attempting to drive away from the supervision officer.

The bill amends section 16 of the SSODSA to confirm it is a core condition that an offender must comply with a direction of a supervision officer even if the instruction is given outside a residential facility and that failure to do so is an offence of breach of a supervision order under section 160 of the SSODSA.

The bill provides that if the court has attached a condition that the adult parole board may direct an offender to reside at a residential facility, then the court may also attach a condition giving the board the power to direct that an offender be subject to a curfew and direct the conditions under which the offender may leave his or her place of residence (i.e. to be accompanied). The amendment ensures that all offenders residing at Corella Place are subject to these directions.

Eligible offenders: sex offenders transferred into adult prison by the Youth Parole Board

In February 2015, the County Court held in a case that a sex offender sentenced by the Children's Court to detention in a youth justice centre, but transferred to adult prison by the Youth Parole Board, is an eligible offender for the purposes of the SSODSA. An interim supervision order was imposed by Judge Chettle. The offender appealed.

On 19 June 2015, the Court of Appeal in *Carroll (a pseudonym) v. Secretary to the Department of Justice* [2015] VSCA 156 unanimously dismissed the offender's appeal. The bill makes explicit within the current definition of 'custodial sentence' in section 3(c) of the SSODSA that it does have the meaning as interpreted by the courts in that case.

'Intimate image' offences and other amendments to the list of schedule 1 sexual offences

Schedule 1 of SSODSA contains a list of sex offences (called 'relevant offences') to determine eligibility of offenders for SSODSA orders and that also constitute a breach of a supervision order under section 160 by further commission of those sexual offences.

The bill amends Schedule 1 to add the offences of distributing or threatening to distribute an 'intimate image' under sections 41DA and 41DB of the Summary Offences Act 1966. While the scheme will be available for offenders imprisoned for these offences, it is subject to an assessment of their risk for further sexual offending. Imprisonment alone may not ordinarily give rise to an application for a SSODSA order for these offences. However, they may be part of, or follow, other sexual offending. Ordinarily, these offences will be most relevant in cases of breach. For example, a sex offender may distribute, or threaten to distribute, an intimate image to a child. This conduct would also breach a condition not to contact children.

Further, the bill corrects an error in cross-referencing of offences made within Schedule 1 to the SSODSA and within schedules 2 and 4 of the Sex Offenders Registration Act 2004 to clarify that the offences include aggravated burglary and burglary committed with intent to commit sexual penetration or with intent to commit any sexual assault or any related sex offences which are listed in subdivision (8A) to (8EA) of division 1 of part 1 of the Crimes Act 1958. Schedule 1 is also updated to reflect new or revised sex offences under the Commonwealth Criminal Code Act 1995.

Sharing of information

Part 13 (including section 189) of the SSODSA will be amended by the bill to permit information sharing to manage offenders across the whole corrections system. Information concerning a sex offender will be able to be shared within the Department of Justice and Regulation and the adult parole board to manage offenders at every point in the corrections system including prison, parole, SSODSA or other community-based orders. This amendment permits sharing of information between Corrections Victoria and Victoria Police, for example, which will support the new operational unit supporting this bill.

To remove doubt, the bill also makes clear that information can be shared with persons advising (paid or unpaid) the Secretary to the Department of Justice and Regulation in relation to serious sex offenders, for example, to assess their suitability for the scheme.

The bill also allows sharing information under the Family Violence Protection Act 2008 and the Personal Safety Intervention Orders Act 2010. For example, information shared with Victoria Police in relation to issuing a family violence safety notice against a serious sex offender.

It is not currently an offence to share information contrary to the rules set out in section 189 of the SSODSA, so the bill creates an offence to do so. The maximum fine of 120 penalty units accords with similar offences in the SSODSA and the Corrections Act.

Consequential and minor amendments

The bill also makes a range of other, consequential and minor amendments to improve the operation of the SSODSA. For example, the bill also amends section 75 to make clear that the review of a supervision order must be conducted as soon as practicable after a release of the offender from prison after being on remand. This aligns with the process for review after release from prison under a sentence.

Further reforms

This bill will strengthen the current scheme for serious sex offenders. At the end of October this year, the Harper review will provide eminent expert advice on how the management and supervision of offenders under the current scheme can be improved. Additional reforms and associated legislative amendments may be required as a result of the Harper review.

A recent event has rightly raised concern in the community. We must be vigilant about the improvements needed to our justice system. We must act when justice commands it. And we will do so again to further the safety and protection of our community.

I commend the bill to the house.

Debate adjourned on motion of Mr CLARK (Box Hill).

Debate adjourned until Tuesday, 15 September.

CRIMINAL ORGANISATIONS CONTROL AMENDMENT (UNLAWFUL ASSOCIATIONS) BILL 2015

Statement of compatibility

Mr PAKULA (Attorney-General) 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 Criminal Organisations Control Amendment (Unlawful Associations) Bill 2015.

In my opinion, the Criminal Organisations Control Amendment (Unlawful Associations) Bill 2015, as introduced to the Legislative Assembly, is compatible with human rights

as set out in the charter. I base my opinion on the reasons outlined in this statement.

Overview

The purpose of this bill is to modernise the offence of consorting, currently found in section 49F of the Summary Offences Act 1966. This bill will amend the Summary Offences Act to repeal the existing offence of consorting and will amend the Criminal Organisations Control Act 2012 to insert a new offence of 'unlawful association'.

An offence of consorting has existed in Victoria, in one form or another, since 1931. The introduction of such offences in Victoria and elsewhere in Australia was in response to the growing threat then posed by criminal gangs. The purpose of consorting offences is to prevent crime by preventing the formation, maintenance and expansion of criminal networks. The bill will ensure that Victoria has consorting provisions that are best suited to target the sophisticated forms of organised crime present in 2015.

The bill will establish a scheme under which Victoria Police can issue a notice to persons warning them not to associate with each other. The notice will warn that further associations might cause the persons to be committing the offence of unlawful association.

Only associations that involve one or more persons who have been convicted of one of a number of serious offences can be the subject of a warning notice, and a notice can only be issued where the issuing officer is satisfied that preventing associations between the two is likely to prevent the commission of a further offence.

Once a notice has been issued, the recipient of the notice will commit an offence if he or she associates with the person named in the notice three times in a three-month period, or six times in a 12-month period.

The bill will also provide a number of purposes for which associating does not constitute an offence. Persons subject to a notice will still be permitted to associate for purposes such as education, employment and training. Family members will be permitted to associate as long as it is not for an ulterior purpose.

Human rights issues

Protection of families and children

Section 17(1) of the charter provides that families are the fundamental group unit of society and are entitled to be protected by society and the state. Consorting offences, such as the one being repealed and replaced by the bill, can engage this right if they prohibit associations between family members.

The bill includes a provision that provides a person does not commit the offence of unlawful association by associating with another family member, provided that association is not for an 'ulterior purpose'. Here, 'family member' has the meaning given by section 8 of the Family Violence Protection Act 2008, which is an extended definition including relationships recognised as being like family in the person's community.

Accordingly, the bill will not prevent associations between family members, except where that association is for an 'ulterior purpose'. An 'ulterior purpose' is defined to include the purpose of planning, inciting or committing an offence, the purpose of expanding a criminal network, and the purpose of deliberately frustrating the operation of these laws. The prohibition on associating for an ulterior purpose recognises that organised crime gang members often share common interests, and in some cases this common interest is a family or family-like connection. This prohibition will not prevent lawful associations between family members.

The bill will also include a provision under which a person subject to an unlawful association notice can apply to Victoria Police for specific permission to attend an event or gathering. This would allow, for example, attendance at a wedding or funeral by an individual without running the risk of his or her attendance being considered an unlawful association.

Section 17(2) of the charter provides that every child has the right, without discrimination, to such protection as is in his or her best interests and is needed by him or her by reason of being a child. In recognition of this right, this bill does not apply to persons under the age of 18, and so no person under the age of 18 can receive an unlawful association notice.

Right to privacy

Section 13 of the charter provides that a person has the right not to have his or her privacy unlawfully or arbitrarily interfered with. The bill engages with this right, in particular the provisions that will allow for the issue of unlawful association notices. An unlawful association notice will inform the recipient that they are not to associate with a named individual. A person can only be named in a notice if they are a person who has been convicted of a serious criminal offence. Accordingly, the recipient of a notice will be made aware (if they were not already so) that the subject of the notice has committed a serious criminal offence. This may interfere with the person's right to privacy.

It is important, however, to note that there is only a limited disclosure of the person's criminal history. All that is disclosed is that the person was once convicted of one of a number of serious offences. The nature of the conviction itself is not disclosed, nor are aspects of the person's criminal record that are not relevant to the issue of an unlawful association notice.

The purpose of this bill is the prevention of serious crime by prohibiting individuals from associating with persons who have been convicted of serious criminal offences. As noted above, the bill will permit limited disclosure of a person's criminal record to another person who is associating with that person, where that association may lead to the commission of further criminal offences. Having regard to the need to prevent serious crime and for the reasons outlined above, I consider any limitation placed on a convicted person's right to privacy is proportionate and justified.

Right to freedom of association

Section 16 of the charter provides that every person has the right of peaceful assembly and every person has the right to freedom of association with others, including the right to form and join trade unions.

'Consorting' or 'unlawful association' laws, such as those contained in this bill, make certain associations unlawful, on the basis that preventing certain associations can prevent the commission of criminal offences. In doing so these laws limit

the freedom of association of persons affected by the laws. The charter's right to freedom of association with others under section 16(2) does not include the right to associate for the purpose of criminal activities.[1]

Under the scheme proposed in the bill, a person who receives an unlawful association notice will be effectively banned from associating with the person or persons named in the notice. The persons named in the notice will also generally be banned from associating with the recipient of the notice (through provisions that allow for reciprocal notices to be issued). Should the persons continue to associate, they will be at risk of committing an offence punishable by imprisonment for three years.

Unlawful association notices, however, cannot be issued arbitrarily. Notices can only be issued banning association with a person convicted of an 'applicable offence' tried on indictment. An 'applicable offence' is defined in the Criminal Organisations Control Act; it includes all offences punishable by at least 5 years imprisonment, and certain other offences listed in the schedule to that act. These are very serious offences. A notice cannot be issued to ban associations between people with no criminal record, or where people have committed serious offences that fall short of the 'applicable offence' threshold.

Furthermore, a notice can only be issued by a senior police officer (at or above the rank of senior sergeant) and only where that police officer reasonably believes that issuing a notice will prevent the commission of further offences. If a person believes that a notice is issued in error, he or she is able to seek an internal review by Victoria Police. The review will be conducted by an officer not involved in the first decision to issue the notice.

The bill provides that many forms of association are permitted after the issue of a notice. These include associations in the course of lawful employment, associations for the purpose of obtaining legal advice, associations for genuine political purposes and associations for participating in vocational training. The bill also includes provisions by which a person can seek a 'lawful association authority' from Victoria Police to permit an association that is not specifically listed as permitted in the bill.

It is important to note that section 38 of the charter provides that it is unlawful for a public authority to act in a way that is incompatible with a human right or, in making a decision, to fail to give proper consideration to a relevant human right. The effect of this provision is that when exercising powers under this act, Victoria Police will be required to have regard to a person's freedom of association. This means that Victoria Police will have regard to this right (and other charter rights) when issuing unlawful association notices, and where issuing lawful association authorities. It is proposed that this requirement will be incorporated into Victoria Police guidelines for the use of these powers, so that police officers are aware of their responsibilities.

Section 16 of the charter protects the right to peaceful assembly and the right to form and join trade unions. These are not limited by the bill, as associations for the purpose of political purposes, lawful protest, and industrial action are all permitted associations. Furthermore, the powers contained in this bill will be subject to section 11 of the Criminal Organisations Control Act, which provides that these powers are to be exercised in a way that does not diminish the freedom of persons in Victoria to participate in lawful protest, advocacy, dissent or industrial action.

It should be noted that associating with a person convicted of a criminal offence is in some circumstances already a criminal offence in Victoria, under section 49F of the Summary Offences Act. This offence is being repealed and replaced by the bill. Section 49F of the Summary Offences Act places a blanket prohibition on habitually consorting with a person who has been found guilty of, or who is reasonably suspected of having committed, an 'organised crime offence'. 'Organised crime offence' is defined as an offence punishable by 10 years imprisonment, with certain other characteristics such as that it involved substantial planning. While this is a higher threshold than the level of offending required to trigger the new unlawful association laws, the current offence lacks many of the other protections on the right to associate found in the new offence.

The current offence provides no mechanism for the issue of a formal warning as a precondition to the committing of an offence. This means a person may be unsure over whether an association with a convicted person is lawful or unlawful. The current offence also provides no clarity over how many meetings constitute 'habitual' consorting, whereas the new offence will stipulate precisely how many meetings and over what time period will constitute the offence. The current offence also does not exclude legitimate forms of associations; instead it provides that a person accused of consorting must provide a 'reasonable excuse' for the meetings.

As noted above, the purpose of the bill is the prevention of serious crime and the promotion of community safety by preventing associations that may lead to the commission of serious criminal offences. In achieving this purpose it is necessary to limit the freedom of association contained in section 16 of the charter. Section 7(2) of the charter provides that reasonable limits can be placed on charter rights where they are demonstrably justified in a free and democratic society. In this case I consider that the limits are justified. The bill limits only associations involving one or more persons convicted of a very serious offence, and only where the limit on association will limit further offending. Associations involving a range of legitimate purposes — including peaceful assembly and participation in industrial action — will remain protected, and will have a greater level of protection than under current consorting laws. There are no less restrictive means available to achieve this purpose.

Right to freedom of movement

Section 12 of the charter provides that every person lawfully within Victoria has the right to move freely within Victoria and to enter and leave it and has the freedom to choose where to live.

This bill will potentially limit to some extent this right, as a person who receives an unlawful association notice will have limitations placed on his or her freedom of movement. These are not likely to be substantial limitations — as discussed above, a person will not commit the offence of unlawful association if he or she engages in chance encounters with the prohibited person, or where he or she associates with the prohibited person for any of the permitted purposes. A person

[1] Scrutiny of Acts and Regulations Committee, *Alert Digest* No.. 17 of 2012, p 7.

would however be likely to commit the offence if he or she frequented the same clubhouse or other venue for social gathering as the prohibited person, or made frequent social visits to the house of the prohibited person. For the reasons discussed above I consider that these limitations are justified for the purpose of this bill.

Right to a fair hearing

Section 24 of the charter provides that a person charged with a criminal offence has the right to have the charge or proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing. This bill does not limit that right. A person charged with the offence of unlawful association will have the charge decided by a court.

The issue of unlawful association notices will not be determined by a court, but will be issued at the discretion of Victoria Police. This is appropriate as the issue of a notice is not in itself a criminal penalty. If a person is subsequently charged with the offence of unlawful association, the validity or otherwise of the notice will be able to be determined by the court hearing the charge.

A recipient of a notice who believes it is invalid will also be able to seek internal review of the notice by Victoria Police. This review must be conducted by an officer not involved in the original decision to issue the notice, who is of equal or higher rank to the officer who issued the notice.

Recognition and equality before the law

Section 8(3) of the charter provides that every person is equal before the law and is entitled to the equal protection of the law without discrimination.

The bill will require that Victoria Police report annually on the number of unlawful association notices issued each year, and on the number of notices issued to Aboriginal and Torres Strait Islander people. This provision recognises that Aboriginal and Torres Strait Islander people are over-represented in the criminal justice system and so the bill may have a disproportionate effect on Aboriginal and Torres Strait Islander people (as was found by the NSW Ombudsman when considering the outcomes of the operation of the NSW consorting offence in 2013). The requirement for specific reporting on the number of Aboriginal and Torres Strait Islander people issued with a notice is an important safeguard and will enable any disproportionate impact on Aboriginal and Torres Strait Islander people to be monitored and acted upon.

Section 8(4) of the charter provides that measures taken for the purpose of assisting or advancing persons or groups of persons disadvantaged because of discrimination do not constitute discrimination. Accordingly, the provision requiring specific reporting on notices issued to Aboriginal people does not constitute discrimination.

Taking part in public life

Section 18 of the charter provides that every person has the right to participate in the conduct of public affairs, directly or through freely chosen representatives. This bill will not limit this right. The bill will provide that associations that are for genuine political purposes are not to be considered unlawful. Furthermore, the powers contained in this bill will be subject to section 11 of the Criminal Organisations Control Act, which provides that these powers are to be exercised in a way that does not diminish the freedom of persons in Victoria to participate in lawful protest, advocacy, dissent or industrial action.

The Hon. Martin Pakula, MP
Attorney-General

Second reading

Mr PAKULA (Attorney-General) — I move:

That this bill be now read a second time.

Speech as follows incorporated into *Hansard* under sessional orders:

This bill will amend the Criminal Organisations Control Act 2012 and the Summary Offences Act 1966 to modernise the offence of consorting so that it is better suited to preventing serious and organised crime.

The purpose of consorting offences is to prevent crime by preventing the formation, maintenance and expansion of criminal networks. Laws that prohibit consorting, in one form or another, have existed in Victoria since 1931. The introduction of these offences in Victoria and elsewhere in Australia was in response to the growing threat then posed by criminal gangs — known as ‘razor gangs’.

In 2015, criminal gangs continue to pose a threat to public safety in Victoria. These gangs — including bikie gangs — have become significantly more sophisticated, particularly in terms of recruiting new members. Associations between gang members — and between members and prospects — occur not only in meetings at clubhouses but through social media and online. The amendments in this bill will ensure that Victoria has consorting provisions that are best suited to target the sophisticated forms of organised crime facing us in 2015.

This government has committed — through the Premier’s *Ice Action Plan* — to reducing the supply of the drug ice on our streets. Outlaw motorcycle gangs play a key role in Australia’s ice market. The Australian Crime Commission reports that approximately 45 per cent of the highest risk criminal targets in the methylamphetamine market can be characterised as outlaw motorcycle gangs. Disrupting these gangs is key to disrupting the supply of ice.

The bill will repeal the current offence of consorting found in the Summary Offences Act 1966, and replace it with a new offence of ‘unlawful association’ in the Criminal Organisations Control Act 2012. The new offence will address certain shortcomings of the existing offence which has not been used since it was introduced in its current form in 2005.

The current offence prohibits habitual consorting with a person who has been found guilty of an organised crime offence. The act defines ‘organised crime offence’ but in a way that provides no clarity to either police or the community whether a particular offence is or is not an organised crime offence. The act also provides no guidance as to how many meetings or encounters are required to constitute ‘habitual’ consorting. This bill will address these problems, and provide clarity so that both Victoria Police and the community know what is and what is not considered an unlawful association.

The amendments will allow Victoria Police to issue a notice to persons warning them not to associate with each other. The notice will warn that further associations might cause the persons to be committing the offence of unlawful association. No offence can be committed unless a warning notice has been issued first.

Only associations that involve one or more persons who have been convicted of one of a number of serious offences can be the subject of a warning notice. The provisions cannot be used to prevent associations between persons never convicted of an offence, or persons convicted of offences that fall below this threshold. Furthermore, a notice can only be issued where the issuing officer is satisfied that preventing associations between the two is likely to prevent the commission of an offence.

Once a notice has been issued, the recipients of a notice will commit an offence if they associate with a person named in the notice three times in a three-month period, or six times in a 12-month period. The requirement for multiple associations ensures that chance, one-off meetings do not cause a person to commit the offence.

The bill will also provide a number of situations in which associating is not an offence. Persons subject to a notice will still be permitted to associate for purposes such as education, employment and training. Family members will be permitted to associate as long as it is not for an ulterior purpose. However family members can be prohibited from associating for the purposes of planning an offence or for the purposes of expanding their criminal networks. This will ensure that this safeguard cannot be exploited by criminal gangs based on family connections.

In addition to the above provisions, the bill contains safeguards to ensure that a person's right to freedom of association is not unduly limited. A person affected by an unlawful association notice will be able to seek an internal review of that notice by Victoria Police. This review will be conducted by a senior police officer not involved in the original decision.

These new laws have been modelled on new consorting laws introduced in New South Wales in 2012. South Australia has also recently introduced new consorting laws based on the NSW model. NSW has reported significant success in reducing the number of outlaw motorcycle gang members within NSW following the introduction of these laws.

There is, however, a significant risk that the success of other jurisdictions in reducing organised crime may come at the expense of Victoria, if gangs choose to relocate their operations here. These laws will ensure that Victoria does not become an attractive target for members of outlaw motorcycle gangs seeking to avoid new laws introduced interstate.

I am aware that there have been some concerns raised about the introduction of new consorting laws in NSW. The NSW Ombudsman found, after reviewing the first year of operation of the new laws, that young persons and Aboriginal persons were being issued with warning notices disproportionately. The government has sought to ensure that similar issues do not arise in the Victorian laws. Under the Victorian scheme, police will not be able to issue an unlawful association notice to anyone under the age of 18. Victoria Police will be required to report annually on the number of notices issued, on the age of persons who receive notices, and on the number of Aboriginal and Torres Strait Islander persons who receive a notice. The government will know if any groups are being unfairly targeted by these laws. There will also be an independent review of the new provisions required to take place three years after operation.

I want to make it clear that it is not this government's intention to affect the rights of law-abiding Victorian motorcycle riders and their families. The unlawful association provisions are being inserted into the Criminal Organisations Control Act 2012 to make it clear that they are appropriately targeted at the activities of criminal networks.

This bill delivers on this government's commitment to take action against serious and organised crime, in particular outlaw motorcycle gangs. It will ensure that police have the tools they need to disrupt the ability of these gangs to associate for the purposes of planning crimes, and to groom new members.

I commend the bill to the house.

Debate adjourned on motion of Mr PESUTTO (Hawthorn).

Debate adjourned until Tuesday, 15 September.

SAFE PATIENT CARE (NURSE TO PATIENT AND MIDWIFE TO PATIENT RATIOS) BILL 2015

Statement of compatibility

Ms HENNESSY (Minister for Health) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (charter), I make this statement of compatibility with respect to the Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Bill 2015.

In my opinion, the Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Bill 2015, as introduced to the Legislative Assembly, is compatible with human rights as set out in the charter. I base my opinion on the reasons outlined in this statement.

Overview

The purpose of the bill is to set out the requirements for operators of certain publicly funded health facilities to staff certain wards with a minimum number of nurses or midwives. These minimum requirements are referred to in this statement as the nurse-to-patient and midwife-to-patient ratios.

The bill also provides for:

- compliance and reporting arrangements in circumstances where the nurse-to-patient and midwife-to-patient ratios (including as varied) are not met; and

mechanisms for enforcement of those ratios in the Magistrates Court.

Human rights issues

Peaceful assembly and freedom of association (section 16)

The bill may engage section 16(2) of the charter which provides for the right of every person to form and join trade unions. However, the bill does not limit that right.

The bill defines a 'relevant union' to mean an organisation within the meaning of the Fair Work (Registered Organisations) Act 2009 of the commonwealth that represents or is entitled to represent a nurse or midwife in a ward of a relevant hospital. The bill confirms the role of a relevant union to act on behalf of nurses and midwives to:

negotiate and enter into local agreements to vary the nurse-to-patient and midwife-to-patient ratios or the relevant rounding methods for those ratios;

be provided a copy of a direction of the secretary of the department to require an operator of a relevant hospital to comply with the nurse-to-patient and midwife-to-patient ratios;

participate in local dispute resolution processes regarding an alleged breach of nurse-to-patient and midwife-to-patient ratios; and

act as a party in any subsequent litigation in the Magistrates Court.

The bill therefore does not limit the right of a person to form and join a trade union.

For the reasons outlined it is my view that the Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Bill 2015 is compatible with the Charter of Human Rights and Responsibilities Act 2006.

The Hon. Jill Hennessy, MP
Minister for Health

Second reading

Ms HENNESSY (Minister for Health) — I move:

That this bill be now read a second time.

This bill is an Australian first.

It will help nurses and midwives do what they do best, it will guarantee every Victorian patient the care they need and it will protect the integrity of our highly respected nursing profession in the future.

This bill enshrines nurse-to-patient and midwife-to-patient ratios in legislation, delivering on a key election commitment of the Andrews Labor government.

Victoria is the first Australian jurisdiction to initiate this type of legislation to protect the safety of patients and the nursing profession.

With this bill — the first of its kind to guarantee minimum healthcare staffing levels in primary legislation — Victoria will have the most comprehensive nursing and midwifery staffing legislation anywhere in the world.

Enshrining nurse-to-patient and midwife-to-patient ratios in legislation means there will always be a certain number of nurses and midwives present to care for Victorian patients — now and into the future.

It protects the strength and integrity of the nursing profession, by taking this essential requirement of care off the bargaining table and into the law — safe from the risk of being stripped away by future governments.

This is a significant and historic change in the way minimum nurse and midwife staffing levels are specified within Victoria's health system — its public hospitals, publicly operated denominational hospitals, public health services and multipurpose services.

Nurse-to-patient and midwife-to-patient ratios were first introduced to Victoria in 2000 as part of the enterprise agreement.

When ratios were first introduced, the subsequent recruitment campaign led to an additional 2650 nurses and midwives working across the Victorian public hospital system — an increase of 12 per cent.

The majority of these additional nurses were employed to meet the newly introduced nurse and midwife-to-patient ratios at that time.

Since then, the minimum nursing and midwifery staffing levels within our public hospitals and health services have been maintained.

There is evidence from Australia and around the world that confirms that if a nurse has more time to provide care to a patient, then the risk of that patient having an unintended complication or event — like falling or developing a pressure ulcer — is far less than if the patient was left unattended.

This fundamental requirement that protects the safety of patients within our health system is not something that should be traded away or threatened during an enterprise agreement negotiation, as it was with the current agreement.

With this bill, the ratios of nurses and midwives will be permanently quarantined from industrial relations disputes. They will no longer come under threat by future governments.

This bill achieves three things:

First, the bill sets out the current numeric nurse-to-patient and midwife-to-patient ratios that are already in place by setting specific requirements for the minimum number of nurses or midwives for a set number of patients.

These provisions do vary across different hospitals, different types of wards and different shifts, and are intended to replicate the arrangements and scope contained within the current public sector nurses and midwives enterprise agreement.

Second, the bill retains some important elements of the enterprise agreement that relate to the interpretation and application of the ratios.

These provisions allow either employers or employees some flexibility to propose and negotiate variations of the ratios to allow for a further refinement where required.

It is important that the act is flexible enough to factor in local needs and issues while keeping pace with the evolving nature of health care.

Finally, the bill introduces a compliance and enforcement regime. As ratios will no longer be subject to the enterprise agreement, the Fair Work Commission and the Commonwealth Fair Work Act 2009 will no longer have jurisdiction to conciliate, arbitrate and otherwise deal with matters relating to ratios.

This enforcement regime includes specific direction powers for the Secretary of the Department of Health and Human Services to ensure health services' compliance with the ratios. These powers can be utilised by the secretary either pre-emptively or following a declaration of a court.

The bill sets out an alternative enforcement regime under Victorian jurisdiction, whereby the Magistrates Court of Victoria could be referred a matter when it cannot be resolved at a local level.

The enforcement regime replicates the enforcement mechanism under the enterprise agreement and is intended to have similar effect to the dispute resolution arrangements under the enterprise agreement and impose no additional burdens on any of the stakeholders.

For serious and wilful breaches of the ratios or a ratio variation, the Magistrates Court may, at its discretion, impose a civil penalty of up to a maximum of 60 penalty points. This, combined with reporting requirements is enough to deter hospitals from breaching their requirements under the act.

Health services will also be required to report on any breaches as part of their published annual report.

The nursing profession works tirelessly to provide safe and effective care to the sick, injured and some of the most vulnerable members of our society.

Midwives equally work tirelessly to support and care for expectant and new mothers during this pivotal time in their lives.

In 2015, nursing was rated by Australians as our most highly regarded profession, for the 21st year in a row.

The staffing levels of our most ethical and honest profession help determine the safety and care of patients within Victoria's health system.

Something so basic and essential should never need to be defended time and again during industrial negotiations.

It is pleasing to note that, during consultations, the bill received widespread support from across the health sector.

Health services and employees alike recognise the irreplaceable role that nurses have in our health system and our lives.

The Andrews Labor government looks forward to working collaboratively with the Australian Nursing and Midwifery Federation and public hospitals, public health services, denominational hospitals and multipurpose services to make sure the changes are discussed in a clear and timely manner.

This will enable stakeholders to plan for the introduction of the act and to ensure a smooth transition.

The Andrews Labor government will continue to work with nurses and health services to make further improvements to these ratios over time.

This bill will help nurses and midwives do what they do best.

It will guarantee every Victorian patient the care they need.

And it will protect the integrity of our highly respected nursing profession in the future.

I commend the bill to the house.

Debate adjourned on motion of Mr WAKELING (Ferntree Gully).

Debate adjourned until Wednesday, 16 September.

ENERGY LEGISLATION AMENDMENT (CONSUMER PROTECTION) BILL 2015

Statement of compatibility

Ms D'AMBROSIO (Minister for Energy and Resources) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

Opening paragraphs

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 Energy Legislation Amendment (Consumer Protection) Bill 2015.

In my opinion, the Energy Legislation Amendment (Consumer Protection) Bill 2015, as introduced to the Legislative Assembly, is compatible with human rights as set out in the charter. I base my opinion on the reasons outlined in this statement.

Overview

The bill amends the Electricity Industry Act 2000, the Gas Industry Act 2001, and the Essential Services Commission Act 2001 to strengthen consumer protections in the energy sector. Among other amendments, the bill allows the Essential Services Commission to issue penalty notices for the contravention of licence conditions and wrongful disconnection notices for the contravention of wrongful disconnection provisions.

Human rights issues

The right to a fair hearing

Section 24 of the charter provides that a person charged with a criminal offence or a party to a civil proceeding has the right to have the charge or proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing.

Clause 17 of the bill amends the Essential Services Commission Act 2001 to allow the Essential Services Commission to serve on an energy licensee a penalty notice (either an energy industry penalty notice or a wrongful disconnection notice) if the commission has reason to believe the licensee has contravened a licence condition or, in respect of a licensed energy retailer, has failed to comply with the requirements of the energy retail code in respect of disconnection of a customer's supply of electricity or gas. The commission must serve a penalty notice not later than 12 months after the date on which the commission forms the belief that there has been a contravention of a penalty provision.

A person is not required to pay the penalty set out in a penalty notice, and the bill sets out the proceedings for a court order should this be the case. The bill permits the commission to apply to the Supreme Court for an order if a person on whom a penalty notice is served does not pay the penalty specified in the notice. The court may make an order to pay the penalty, or any other order the court considers appropriate, only if the court is satisfied that the person has committed the contravention.

These amendments are consistent with the right to a fair hearing.

The right not to be tried or punished more than once

Section 26 of the charter provides that a person must not be tried or punished more than once for an offence in respect of which he or she has already been finally convicted or acquitted in accordance with law.

The bill prohibits the commission from taking enforcement action in respect of the contravention for which a penalty notice was served while that notice is on foot. The bill further provides that no enforcement action may be taken by the commission against a person on whom a penalty notice was served if the penalty is paid within the required time, or paid outside of that time and accepted by the commission.

The bill provides that payment of a penalty is not, and must not be taken to be, an admission of contravention, or an admission of liability, for the purpose of any proceedings commenced in respect of the contravention.

These amendments are consistent with the right not to be tried or punished more than once.

The new penalty notice provisions under clause 17 of the bill are not criminal penalties for the purposes of the charter, having regard to their nature and severity.

The Hon. Lily D'Ambrosio, MP
Minister for Energy and Resources

Second reading

Ms D'AMBROSIO (Minister for Energy and Resources) — I move:

That this bill be now read a second time.

Speech as follows incorporated into *Hansard* under sessional orders:

Energy is an essential service for all Victorians. Without access to energy, Victorians cannot cook food for their children, wash clothes for their family and provide warmth to the elderly.

Under the previous government, too many Victorians were being disconnected from this essential service. Between 2012–13 to 2013–14, electricity disconnections rose by 36 per cent and gas disconnections increased by an alarming 42 per cent. Wrongful disconnections doubled, and average debt upon entry into a hardship program rose. In addition, between 2009–10 to 2013–14, the energy and water ombudsman of Victoria observed a 211 per cent increase in energy affordability cases.

These trends cannot continue. Victorians should be protected, rather than disconnected. That is why the Andrews Labor government is introducing this bill to ensure the Victorian energy retail market produces positive outcomes for consumers.

This bill will amend Electricity Industry Act 2000, the Gas Industry Act 2001 and the Essential Services Commission Act 2001 to strengthen the ability of the energy sector regulator, and the Essential Services Commission, to enforce

compliance with energy sector consumer protections. It will also strengthen those protections so that consumers can have greater confidence when dealing with their energy sector service provider.

The bill amends the Essential Services Commission Act 2001 to provide the Essential Services Commission (the ESC) with additional enforcement powers. The ESC will now be able to require payment of a $20 000 penalty by an energy sector licensee if that licensee has breached its licence obligations, including obligations to comply with energy sector codes and guidelines. The licensee may resolve the case with the ESC, without admission of breach, by paying the penalty. However, if the licensee chooses to not pay, the ESC may seek a Supreme Court order requiring payment.

The ESC may also accept voluntary undertakings from energy sector service providers to take remedial or preventative action in relation to non-compliance with its energy sector regulatory obligations. Again, if the licensee fails to comply with this undertaking, the ESC may seek a Supreme Court order requiring compliance.

The ESC will now be able to amend the licence conditions under which an energy sector licensee operates to require the licensee to take remedial or preventative action in relation to the breach of a licence obligation and the ESC will now be able to direct an energy sector licensee to publish a notice informing consumers about enforcement action which has been taken against it.

In addition, the existing enforcement powers of the Essential Services Commission will be enhanced by increasing the penalty level for civil penalty notices that may be issued to energy sector licensees from 120 penalty units (or approximately $17 700) to 680 penalty units (or approximately $100 000). Where the Essential Services Commission takes enforcement action against an energy sector licence-holder, the commission will be required to publish details of that action on its website.

This increased range of enforcement powers will mean that the Essential Services Commission is able to better protect consumers. It will also mean that energy sector licence-holders have greater incentive to ensure that their systems and procedures are robust enough to ensure compliance with their energy sector regulatory obligations.

The bill will also amend the Essential Services Commission Act 2001 to require the Essential Services Commission to publish an annual report — a compliance and enforcement report — on the performance of energy retailers. This report, which will be made public and which will be updated quarterly, will provide information on enforcement action the Essential Services Commission has taken over the reporting period. It will also include information, to be reported for each retailer, on compliance with energy sector consumer protection obligations and on performance against specified performance indicators. To support the preparation of these reports, energy retailers will be required to provide information to the Essential Services Commission in accordance with guidelines to be issued by the commission.

This new compliance and enforcement report will consolidate and enhance the existing energy sector performance reports published by the Essential Services Commission, and will provide a regular and independent source of information to consumers about how an energy retailer is performing. This will, in turn, allow consumers to make a better and more informed choice about their energy retailer.

Another source of information about performance of energy sector licence-holders is the energy and water ombudsman of Victoria. The ombudsman is a customer dispute resolution scheme approved by the Essential Services Commission, available to consumers to assist in resolving concerns they may have with the performance of their energy retailer or distributor. It publicly reports on systemic issues with energy retailer or distributor performance identified through its interactions with energy consumers. The bill will amend the Essential Services Commission Act 2001 to introduce a formal process to allow such a dispute resolution body to refer these systemic issues to the Essential Services Commission for investigation. The commission will report to the Minister for Energy and Resources on the action it takes in response to that referral.

No Victorian household should be wrongfully disconnected from their gas or electricity supply. Disconnection may cause a consumer to suffer significant distress. The energy retail code strictly governs the process a retailer must follow before disconnecting a customer. Disconnection without good cause or due notice, is a serious breach of those requirements. This is acknowledged by the wrongful disconnection compensation scheme prescribed by the Electricity Industry Act 2000 and the Gas Industry Act 2001. To recompense customers who had been wrongfully disconnected, this scheme entitles a customer to a $250 per day payment. However, the value of this payment has not changed since it was introduced in 2004. The bill will remedy this by doubling the payment to $500 per day.

In addition, this bill will amend the Electricity Industry Act 2000 and the Gas Industry Act 2001 to introduce a wrongful disconnection penalty scheme. Under this scheme, the Essential Services Commission may impose a $5000 penalty for each breach of the energy retail code that has led to a wrongful disconnection. The scheme will further strengthen the commission's power to address breaches that lead to wrongful disconnections and will provide a clear message to retailers about the importance of delivering on their obligations to prevent customers from being wrongfully disconnected.

The bill will amend the Electricity Industry Act 2000 and the Gas Industry Act 2001 to abolish 'exit' or 'early termination' fees except where they are linked to a genuine fixed-term, fixed-price contract. This means that retailers may only apply an exit fee where a customer seeks to leave a fixed-term retail contract where all applicable tariffs, charges, fees, discounts and terms and conditions have not been varied during the life of that contract. In all other cases, customers may leave a contract without suffering an exit fee. These amendments will allow consumers to more readily change their energy retailer, including in response to a retailer unilaterally varying the price at which it sells electricity, and more confidently engage in the energy retail market.

The bill will also introduce a requirement into the Electricity Industry Act 2000 and the Gas Industry Act 2001 for retailers to publish standing offer tariffs in the *Government Gazette* on a date or within a period specified by the Minister for Energy and Resources. This change will promote the publication of efficient standing offer prices by energy retailers.

The bill will amend the Electricity Industry Act 2000 to prohibit retailers from including eligibility criteria in their supply offers that restrict customers who have solar or other renewable energy generation from taking up an offer that would otherwise be available to them. That is, while energy retailers may still make electricity sale offers that are specific to solar and renewable energy customers, such customers must also be able to access the same offers as any other customer. This will ensure that current incentives for investment in solar and other renewable energy sources are not adversely impacted by energy retailers imposing higher charges for this customer group.

Finally, the Electricity Industry Act 2000 and the Gas Industry Act 2001 will be amended to support these additional powers and protections. There will be a specific acknowledgement in each of these acts that the objectives of the Essential Services Commission for the energy sector include the promotion of consumer protections. The commission's compliance, monitoring and enforcement role in relation to the energy sector will also be expressly stated in the Essential Services Commission Act 2001.

I commend the bill to the house.

Debate adjourned on motion of Mr SOUTHWICK (Caulfield).

Debate adjourned until Wednesday, 16 September.

PREVENTION OF CRUELTY TO ANIMALS AMENDMENT BILL 2015

Statement of compatibility

Mr PAKULA (Attorney-General) 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 Prevention of Cruelty to Animals Amendment Bill 2015.

In my opinion, the Prevention of Cruelty to Animals Amendment Bill 2015, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

1. Overview of the bill

The purpose of this bill is to make various amendments to the Prevention of Cruelty to Animals Act 1986 (the act) to strengthen the administration and enforceability of the act. The amendments include improving courts' capacity to make control orders under section 12 of the act following a finding of guilt for an animal cruelty offence, with provision for monitoring compliance with those orders, the enhancement of the powers of Prevention of Cruelty to Animals (POCTA) inspectors and specialist inspectors to enable better enforcement of part 2 of the act, and the enhancement and clarification of the powers of authorised officers for the regulation of scientific procedures under part 3 of the act. The bill also amends the act to introduce and clarify offences in relation to animal fights, baiting and luring, as well as increasing penalties for offences of cruelty and aggravated cruelty to animals.

2. Human rights issues

Presumption of innocence — reverse onus

Section 25(1) of the charter provides that a person charged with a criminal offence has the right to be presumed innocent until proved guilty according to law. This right is relevant where a statutory provision shifts the burden of proof onto an accused in a criminal proceeding, so that the accused is required to prove matters to establish, or raise evidence to suggest, that he or she is not guilty of an offence.

Clause 5 of the bill substitutes section 9(1)(g) of the act to make it an offence to sell, offer for sale, purchase, drive or convey an animal that appears unfit to be sold, purchased, driven or conveyed. Section 9(2) of the act provides that it is a defence to a charge under section 9(1) against an owner of an animal to prove that, at the time of the alleged offence, the owner had entered into an agreement with another person by which the other person agreed to care for the animal. Section 9(2) thereby places an onus of proof on the accused. As clause 5 introduces an offence to which a reverse onus applies, it is necessary to justify the resulting limit on the right to be presumed innocent.

In my view, this limit is justified under section 7(2) of the charter. The purpose and effect of the defence in section 9(2) of the act is to provide the owner of an animal with an opportunity to escape culpability in the event that an act of cruelty is committed upon an animal. The existence of an agreement with another person to care for the animal in question will be particularly within the knowledge of the accused and it is reasonable that the onus be on the accused to show that there was such an agreement. The prosecution would still first have to prove the elements of the offence of animal cruelty.

The purpose of imposing a legal burden is to ensure the effectiveness of enforcement and compliance with the act, by enabling the offences to be effectively prosecuted and thereby operate as an effective deterrent. The importance of this purpose is to prevent an owner from falsely claiming that another person was charged with taking care of the animal, which would be difficult and onerous for the Crown to investigate and prove beyond reasonable doubt.

Although an evidential onus would be less restrictive upon the right to be presumed innocent, it would not be as effective because it could be too easily discharged by a defendant, leaving the prosecution in the difficult position of having to prove that the defendant had not entered into the alleged agreement. The inclusion of a defence with a burden on the accused to prove the matter on the balance of probabilities achieves an appropriate balance of all interests, bearing in mind, in particular, that the defendants will be owners of animals and reasonably be expected to have taken steps to enable them to discharge their responsibilities of properly caring for their animals.

The bill also contains various offences containing reverse evidential onuses. Clause 10 of the bill amends section 13 of the act. New subsection 13(4) provides that in any prosecution for the offence of keeping or having the custody, care or control of an animal for use as a lure or kill for the purpose of blooding a greyhound or in connection with the

training and racing of any coursing dog, evidence that the accused kept or had the custody, care or control of a prohibited animal at a place used for those purposes is evidence, in the absence of evidence to the contrary, that the accused did so for those prohibited purposes. By effectively requiring the accused to adduce contradictory evidence, new subsection 13(4) may therefore be viewed as imposing a reverse evidential onus of proof.

However, I do not consider that an evidential onus limits the right to be presumed innocent. Courts in other jurisdictions have taken this approach. Once a person has adduced some relevant contradictory evidence, the burden shifts to the prosecution to prove the elements of the offence. Evidence of a prohibited animal having been at a place used for prohibited purposes only amounts to evidence, not proof, that the accused had the animal for such purposes. The provision is therefore not as strong as an evidentiary presumption needing to be displaced. Further, here the accused is only required to raise evidence of matters that would be within their personal knowledge (for example, of alternative reasons as to why the animals were in the relevant place). For these reasons, in my view the provision strikes an appropriate balance of interests and, even if it did limit the right to be presumed innocent, it would be reasonable and justifiable under section 7(2) of the charter.

For the same reasons, it is my opinion that the various 'reasonable excuse' and 'reasonable belief' provisions in the bill do not limit the right to be presumed innocent and, if they did, would be reasonable and justifiable.

Clause 10 of the bill inserts new section 13(1G) of the act to provide that it is an offence for a person, without reasonable excuse, to attend an event or place where a person is using an animal as a lure or kill for the purpose of blooding a greyhound or in connection with the training and racing of any coursing dog.

Clause 27 of the bill amends section 24ZR(3) of the act to provide that a person must not, without reasonable excuse, contravene or fail to comply with any direction or requirement of a POCTA inspector.

Clause 47 inserts new part 3AA of the act, within which new section 36Q(2) provides that a person must not, without reasonable excuse, refuse or fail to comply with a requirement of an authorised officer to give certain information.

Clauses 29 and 30 of the bill provide exceptions to offences on the basis of a reasonable belief that a relevant person held a required licence authorising certain scientific procedures.

By creating 'reasonable excuse' and 'reasonable belief' exceptions, these offences may be viewed as placing an evidential burden on the accused, in that they require the accused to raise evidence as to a reasonable excuse or belief. However, in so doing, these offences do not transfer the legal burden of proof. Once the accused has pointed to evidence of a reasonable excuse or belief, which will ordinarily be peculiarly within their knowledge, the burden shifts back to the prosecution. For these reasons and those set out above, the provisions do not limit the right to be presumed innocent.

Right to protection against self-incrimination

Section 25(2)(k) of the charter provides that a person charged with a criminal offence is entitled not to be compelled to testify against himself or herself or to confess guilt. The Supreme Court has held that this right, as protected by the charter, is at least as broad as the common-law privilege against self-incrimination. It applies to protect a charged person against the admission in subsequent criminal proceedings of incriminatory material obtained under compulsion, regardless of whether the information was obtained prior to or subsequent to the charge being laid. The common-law privilege includes an immunity against both direct use and derivative use of compelled testimony.

This right is relevant to the new section 36R, introduced by clause 47 of the bill. New section 36R provides that it is a reasonable excuse for a person to refuse or fail to give information or do any other thing that the person is required to by or under part 3 or the new part 3AA of the act (which provides for the enforcement of part 3 obligations), if to do so would tend to incriminate the person. However, this protection does not apply to the production of a document that the person is required to produce by or under part 3 or part 3AA of the act. The limited abrogation of the privilege against self-incrimination in new section 36R, which applies to part 3 enforcement, mirrors existing section 24ZV which applies to enforcement under part 2 of the act.

The privilege against self-incrimination generally covers the compulsion of documents or things which might incriminate a person. However, at common law, the High Court of Australia has recognised that application of the privilege to pre-existing documents is considerably weaker than that accorded to oral testimony or to documents that are required to be brought into existence to comply with a request for information. I note that some jurisdictions have regarded an order to hand over existing documents as not constituting self-incrimination.

The primary purpose of the abrogation of the privilege in relation to documents is to facilitate compliance with the act by assisting part 3 authorised officers, who are responsible for monitoring premises where scientific procedures are carried out, to access information and evidence that is difficult or impossible to ascertain by alternative evidentiary means. Taking into account the protective purpose of the act, there is significant public interest in ensuring that the environments that are regulated by part 3 (private and secure facilities largely within universities and medical institutes) are operating in compliance with the act.

There is no accompanying 'use immunity' that restricts the use of the produced documents to particular proceedings. However, any limitation on the right in section 25(2)(k) that is occasioned by the limited abrogation of the privilege in respect of produced documents is directly related to its purpose. The documents required to be produced are those that are connected with an alleged contravention of the act, because the powers to require production of documents under part 3 and part 3AA are only exercisable either where there is a basis on which entry and search of a premises is reasonably necessary for the purposes of monitoring compliance with part 3 of the act, or where a magistrate has issued a search warrant on the grounds that the premises contain evidence connected with a contravention of part 3 or the regulations. Importantly, the requirement to produce a document does not extend to having to explain or account for the information contained in that document. If such an explanation would tend to incriminate, the privilege would still be available.

Further, the obligation to keep particular records for compliance with the act is a prescribed condition of licences

issued under part 3. The duty to provide these documents is consistent with the reasonable expectations of persons who operate a facility within a regulated scheme. Moreover, it is necessary for regulators to have access to documents to ensure the effective administration of the regulatory scheme.

There are no less restrictive means available to achieve the purpose of enabling authorised officers to have access to relevant documents. To excuse the production of such documents where a contravention is suspected would allow persons to circumvent the record-keeping obligations of the act and significantly impede authorised officers' ability to investigate and enforce compliance with the scheme. Any limitation on the right against self-incrimination is therefore appropriately tailored and the least restrictive means to achieve the regulatory purpose.

For the above reasons, I consider that to the extent that clause 47 imposes a limitation on the right against self-incrimination, that limitation is reasonable and justified under section 7(2) of the charter.

Right to property

A number of provisions in the bill provide for the seizure, disposal or destruction of animals in certain circumstances and may therefore interfere with an animal owner's right to property. Section 20 of the charter provides that a person must not be deprived of his or her property other than in accordance with law. In order to be 'in accordance with law', any power which authorises the deprivation of property must be conferred by legislation or common law, confined and structured, formulated precisely, and accessible to the public.

In my opinion, any interference with property occasioned by the bill is in accordance with law and is compatible with the charter.

Giving effect to control orders

Clause 8 substitutes a new section 12 of the act to provide courts with the power to make a control order disqualifying a person from owning or being in charge of a specified kind or class of animal, where they are convicted, found guilty or found not guilty because of mental impairment of an offence under the act. Although the bill permits a court to make a control order following a finding of guilt for any offence under the act, in my opinion this is an appropriate discretionary power for a court to have in the context of the protective purpose of the act. New section 12AA will enable the court to authorise a POCTA inspector to seize and dispose of an animal to give effect to a control order. Although the court's power to make a control order is discretionary, its power to make such an order, and the circumstances in which it can authorise the seizure and disposal of animals, are clearly set out in the provisions. A person in respect of whom it is proposed to make a control order will have the opportunity to make submissions and give evidence to oppose the making of a control order, and new section 12AB provides for specified defences to the making of an order, including where a person can prove they were not the owner of the animal concerned in the offending and they were acting on instructions of an employer or the owner of the animal.

Once a court has determined to make a control order, prior to authorising seizure or disposal of animals the court must first be satisfied by evidence on oath or affidavit that there are reasonable grounds that a person is holding an animal on premises in contravention of the proposed control order. Where seizure and disposal is authorised by a court under new section 12AA, any disposal of animals must be performed in accordance with the existing disposal procedures and powers prescribed under division 6 of part 2A of the act, which includes taking reasonable steps to identify and contact the owner, and specifies the methods by which animals may be disposed of.

Emergency powers in relation to animal fights, baiting, blooding and luring activities

Clause 13 of the bill introduces a new section 24AA providing specific emergency seizure and disposal powers that apply to animals found on premises where prohibited animal fighting, blooding or using an animal as a lure or kill is likely to occur, is occurring or has occurred. This provision enables inspectors to lawfully seize, examine, feed and water animals, even where participants in these prohibited activities have fled the premises leaving their animals behind. The powers also enable inspectors to lawfully destroy an animal whose condition is such that it would continue to suffer if it remained alive. Unlike the emergency animal welfare powers in clause 16, there is no requirement that the welfare of the animal be at risk to enable it to be seized. However, the provision stipulates that prior to exercising the powers, a POCTA inspector must suspect on reasonable grounds that the premises contain an animal in respect of which a contravention of the act relating to animal fighting, blooding or using an animal as a lure or kill is likely to occur, is occurring or has occurred. Therefore, the power is clearly confined by reference to the specific offence provisions that prohibit these activities.

Animal welfare emergency powers

Clause 16 of the bill introduces new sections 24FA, 24FB, 24FC and 24FD which enable the minister to authorise a specialist inspector to take immediate action where an animal's condition is such that it is likely to become distressed and disabled. At present, section 24E of the act requires a seven-day notice period where there are urgent concerns in relation to an animal's welfare, which can be problematic particularly where an animal welfare emergency occurs on a large scale or involves uncertainty surrounding ownership of animals in distress. These new emergency powers include the power of the minister to authorise the seizure and disposal of an animal; however, before exercising the power, the minister must believe on reasonable grounds that the animal is in such a condition or such circumstances that it is likely to become distressed or disabled, and that any action to remove the likelihood of that distress or disability is unlikely to occur due to the presence of certain prescribed circumstances such as significant interruption of food or water to the animal, abandonment of the animal, or the owner being unable or unwilling to care for the animal or resolve the welfare risk by reason of physical, financial or mental incapacity. The minister must also consider that it is reasonable to dispose of the animal having regard to a number of specified factors including the cost of holding and caring for the animal, the physical state of the animal, and whether it is reasonable or practicable for the state to retain possession of the animal.

Any seizure or disposal of an animal authorised by the minister in accordance with this clause requires written notice of the seizure and disposal to be given to the owner of the animal or, if the owner cannot be readily identified or

contacted, to the person in charge of the animal, and may only be performed by a person who has appropriate qualifications to be appointed by the minister as a specialist inspector under section 18A of the act. Any disposal of animals authorised in accordance with this clause will be performed in the manner determined by the minister, or otherwise in accordance with the existing disposal procedures and powers prescribed under division 6 of part 2A of the act, which includes taking reasonable steps to identify and contact the owner, and specifies the methods by which animals may be disposed of.

Enforcement in relation to scientific procedures

Clause 47 of the bill introduces enhanced powers for part 3 authorised officers, including the power to enter and search premises, and seize any thing (that is not an animal) where the authorised officer believes on reasonable grounds that it is connected with a contravention of part 3 of the act, and the power to apply to a magistrate for the issue of a search warrant that can authorise the seizure of any thing (other than an animal). The circumstances in which items can be seized are clearly set out in the provisions. In the case of entry to monitor compliance of premises in respect of which a part 3 licence is granted, or where it is suspected on reasonable grounds that a scientific procedure using animals or the breeding of animals for that purpose is being carried out in contravention of part 3, the seizure of things may only occur where the inspector believes on reasonable grounds that the thing is connected with a contravention of part 3. Similarly, in the case of entry under a search warrant granted by a magistrate, a thing may only be seized or a sample taken where it is named in the warrant (or could have been included in a search warrant and it is necessary to seize or sample to prevent its concealment, loss or destruction) and is reasonably believed to be connected with an alleged contravention of part 3. In both cases, the removal of a document may only occur for so long as is reasonably necessary to make copies or take extracts and the bill stipulates clear and reasonable requirements for handling and returning seized items.

For these reasons, any deprivation occasioned by the seizure of property will be in accordance with law, and will not limit the right to property under section 20 of the charter.

Right to privacy

Section 13(a) of the charter provides that a person has the right not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with. An interference with privacy will not be unlawful provided it is permitted by law, is certain, and is appropriately circumscribed. An interference will not be arbitrary provided that the restrictions on privacy are reasonable in the particular circumstances, just and proportionate to the end sought.

The right to privacy is relevant to a number of provisions in the bill. However, for the reasons set out below, it is my opinion that none of the provisions in the bill limit this right.

Enforcing compliance with control orders

Clause 11 of the bill provides for a court, on application by a POCTA inspector, to authorise the monitoring of a person's compliance with a control order or an interstate control order that disqualifies a person from owning or being in charge of a specified class or kind of animal. Authorised monitoring can include entering and searching premises (other than any part that is a person's dwelling) for animals, as well as examining, taking photographs or samples, seizing and retaining animals of the specified class or kind. This monitoring power may only be exercised where it has been authorised by a court, and the court must first be satisfied that there are reasonable grounds to believe that there is or will be non-compliance with the control order. The period for which the monitoring may be carried out will be determined by the court and specified in the order, along with any other conditions the court considers necessary.

The monitoring power is subject to a number of safeguards, including the requirement for inspectors to identify themselves and inform the occupier of the purpose of the visit, the prohibition on exercising the power in relation to a person's dwelling, and, if there is no occupier present, leaving a notice setting out prescribed information detailing what was done whilst on the premises and posting a copy of that notice to the owner and occupier. The power may only be exercised for the purposes of ensuring court-ordered control orders are being complied with. For these reasons, I consider the monitoring power to be neither unlawful nor arbitrary.

Emergency powers in relation to animal welfare and animal fights, baiting, blooding and luring activities

The emergency powers contained in clauses 13 and 16 of the bill provide for inspectors to enter premises at which prohibited animal fighting, blooding or using an animal as a lure or kill occurs, or where an animal's condition is such that it is likely to become distressed and disabled. The powers of entry under clause 13 may only be exercised by a POCTA inspector where the inspector suspects, on reasonable grounds, that the premises contain an animal in respect of which a contravention of the act relating to animal fighting, blooding or using an animal as a lure or kill is likely to occur, is occurring or has occurred. In relation to the powers in clause 16 relating to animal welfare, entry may be effected by a specialist inspector appointed under s 18A of the act, and may only occur where a minister has authorised immediate action where an animal's condition is such that it is likely to become distressed and disabled. Although there is no notice requirement in clauses 13 or 16, in my opinion, this is necessary and appropriate, taking into account the urgent nature of taking action for the prevention of suspected animal cruelty in these contexts.

In my opinion, in both cases the powers are reasonable and appropriately confined. In both cases, the powers of entry are accompanied by appropriate safeguards including prohibition of entry to a person's dwelling.

Enforcement in relation to scientific procedures

For similar reasons, I am of the view that the powers of part 3 authorised officers to enter and require the production of a document or thing contained in clause 47 of the bill, are neither unlawful nor arbitrary. In the case of new section 36A, entry may only occur to monitor compliance of premises in respect of which a part 3 licence is granted and the licence-holder has therefore voluntarily submitted to compliance activities, or where it is suspected that a scientific procedure using animals, or the breeding of animals for that purpose, is being carried out in contravention of part 3 and accordingly the power is confined by reference to suspected contravention of the act. Further, entry must not be exercised on any part of premises that is used as a dwelling, may only be exercised at a reasonable time, and if the power is being used for the purposes of preparing a compliance report, the

power must not be exercised unless the licence-holder has been given 24 hours written notice.

In respect of entry under a search warrant, a magistrate may only grant a warrant under section 36C if satisfied that there is on the premises a thing connected with a contravention of part 3 of the act. Things found on the premises may only be seized or a sample taken where it is named in the warrant (or could have been included in a search warrant and it is necessary to seize or sample to prevent its concealment, loss or destruction) and is reasonably believed to be connected with an alleged contravention.

The carefully circumscribed powers in each of these clauses reflect an appropriate balance between ensuring compliance with the regulatory scheme and the expectations of privacy of occupiers and other persons at the premises. Furthermore, each power has appropriate safeguards to ensure that any interference with privacy will not be arbitrary. For these reasons, I consider that the above clauses do not limit the right to privacy.

Hon. Jacinta Allan, MP
Minister for Public Transport
Minister for Employment

Second reading

Mr PAKULA (Attorney-General) — I move:

That this bill be now read a second time.

Speech as follows incorporated into *Hansard* under sessional orders:

The Prevention of Cruelty to Animals Act 1986 is the key piece of animal welfare legislation in Victoria. Its purpose is to prevent cruelty to animals, encourage the considerate treatment of animals and improve the level of community awareness about the prevention of cruelty to animals. The Prevention of Cruelty to Animals Amendment Bill 2015 will amend the act to strengthen its enforceability and administration. These amendments will help to ensure that the purposes of the act can be met and that the investigation of offences against the act, and sanctions that may be imposed upon conviction, continue to be in line with community expectations.

The bill will amend the act to introduce improved powers to deal with large-scale animal welfare emergencies. While current powers are adequate in the majority of cases, they have proven to be inadequate in some circumstances, particularly where an animal welfare emergency occurs on a large scale or where there are complex ownership arrangements that make it difficult to identify and locate owners. For example, in 2012 nearly a million starving broiler chickens were seized from six properties across Victoria as a result of the financial difficulties of the owner of the chickens. The urgency of the situation required immediate seizure as the birds would not have survived the seven-day notice period required under the current ministerial seizure and disposal powers. Applications to the court were made to dispose of the birds, however, no such orders were made as it was argued the birds were no longer at risk because the department was caring for them. In addition, there were multiple parties asserting an interest in or ownership of the birds. Ultimately, the seizing authority arranged for the birds to be fed until they reached processing weight. The cost was approximately $80 000 a day and the sale of the meat from the birds did not cover those costs, leaving the state bearing outstanding costs in the order of $1 million.

There is an ongoing risk of animal welfare emergencies of this kind, particularly in intensive animal production systems. To address this situation the bill introduces amendments that would enable the issuing of a ministerial authorisation for seizure and disposal of animals, either immediately or after a specified period, to alleviate an animal welfare emergency. The provision includes the ability to hold seized animals at the premises while arrangements are made for their disposal. In addition the bill clarifies the intent of the act, where it refers to the risk to the welfare of animals, to make it clear this refers to the welfare risk if the animal was returned to an owner or person in charge.

The recent exposure of the use of live animals, such as possums, rabbits and piglets, as lures in greyhound training in this state and others resulted in swift action by this government to instigate investigations by the racing integrity commissioner and the chief veterinary officer into animal welfare in the greyhound industry. While the use of animals in this way was already illegal, the ensuing reports recommended amendments to strengthen the existing provisions in the act. This bill introduces a number of those recommended amendments by creating new offences and strengthening existing provisions regarding baiting, blooding and luring, to provide stronger powers and increased penalties for these cruel activities.

Offences relating to possessing animals of a specified type on a property used for greyhound racing or training have been introduced, as have new offences for animal fighting and for a person being present, without a reasonable excuse, when luring or blooding activities are occurring. In addition, financial penalties for most offences relating to baiting, blooding, luring and fighting are being doubled to a maximum of 500 penalty units to bring these penalties into line with penalties for other aggravated cruelty offences, while being present during blooding or luring activities will have a maximum penalty of 120 penalty units.

The act will also be amended to introduce additional powers for entry onto properties where it is reasonably believed that animal fighting, baiting, blooding or luring is occurring and for the seizure, including holding the animals on the premises, and disposal of animals found at such events. Housing of seized fighting animals is difficult and costly due to their often aggressive nature and the number of animals likely to be seized. Dogs and cocks that are being trained or used for fighting have little prospect of being rehabilitated and rehomed to new owners and the dogs can pose a significant risk to the community and other animals. The bill will provide the department head with the power to declare dogs or cocks seized at fighting events as forfeit to the Crown.

Courts currently have the power to impose orders, either placing conditions on a person whenever they are in charge of an animal, or disqualifying them from being in charge of an animal for up to 10 years, where offences are considered to be of a serious nature. The bill will amend the act to remove the reference to serious offences to allow the courts greater discretion to impose control orders where they believe they are appropriate, such as where low-level offending has occurred and it would be beneficial to impose an order

establishing preventative measures such as education to prevent reoffending.

Removing the reference to serious offences is not intended to limit a court's ability to impose disqualification where a person commits an offence of cruelty that the court determines warrants a ban. Currently there are a number of people who have had more than one disqualification order imposed by the courts and over half of the orders imposed are for the maximum 10-year period, leaving courts no option to impose a longer ban for repeat offenders to prevent further cruelty offences. The bill will enable courts to impose bans longer than 10 years, including lifetime bans, on people who have an existing disqualification order or have previously been subject to one. The bill will also enable orders to apply to the ownership of animals, not just to being in charge of animals.

There is currently no ability to monitor compliance with a court order except under warrant when there are reasonable grounds to believe that a breach is occurring. In a recent case a person with a history of aggravated cruelty and disqualification orders committed further acts of cruelty while under a disqualification order. The livestock were kept in areas shielded from public observation. The acts of cruelty may have been averted if inspectors had been able to monitor compliance with the order. The bill will introduce an amendment that will allow courts to authorise monitoring either when a control order is made or on application by an inspector. The powers of inspectors are provided for and the period and conditions of the monitoring would be specified by the court.

The bill will also make a number of amendments to existing powers and introduce new powers for inspectors to improve enforcement of the act. Inspectors will be able to require an owner or person in charge to muster and secure livestock to allow safe and efficient handling of animals during inspection, the taking of samples, and seizure if necessary. Spaying of animals will be made a prohibited procedure unless done by a veterinary practitioner and the definition of aggravated cruelty will be amended to clarify that it may be multiple acts of cruelty, which combined, result in the aggravated cruelty rather than just a single act. The offence to sell, offer for sale, purchase, drive or convey a calf that appears to be unfit because of weakness will be broadened to apply to any animal and include unfitness caused by emaciation, injury or disease. This will allow inspectors to take action in relation to any type of animal that is unfit for such purposes including domestic animals such as puppies and kittens.

Part 3 of the act regulates the use of animals in research and teaching. Organisations or persons wishing to use animals in research and teaching must hold a licence granted under this part of the act. Over the past 15 years, there has been considerable investment in biomedical research by successive Victorian governments. The bill will amend the act and regulation-making powers to modernise the licensing and fee structure to better accommodate the increasing diversity of licence-holders, reduce regulatory burden and improve cost recovery.

Amendments to the act will introduce a power to charge differential fees that align more closely to the administrative costs associated with the different size and complexity of licence-holders. This improved cost recovery will remove existing cross-subsidisation and enable very large licence-holders to consolidate their multiple licences into one large licence.

Further amendments will improve licence governance and accountability across all licence types. Amendments will require a natural person to be responsible for compliance under all licence types. A fit and proper test is introduced for licence applicants. External accountability is enhanced by a broadened scope for a ministerially appointed peer review committee to review scientific procedures under any licence.

The bill will improve compliance monitoring and enforcement by authorised officers. Proposed amendments will clarify the existing powers of authorised officers to enter and inspect licensed premises and to investigate suspected unlicensed animal research, under search warrant if necessary. If non-compliance is found, an improved notice to comply introduced by the bill will enable authorised officers to compel licence-holders to comply with licence conditions. The bill will enable the department to take the action described in the notice to comply, if necessary to alleviate animal suffering, and to recover the costs of doing so. A power to make adverse publicity orders is introduced to allow the courts to impose a penalty that will impact the reputation of non-compliant organisations.

The bill will improve cost recovery by introducing a compliance monitoring fee to go into the 'Animals in Research and Teaching Welfare Fund', established by the bill, to fund compliance inspections and reports. The ability to charge this fee underpins the introduction of the tiered, different-sized licences by providing industry funding for compliance monitoring, which will benefit licence-holders as well as providing community assurance. Many funding bodies require independent review of licence-holder compliance with animal welfare standards. Departmental compliance monitoring meets this requirement and thus reduces regulatory burden on licence-holders who would otherwise need to convene a separate inspection to meet their funding agreement. The compliance monitoring fee will provide resources to ensure adequate frequency of inspections, and to appropriately recover costs of government services from beneficiaries.

The bill also makes a number of minor, consequential and technical amendments to clarify provisions and improve the enforcement of the act.

I commend the bill to the house.

Debate adjourned on motion of Mr CLARK (Box Hill).

Debate adjourned until Wednesday, 16 September.

NATIONAL ELECTRICITY (VICTORIA) AMENDMENT BILL 2015

Second reading

Debate resumed from 1 September; motion of Ms D'AMBROSIO (Minister for Energy and Resources).

Mr SOUTHWICK (Caulfield) — As I was saying when I was interrupted last night, this bill will give

consumers the opportunity to appeal price rises in energy bills that are the result of the smart meter program. This program was poorly implemented under the previous Labor government. It is an example of just about every technology program we have seen from Labor, from smart meters, HealthSMART and myki to the law enforcement assistance program database. They are poorly implemented programs. We need to see smart meters going to work. We hope the bill will give consumers the opportunity to get a fair deal, and as part of that we see some transparencies in the smart meter applications we have as part of this process. There are some practical measures required by the minister and the government to provide the sort of information required by consumers on how to appeal — —

Business interrupted under sessional orders.

ABSENCE OF MINISTER

Mr ANDREWS (Premier) — I rise to inform the house that the Minister for Finance, who is also the Minister for Multicultural Affairs, will be absent from question time today. The Treasurer will answer in his place.

QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

Electorate office staff

Mr GUY (Leader of the Opposition) — My question is to the Premier. The guidelines for electorate office staff state:

> The Parliament does not fund positions to support the member's political or party duties.

Noting that all electorate staff are employed by the Parliament of Victoria and that staff pooling ended a decade ago, I ask: has the Premier or anyone in his government used electorate office staff to work as full-time or part-time campaigners for the Labor Party in breach of these rules, as claimed by three of his Labor MPs?

Mr ANDREWS (Premier) — I thank the Leader of the Opposition for his question. It is a question filled with factual inaccuracies. As you well know, Speaker, and as every member of this house knows, there are rules of course and they have been followed at all times.

Supplementary question

Mr GUY (Leader of the Opposition) — I note again that the internal intranet of the Parliament states:

> The Parliament does not fund positions to support the member's political or party duties.

I ask: can the Premier confirm that even today Labor government MPs' electorate office staff are continuing the rorting of taxpayers money by working as Labor Party campaigners?

The SPEAKER — Order! The Chair will allow the supplementary question, but I remind the Premier and the Leader of the Opposition that electorate staff are employed under the Parliamentary Administration Act 2005. I ask the Premier to focus on that.

Mr ANDREWS (Premier) — I again thank the Leader of the Opposition for his question. He has made a claim, and he has asked me to confirm something. I will not confirm a statement made by the Leader of the Opposition which is inaccurate — completely and utterly inaccurate. There are rules and the rules have been followed at all times.

Ministers statements: schools

Mr ANDREWS (Premier) — I am very pleased to inform the house that this morning I was out in the city of Casey with the Deputy Premier and Minister for Education and the Parliamentary Secretary to the Deputy Premier.

Honourable members interjecting.

The SPEAKER — Order! The Chair must be able to hear the Premier. Members are warned that they should allow the Premier to continue in silence.

Mr ANDREWS — I am pleased to continue talking about $291 million — —

Honourable members interjecting.

The SPEAKER — Order! The members for Malvern and Kew are warned.

Mr ANDREWS — What a shame they want to talk now about education. They did not do a thing for four years, but they have found their voices on education now.

Honourable members interjecting.

The SPEAKER — Order! Members of the opposition and members of the government will allow the Premier to be heard in silence.

Mr ANDREWS — The disinterest of some in the education of our kids is well understood and there for the record — $291 million for 15 brand-new schools;

not 1, not 5, not 10, but 15 brand-new schools — in the growth corridor of the education state. That is what this morning was about — a public-private partnership. The contracts have been signed, work will start very soon and those schools will be open in 2017 and 2018. That will benefit more than 14 000 students.

Those opposite should listen. It will benefit 14 000 students. We are not talking about cutbacks or closures or the indifference of an indolent government that betrayed every young Victorian in kindergartens, in schools and in TAFEs, but instead it is a government that is true to its word and keeps its promises and invests in the education — —

Mr Katos — On a point of order, Speaker, sessional order 7 states:

> After each oral question without notice and any related supplementary questions, any minister may seek the call to make a statement of up to 2 minutes to advise the house of new government initiatives, projects and achievements.

The Torquay North Primary School was announced on 7 May last year by former Premier Napthine and both Armstrong Creek schools were announced on 10 October last year by the former Premier, so I put it to you that these are not new government initiatives.

Honourable members interjecting.

The SPEAKER — Order! The Deputy Leader of the Opposition! The Premier will come back to making a statement.

Mr ANDREWS — After four years of cutbacks and four years of letting — —

Mr Paynter — On a point of order, Speaker, sessional order 7 refers to new government initiatives. I draw your attention to an announcement on 27 October last year by the coalition government regarding the Pakenham South West Primary School and the article in the *Berwick-Pakenham Gazette* announcing this school. I am happy to table this document to the house.

The SPEAKER — Order! There is no point of order.

Mr ANDREWS — We are proudly making these investments so that every kid in our growth corridors can get the start they are entitled to.

Electorate office staff

Mr GUY (Leader of the Opposition) — My question is to the Premier. Can the Premier advise the house how many electorate office staff employed through the Parliament has the government, including the Premier or his office, directed to work as Labor Party campaign staff, completely rorting the rules set by this Parliament?

Mr ANDREWS (Premier) — I thank the Leader of the Opposition for his question. He seems to think that if he says something often enough, it will be made true. He is wrong; he is absolutely wrong.

Honourable members interjecting.

The SPEAKER — Order! Members are intent on disrupting proceedings. The Chair is intent on making sure that proceedings are heard in silence for the Chair, the media and the public. Members' friends in the media are very interested in both questions and answers. *Hansard* will note that members rolled their eyes at the remarks I made when I said that members have friends in the media. Even the Chair has a friend in the media!

Mr ANDREWS — Moving right along, Speaker, I indicate to the Leader of the Opposition that he is simply wrong. He is obviously confused. He seems unaware that pool arrangements have existed in this Parliament for the best part of 20 years. The rules are in place, and they have been followed at all times.

Mr T. Smith interjected.

The SPEAKER — Order! The member for Kew is warned, on recollection I think for the second time. I will not warn the member again.

Supplementary question

Mr GUY (Leader of the Opposition) — On a supplementary question, I wonder if the Premier could confirm that he personally has had his own electorate staff, employed by him through the Parliament, sent off to work for the Labor Party, again against the rules set by this Parliament.

Mr ANDREWS (Premier) — I cannot confirm that because that is wrong — absolutely, fundamentally wrong. The Leader of the Opposition can keep asserting whatever he likes — he no doubt will — but he is factually incorrect. There are rules, and they have been followed.

Ministers statements: schools

Mr MERLINO (Minister for Education) — I rise to inform the house of important changes to what is taught in Victorian schools. From the first day of term next year Victorian schools will begin to deliver a richer,

deeper and more relevant curriculum that meets the needs of our students from prep right through to high school. Students in our schools will be strengthening their understanding of how to build healthy and respectful relationships with others. This is an important initiative to address gender inequality and discrimination as part of preventing family violence.

Students will also learn about and understand global cultures and histories, ethics and traditions of faith. These are areas of the curriculum — —

Mr Guy interjected.

The SPEAKER — Order! The Leader of the Opposition is warned. The rules apply to all members including the Leader of the Opposition. When the Chair is on his feet, all members will remain silent, according to standing orders that were given to the Chair by the members.

Mr MERLINO — The capacity of our young people to understand others and act with tolerance and respect are essential skills, so we have acted to ensure that they are explicit and compulsory in what schools teach. Schools will get support in terms of training and guidance and in delivering the new curriculum content. The Victorian Curriculum and Assessment Authority is working with the profession and other stakeholders. This is exactly as it should be.

As part of these changes, from the start of term 1 next year special religious instruction will be moved to lunchtimes or before or after school, freeing up to 30 minutes of valuable class time. We cannot have a situation where 20 per cent of kids are doing special religious instruction and all the other students are sitting in the corridors learning nothing. Under the education state we will be making these important changes.

Mr M. O'Brien interjected.

The SPEAKER — Order! The member for Malvern will allow the Leader of the Opposition to ask a question.

Mr Hodgett interjected.

The SPEAKER — Order! I warn the Deputy Leader of the Opposition. The Leader of the Opposition is on his feet and will be respected by his members.

Electorate office staff

Mr GUY (Leader of the Opposition) — At least one leader is.

My question is again to the Premier. Can the Premier guarantee that no-one in his government has been deliberately misleading the Parliament as to the role, location and duties of staff employed as electorate officers?

Mr ANDREWS (Premier) — I thank the Leader of the Opposition for his question. Each and every member in this place should act in accordance with the rules as set down by this place. They are the obligations that we all must live up to. That is a statement of fact and one that we reaffirm today.

Mr Guy — On a point of order, Speaker, on the issue of relevance, I did not ask a generic question about people adhering to guidelines; I asked a very clear question about whether the Premier can guarantee that no-one in his government has been misleading the Parliament as to the employment of electorate officers.

The SPEAKER — Order! The Premier was beginning to answer the question. There are 2 minutes and 38 seconds left, and I am sure the Premier will be responsive to the question asked by the Leader of the Opposition.

Mr ANDREWS — As I was saying, we are all obligated to follow the rules. It is my expectation that each and every member of this Parliament, not only in one political party but all of us, together, should follow them, because these arrangements for parliamentary pool staff have been in place for the best part of 20 years. It is my expectation that every member of this house, including all members of the Parliamentary Labor Party, will follow the rules at all times.

Supplementary question

Mr GUY (Leader of the Opposition) — Noting that the Premier did not give that guarantee, I ask: did at any stage the Premier or his office direct Labor MPs, either directly or in his party room, to employ staff who they knew were not going to be based in electorate offices as is stipulated by the rules of this Parliament?

Mr ANDREWS (Premier) — I thank the Leader of the Opposition for his question. The Leader of the Opposition continues to assert that people have broken the rules, and in doing that he is absolutely wrong. There are rules, and they have been followed.

Ministers statements: ambulance stations

Ms HENNESSY (Minister for Ambulance Services) — I rise to inform the house of a new achievement of the Andrews Labor government: to rebuild six ambulance stations across Victoria. Last

October the then Andrews Labor opposition announced that it would commit $20 million to upgrade nine ambulance stations and rebuild the Wendouree ambulance branch. True to our word, we are getting on with implementing this commitment.

Last week we identified six of the ambulance branches that will benefit from this funding. They are Kew, Orbost, Sale, Dandenong, Preston and Echuca. We will announce the remaining ambulance branches in coming weeks. These are some of the worst ambulance branches, and they pose occupational health and safety risks to the paramedics who work there. Those risks include a lack of safe drug storage facilities and the presence of asbestos.

These stations lack the facilities adequate for a modern ambulance station. Take the Kew ambulance station, which I was delighted to visit last week with the Premier. That station enjoys the dubious honour of being the worst ambulance station in Victoria. It does not have even a garage for its vehicles. The vehicles are parked under a lean-to out the front, and the paramedics who work in these stations deserve better. These rebuilds will improve the working conditions of paramedics and the safety of the services they offer to the public.

This is yet another example of the Labor government supporting the health workforce which supports Victorian patients, unlike some, who chose to use their time in office to wage war on the health sector workforce, to cut $1 billion from the budget — —

Mr Clark — On a point of order, Speaker, the minister is now debating the issue, and I ask you to bring her back to compliance with sessional order 7.

The SPEAKER — Order! The minister will come back.

Ms HENNESSY — There is only one party in this state that stands up for the health sector and there is only one party that invests in it, and that is Labor. It is not the opposition, which spent its precious time in government doing nothing but all it could to try to destroy our health system.

The SPEAKER — Order! The Chair has noted that there are props being used on the opposition side. I ask that they be removed or put away.

Shepparton bypass

Ms SHEED (Shepparton) — My question is to the Minister for Roads and Road Safety. The Goulburn Valley Highway Bypass Committee has been lobbying successive governments for years to commit to the construction of the Shepparton bypass, a critical stage in the duplication of the Goulburn Valley Highway to the New South Wales border. The committee has identified that an allocation of approximately $15 million to $20 million will allow the acquisitions and necessary preliminary works to get this project shovel ready. Can the minister advise on the government's position in relation to funding this project, which is vital to my electorate?

Mr DONNELLAN (Minister for Roads and Road Safety) — I thank the member for Shepparton for her question and for her strong advocacy for and commitment to looking for better outcomes for her community. The Andrews government is aware of the importance of the Goulburn Valley Highway as a principal route for freight and general traffic between inland New South Wales, Brisbane and Melbourne.

I am aware that the community in Shepparton and the bypass committee have been calling for the construction of the full bypass for some time. In 2006 land was set aside for this project. I understand that VicRoads is also working with the Goulburn Valley Highway Bypass Committee, undertaking preliminary assessments for the future bypass that include a construction approach to looking at this road.

The last time I was up there I was with members of the Committee for Shepparton and Jaclyn Symes, a member for Northern Victoria Region in the Council, and the like. They put forward different ways of looking at how to actually undertake this bypass, not necessarily doing it in two lanes but as a single-lane bypass, and looking at different ways of seeking to provide it within a certain envelope, which I was very supportive of.

VicRoads is currently investigating the initial stage to connect the Goulburn Valley Highway to the Echuca-Mooroopna Road, which also includes a river crossing. VicRoads will be working at looking at the planning, environmental and heritage assessments, which will be undertaken for that first stage. Obviously we look to the federal government also to look at co-investing in this initial stage of the Shepparton bypass. As the member would be aware, we made a commitment to spend over the next two terms $1 billion on regional and rural roads. Most recently we also made a commitment to the $200 million Regional Jobs and Infrastructure Fund, which may look at this particular proposition.

We obviously believe this is a vital bypass. It is very important for getting freight and produce to the port of

Melbourne. I am very supportive of working with the member to seek funding for this initial stage.

Supplementary question

Ms SHEED (Shepparton) — Can the minister provide time lines indicating his government's commitment to this important project?

Mr DONNELLAN (Minister for Roads and Road Safety) — I thank the member for Shepparton for her supplementary question. Of course I will work with VicRoads to look at various options in relation to funding with the programs we have put forward including the Regional Jobs and Infrastructure Fund. We will also be calling on the Deputy Prime Minister, who is also the Minister for Infrastructure and Regional Development, to work with us. We will move as quickly as we can to seek this initial funding to get this project started.

Ministers statements: local government rates

Ms HUTCHINS (Minister for Local Government) — Last Friday the submission period for consultation on the Essential Services Commission's draft report ended, and I would like to take this opportunity to update the house on the implementation of the popular Fair Go rates system and how it is progressing. The report underscores the need for change after an average rate increase across Victoria of 6 per cent per year over the last 15 years.

Just to remind the house of the immense popularity of this election commitment I have a few quotes to read out. Ratepayers Victoria says it supports this policy not 100 per cent but 110 per cent. The Victorian Farmers Federation said:

> Farmers have backed —

Victoria's —

> plan to cap municipal rate rises …

The Property Council of Australia said:

> … the property council supports the government's commitment to hold local councils to account on how much revenue they raise from rates and where that revenue is spent.

What a sorry state those opposite are in. They cannot even face the decision of whether they support — —

Mr Clark — On a point of order, Speaker, the minister is now commencing to debate the issue. I ask you to bring her back to compliance with sessional order 7.

The SPEAKER — Order! The minister will come back to making a ministers statement.

Ms HUTCHINS — We promised this popular and vital policy, and we are going through the proper process to implement that policy. Those opposite need to take a deep breath, because this policy deserves bipartisan support — —

Mr Clark — On a point of order, Speaker, the minister is defying your ruling. She has gone back to making exactly the same statement that she was making before. I ask you to bring her back to compliance.

The SPEAKER — Order! I uphold the point of order. I ask the minister to come back and to continue with her ministers statement.

Ms HUTCHINS — It is time to support ratepayers, and this side of the house does. The Essential Services Commission will provide a final report by the end of September, and the government will prepare legislation to implement the Fair Go rates system as promised.

Electorate office staff

Mr GUY (Leader of the Opposition) — My question is to the Premier. If the Premier is so confident of no wrongdoing by anyone in his government, I ask: will the Premier now refer these allegations, made by his own MPs, to the corruption commission or the police?

Mr ANDREWS (Premier) — I thank the Leader of the Opposition for his question. These issues are of course matters for the presiding officers, and I and the government would be happy to discuss them with the presiding officers and support them in all of their important functions in the discharge of this Parliament.

Supplementary question

Mr GUY (Leader of the Opposition) — I say to the Premier: given he refuses to refer these serious allegations by Labor whistleblowers to relevant authorities, can he simply tell Victorians what he has got to hide?

Mr ANDREWS (Premier) — I thank the Leader of the Opposition for his question. His Laurence Olivier performance over there — if you get all fired up, it will make it true! The ranting of the Leader of the Opposition — —

Honourable members interjecting.

Mr ANDREWS — He can be as loud as he wants, and it will not make it true. He can be as repetitive as he wants, and it will not make it true.

Honourable members interjecting.

Mr ANDREWS — The Leader of the Opposition can continue with these tactics as often as he wants, but it will not make it true. The Leader of the Opposition spoke of relevant authorities. I again confirm for him, because he obviously seems confused, that the relevant authority in these matters is of course yourself, Speaker, and the President in the other place.

Honourable members interjecting.

Questions and statements interrupted.

SUSPENSION OF MEMBERS

Members for Kew, Forest Hill and Ringwood

The SPEAKER — Order! The members for Kew, Forest Hill and Ringwood will withdraw from the chamber for an hour. Props are to be removed immediately.

Honourable members for Kew, Forest Hill and Ringwood withdrew from chamber.

QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

Questions and statements resumed.

Ministers statements: Frankston railway station precinct

Ms ALLAN (Minister for Public Transport) — I am delighted to inform the house of the Andrews Labor government's — —

Honourable members interjecting.

Ms ALLAN — I know they ignored Frankston in government, but I am here to talk about the $63 million commitment that we are making to redevelop the Frankston station precinct.

Mr R. Smith interjected.

The SPEAKER — Order! The member for Warrandyte is warned. I will not warn the member again. The minister will be heard in silence.

Ms ALLAN — Is this not another great example of Labor getting on with its election commitments, and is it not fantastic to have a member for Frankston who is standing up for his community, who has been chairing the work of the task force, overseeing the redevelopment of this project. I thank the member for Frankston and the community organisations and representatives from the area for working so closely together to produce the precinct task force report which was formally handed to government last week and is a very important milestone towards the $63 million redevelopment of the station and the Young Street area.

We know that this is an important area. We know that the 6000 people who use the station every day deserve better. That is why the report highlights priority projects, including the rebuilding and redevelopment of the station; improving the bus network on Young Street and upgrading the subway; improving the pedestrian amenity on Young Street; creating things like new public plazas; and delivering a range of safety initiatives that I know the Minister for Police and Victoria Police have also been working closely on.

As I said, the Andrews Labor government is not wasting one single day. It is getting on with important commitments for Frankston. We are not wasting our time like those opposite did but are focusing on what really matters to the Victorian community.

CONSTITUENCY QUESTIONS

Bayswater electorate

Ms VICTORIA (Bayswater) — (Question 495) My question is for the Minister for Public Transport. A constituent has highlighted a confusing situation for seniors wanting to utilise the benefits of free weekend train travel when travelling on both Melbourne metropolitan and V/Line services using a myki card. My constituent was charged extra because of a simple misunderstanding about touching on and off at Southern Cross station when changing from a metro train to a V/Line service. Public Transport Victoria has confirmed that seniors are charged for the entire trip when passing through metro zones to regional zones. Effectively seniors forfeit their free travel entitlement for metro zones when they travel beyond the metro area to a regional area like Geelong, without touching off at the interface.

Navigating the websites and brochures to clearly establish entitlements is not an easy task for seniors, and getting the information wrong can cause unexpected charges for those who cannot afford them. I call on the minister to investigate the current free weekend travel and free travel voucher process and simplify the information available to seniors to ensure

that any currently confusing information is eliminated and that clear and concise information is available.

Ivanhoe electorate

Mr CARBINES (Ivanhoe) — (Question 496) My constituency question is to the Minister for Police who is also the Minister for Corrections. It relates to queries from residents and local police members in my Ivanhoe electorate who are keen to know about the Andrews Labor government's custody officer policy, and I ask: when will this program be rolled out at the Heidelberg police station? I was pleased to be at the Heidelberg police station and courthouse complex with the now Premier and now Minister for Police in their opposition roles when Labor announced this policy last November. I note that Labor's plan for new custody officers will put police back on the front line tackling crime which spiralled out of control under the Liberals. The Liberals, of course, may think it is a good idea to have police officers babysitting prisoners in cells, but Labor wants them on the beat in our communities, catching criminals and keeping our communities safe. This policy will be great for police officers at the Heidelberg police and court complex. We look forward to it being rolled out in my electorate. It was a policy announced by the Premier during the election campaign at Heidelberg in the Ivanhoe electorate. I look forward to it being delivered in my community.

Gippsland South electorate

Mr D. O'BRIEN (Gippsland South) — (Question 497) My question is to the Minister for Roads and Road Safety. It relates to the ongoing duplication of the Princes Highway between Traralgon and Sale, which I am sure the member for Morwell is very interested in. Budget paper 4 indicates the current phase of the project is funded for $260 million, with about 80 per cent coming from the commonwealth government, and expenditure of $48 million is planned this year, with about $83 million remaining. This is an important project. It will deliver safer roads, better access for residents and tourists into Sale and East Gippsland, and most importantly improve freight efficiency for local businesses.

I assure the minister this project is strongly supported in my electorate. My constituents are keen to see the entire Traralgon–Sale section duplicated and for the works to be completed as soon as possible. My question to the Minister for Roads and Road Safety is: how much will it cost to complete the entire duplication on top of existing budget allocations, and has he initiated discussions with the commonwealth to secure the necessary matching funding?

Carrum electorate

Ms KILKENNY (Carrum) — (Question 498) My constituency question is to the Minister for Industrial Relations, and it concerns family violence and the government's recent announcement on family violence leave. Family violence is the leading preventable contributor to premature death and disability in Victorian women under the age of 45. It makes up over 40 per cent of the work of Victoria Police on crimes against the person and costs the Victorian economy $3.4 billion a year.

I have met with many women in my electorate, including women who are family violence survivors. They want to share their stories to make sure that we work to prevent family violence and that we do all we can to improve the system for other women subject to such violence. These brave women have told me stories of how they have had to leave their employment because of the need to attend court hearings, meet with counsellors and move their children into safe houses. Can the minister provide an update on what the government's announcement on family violence leave will mean for victims of family violence in my electorate?

Ferntree Gully electorate

Mr WAKELING (Ferntree Gully) — (Question 499) I rise to ask the Minister for Education to provide an update on the status of the leadlight windows of the former Boronia Heights College in Rangeview Road, Boronia. My constituent was a student at the college when it was known as Boronia Technical School, and she contacted me early in June asking for my assistance after repeated efforts to contact the Department of Education were not responded to. She was hoping to retrieve the six leadlight windows made by herself and fellow students during class in the 1988 and 1989 school years. The completed windows were displayed in the front entrance of the school. My constituent has been desperately trying to discuss with someone in the department the possibility of retrieving these windows prior to the school being demolished. After being given the run-around by the department, my constituent is still none the wiser. I call upon the minister to provide an update for my constituent on the status of these leadlight windows so she can identify whether they can be retrieved.

Footscray electorate

Ms THOMSON (Footscray) — (Question 500) My constituency question is to the Minister for Families

and Children and it regards men's sheds in our local community. A constituent living in Maidstone raised the role of men's sheds in the local area. He is the latest to have raised with me men's sheds as a way to bring men together, particularly to help reduce the isolation felt by some men. The community in Melbourne's inner west is one of Victoria's most culturally diverse. By being socially inclusive and accessible to all community members, men's sheds play a key role in strengthening community support across all culturally and linguistically diverse communities. I ask my question of the minister on behalf of a number of constituents: what is the Andrews Labor government doing to ensure that the benefits of this popular program engage members of our multicultural community in the inner west of Melbourne?

Burwood electorate

Mr WATT (Burwood) — (Question 501) My question is to the Minister for Small Business, Innovation and Trade. The *Victorian Guide to Regulation* published by the Department of Treasury and Finance, which has been updated under the current government, in reference to new regulations states:

> Such decisions need to be justified by careful consideration of expected benefits and costs of the proposal ex-ante …

It also states that the Subordinate Legislation Act 1994:

> … requires that a notice of decision be published after all comments have been considered.

I consulted business operators in my electorate of Burwood and they cannot understand how the new grand final eve public holiday can be justified, with the regulatory impact statement (RIS) showing it will cost Victorians $852 million per annum. I ask: what specific steps did the minister take when considering the impacts of the grand final eve public holiday, and particularly what steps did he take when considering the submissions to the RIS before gazetting this massive cost on small businesses?

Bentleigh electorate

Mr STAIKOS (Bentleigh) — (Question 502) My question is to the Minister for Health. I ask the minister whether she will visit Moorabbin Hospital, which is in my electorate, and meet with nurses about the Andrews government's plan to legislate nurse-to-patient ratios. Our government values our nurses. They play a very important role in our community. Nurse-to-patient ratios are about the health and safety of patients and are too important to leave to industrial agreements. We will make them law.

Investment by successive Labor governments has meant that today Moorabbin Hospital is one of our leading cancer hospitals. The Andrews government has invested $16.2 million to expand Moorabbin Hospital's diagnostic facilities to significantly improve the care of patients and ensure that they get the treatment they need closer to home and in a timely manner. Moorabbin is a fantastic hospital. My sister and I were born there. Family and friends of mine have been treated there. The care shown by the nurses at Moorabbin Hospital has always been exceptional.

Caulfield electorate

Mr SOUTHWICK (Caulfield) — (Question 503) My question is to the Minister for Education and I ask: when will the minister meet with the United Jewish Education Board to discuss his axing of the special religious instruction (SRI) program which has been in place for a number of years in many of the schools in my electorate, and what will he do to guarantee the SRI program is able to be provided in some way for constituents? I note that the minister is talking about before and after-school programs. Currently the education board is having trouble getting into those programs. I ask the minister what he will do to guarantee that children in those schools are afforded a proper educational opportunity and to ensure that SRI is in some way continued in those schools, as he promised before the election.

Niddrie electorate

Mr CARROLL (Niddrie) — (Question 504) My constituency question is to the Minister for Industry, who is also the Minister for Energy and Resources. On 26 August I was joined by the Minister for Small Business, Innovation and Trade in visiting local traders, including the Ferguson Plarre bakehouse located in Keilor Park. The Ferguson Plarre business is over 110 years old. The bakehouse has embraced a range of innovative technologies ranging from solar heating and hot water generation to energy monitoring to ensure a sustainable business.

I ask: can the minister inform the house of what funding and programs are available for both businesses and residents of the Niddrie electorate who are wanting to invest in renewable energy, so that Steve Plarre, the CEO of Ferguson Plarre, can continue the great work he is doing in investing in renewable energy for long-term financial and environmental benefits? The Ferguson Plarre bakehouse was opened by former Premier John Brumby back in 2007. It is a wonderful initiative. It delivers right across the state of Victoria. I thank the minister for her interest, and I look forward to

her response on how the business can continue to invest for the long-term future in an environmentally sustainable way.

NATIONAL ELECTRICITY (VICTORIA) AMENDMENT BILL 2015

Second reading

Debate resumed.

Mr SOUTHWICK (Caulfield) — This bill, as I have said previously, will allow those who are experiencing price increases in their energy bills as a result of smart meter programs to appeal those costs. This is very important. It is very important to ensure that consumers are given those rights. However, the substantial question remains: when will we see these smart meters providing the information they are intended to provide, and ultimately when will consumers be able to use this information?

I hope the Minister for Energy and Resources will now work to ensure that customers are able to get the information they need to make wise electricity decisions. The current trend is that people are equipping themselves with fully integrated smart homes, and they also have smart phones and smart meters. I hope that we can see all of this technology interacting together and that consumers will be able to access energy information on their smart phones. That would enable them to make smart decisions about energy use going forward.

That was the intention behind the introduction of smart meters. It is unfortunate that six or seven years down the track we are still talking about cases where these meters have not worked properly or been implemented properly and where consumers are being hit with additional expenses for the rollout of smart meters. I hope that as a result of this legislation smart meters are used as they were intended and that ultimately consumers get a better deal rather than continuing price rises for their energy.

Ms THOMAS (Macedon) — It is my pleasure to rise to speak on the National Electricity (Victoria) Amendment Bill 2015. I note the contribution of the member for Caulfield, and I am pleased the opposition has indicated it will not be opposing the bill. The member for Caulfield made three attempts to complete his contribution, so well done to him on that.

I have had the opportunity to read the contribution the member made yesterday, which was less a contribution to the debate on the bill than a patronising lecture on implementation. This is a bit rich coming from a member of the opposition. I remind members that whilst in government those on the opposite side failed to implement anything. Indeed when the outgoing member for South-West Coast was asked what his greatest achievement was he said signing the deal on the national disability insurance scheme (NDIS). As I recall, the NDIS was an initiative in government of the federal Labor Party, which is now led by the federal Leader of the Opposition, Bill Shorten.

Mr Southwick — On a point of order, Speaker, the bill is clearly on energy. It has nothing to do with the NDIS. On a point of relevance, I ask you to bring the member back to the bill.

Ms THOMAS — On the point of order, Speaker, I was just giving some context in relation to the implementation of this and other initiatives, but I am very happy to now speak directly to the bill.

The SPEAKER — Order! I uphold the point of order. I ask the member for Macedon to come back to the bill.

Ms THOMAS — Energy policy is an issue my constituents in Macedon care deeply about, both as consumers and as producers, particularly through solar energy but also through the highly successful Hepburn community wind farm. Following the election of the Andrews Labor government, a green light was given to the Macedon Ranges Sustainability Group and its proposal for a community wind farm at Woodend. Energy policy is something my constituents care deeply about, and therefore I am pleased to be able to speak on the National Electricity (Victoria) Amendment Bill 2015. I congratulate the Minister for Energy and Resources, who I note is in the house, for bringing this bill to the house. This is one of a number of energy bills that this hardworking and active minister has brought to this house in a very short space of time. I commend her for that.

This bill strengthens oversight of the process for the determination of advanced metering infrastructure charges by giving the Minister for Energy and Resources and consumer or user groups the ability to intervene in any appeal against such a determination. The Australian Energy Regulator (AER) is responsible for determining electricity metering charges in Victoria. Electricity metering services are provided by electricity distributors, and the AER determines metering charges for each year based on the cost of distributors providing metering services. These costs include the cost of installing advanced metering infrastructure in Victoria. The Australian Energy Regulator must only allow costs

for the advanced metering infrastructure rollout to be recovered if implementation is prudent and efficient. Electricity distributors may appeal to the Australian Competition Tribunal against a metering charges determination by the Australian Energy Regulator. This challenge may be made if the distributor believes that the AER has made a material error of fact in making the determination.

This bill ensures that consumers have a voice in the appeal proceedings. This is a very important amendment. These intervention rights are needed because if a metering charge determination by the AER is challenged, it is important that consumers have a voice in appeal proceedings. This is because metering charges are ultimately paid by electricity consumers as part of their electricity bills. The bill will mean that the minister or a person representing a consumer or user group may intervene in appeal proceedings as of right, without having to apply for leave from the Australian Competition Tribunal.

The bill is part of a response to a general concern that electricity consumers have not been appropriately represented in the metering charges determination process for the advanced metering infrastructure rollout. The Victorian government has recently strengthened the regulations governing this process and the advanced metering infrastructure order in council to require the AER to consult with consumer representatives in setting metering charges. The AER will also be given greater time to determine metering charges and will be required to issue a draft determination for public comment. This is done through clause 4 of the bill, which inserts a new section 29A into the National Electricity (Victoria) Act.

Complementary to the bill, the Andrews Labor government has introduced an obligation on the Australian Energy Regulator to consult with consumers when it makes decisions about smart meter costs. Further, this government has compelled the Australian Energy Regulator to issue a draft decision on smart meter charges, enabling public consultation before a final decision is made.

This government has an energy minister who is absolutely committed to giving consumers of energy a voice and a fair say in determining their energy futures. This is in absolute contrast to the previous government. We will always put consumers first in the energy retail market, but if we look at the record of those sitting opposite, we see that they completely destroyed that market. Customer disconnections spiralled out of control. Between 2013 and 2014 electricity disconnections increased by 36 per cent and gas disconnections increased by 42 per cent. Wrongful disconnections also doubled, increasing from 400 customers to over 1000. Affordability cases considered by the energy and water ombudsman of Victoria also escalated.

It is important to have an energy minister who is fully focused on her job, because she has a fine mess to clean up, a mess left by those on the other side of the house. We are fixing that mess. We are introducing a suite of measures to ensure that consumers not only are protected but that they benefit from Victoria's competitive retail market. Those protections include banning early termination fees for contracts which allow price variations, prohibiting higher supply charges for solar customers and giving the Essential Services Commission the power to fine energy retailers that are doing the wrong thing. We have also asked the Essential Services Commission to inquire into energy retailers hardship policies and practice.

This is a fantastic bill. I am very pleased that the opposition has indicated it will not oppose it. I suggest that it could actively support the bill in the best interests of consumers in this state. I would like to conclude by reflecting again on my electorate. Under the previous government we saw draconian anti-wind laws introduced which meant that people in my electorate who wanted to establish a community wind farm in Woodend were denied that opportunity to take control of their energy futures to produce renewable energy and create local jobs. Why would the previous government have done this? It beggars belief. I have absolutely no idea. Apparently it did not like the look of renewable energy.

This is a very important bill. It is part of a suite of legislation that the energy minister is bringing to this house. She is demonstrating again that under the Andrews government we have a minister who is looking out for the interests of consumers, totally committed to renewable energy and in touch with the needs and aspirations of Victorians to ensure that we have a safe, affordable and green energy supply. On that note I commend this bill to the house and wish it a speedy passage through this house and the other place.

Mr NORTHE (Morwell) — It gives me pleasure to rise to speak in the debate on the National Electricity (Victoria) Amendment Bill 2015. Immediately picking up on some comments made by the member for Macedon, who has attempted to rewrite history on a number of fronts, I am happy to advise her and other government members not only of the work the coalition did while it was in government but also of some of the measures the now government is undertaking that the

coalition began the implementation of. I also note the many references to the minister in the member for Macedon's contribution. I am not sure whether the member is asking a few favours from the minister, but several times she strongly espoused the minister's virtues.

It is important to note and recount the history of smart meters or advanced metering infrastructure in Victoria. It has been well documented. The member for Caulfield in his contribution to the debate spoke about the history and initiation of the smart meter rollout, the issues and problems that occurred, particularly during the early stages of implementation, and the work that was done by the Auditor-General around the cost-benefit analysis of the rollout of the smart meter program.

I have looked at some of the contributions made in Parliament over time. There is one by the shadow Treasurer, the member for Malvern, in a grievance debate back in March 2010. At that time there was significant consternation among consumers and consumer groups. The government of the day had said the cost of the rollout would be around $800 million. But as we know, figures were produced — not by us, the coalition, but by the Auditor-General — stating very clearly that a smart grid and the rollout of advanced metering infrastructure would cost significantly more than that, at around $2.25 billion. That caused great consternation for many householders and businesses right across Victoria, as they were the ones who had to pick up the cost of the rollout of the smart meters.

The member for Caulfield said in his contribution that it was the coalition that had to fix up the mess that was left. A cost-benefit analysis was done of the smart meter rollout, and when we came to government we tried to work with consumer groups, such as the Consumer Utilities Advocacy Centre, with Jo Benvenuti and others, to make sure there was a focus on consumers deriving some benefit. The coalition government invested $19.8 million to try to fix some of the issues occurring as a result of the rollout of the smart meters. As the member for Caulfield said, to this day there are still some concerns with respect to that.

Having been the Minister for Energy and Resources for a short time, it was disappointing to see that of the five distribution companies involved in the rollout, some did it very well, with very few costs imposed upon consumers, but some others did not perform very well at all — and indeed to the detriment of consumers, who had to pay significantly more. I support the notion that we should ensure that the minister and indeed consumer groups are part of deliberations through the Australian Energy Regulator. The fact is that some of the distribution companies have performed poorly in rolling out this new infrastructure, and unfortunately it is the consumers who end up paying. I am sure we share a bipartisan philosophy of making sure that consumers ultimately have the best outcome. This bill does that in part.

One of the things I will reflect on is energy affordability, which is certainly the substance of a conversation that all MPs have with their constituents over time. It is incumbent on all of us to do what we can to minimise energy costs for consumers. One of the key things I was proud that our government was able to do was extend the winter energy concession rate to apply all year round. We extended that 17.5 per cent discount on electricity bills to apply all year round, helping around 850 000 households. In the 2009–10 budget, $1.3 billion was invested through the concessions, and this rose to $1.6 billion in 2014–15. It was a substantial increase in supporting vulnerable people. Whether they were pensioner concession card holders, healthcare card holders or Department of Veterans' Affairs card holders, this initiative provided some relief for those most vulnerable in our community. We also did a number of other things to try to reduce electricity costs.

People have various views about solar feed-in tariffs and what they should be. One can only say that they were very generous when they were introduced, but they have been reduced over time. We have to remember that the people who cannot afford or do not have solar panels are in part providing a subsidy to those who have solar panels installed, so it is sensible to have a fair and reasonable feed-in tariff for solar. That is what we did when we were in government. We introduced legislation to close a legal loophole that would have cost Victorians up to $94 million in additional electricity supply charges by distribution businesses.

We put in place a range of other energy efficiency programs to make sure that businesses, households and others were able to improve their energy efficiency and therefore reduce costs. Whether it be through the Smarter Resources, Smarter Business program, the Smarter Choice retail program or the Resource Smart Schools program, businesses and in some cases schools can be assisted in a number of ways to become more energy efficient and environmentally friendly and reduce costs at the same time.

In October 2014 the coalition published *Victoria's Energy Statement*, which talks about a number of measures we put in place during our term in

government. It also notes some initiatives we were looking to improve into the future, many of which relate to retail competition. I think the member for Macedon mentioned retail margins, and if you look at the document itself, you see that it was actually the coalition that was asking the Essential Services Commission to conduct an investigation into retail margins in Victoria. We also looked at doing a range of other things.

Some of the changes we made to give consumers a choice were very important. One of our initiatives was to establish My Power Planner, which is a fantastic tool. I recently moved house, and I changed my retailer by using My Power Planner. It is a very effective tool, so I encourage all members to go and have a look at My Power Planner. It is a very worthwhile exercise, and you can save yourself a few bob by jumping onto My Power Planner.

Mr Richardson — House-warming!

Mr NORTHE — I will have Garth Brooks come and entertain me if I have a house-warming.

One of the other things we did was establish a ministerial advisory council with a focus on consumer groups assisting government in setting policy by making recommendations. We also had the $1 million Energy Information Fund, which was set up to assist community groups and consumer advocacy groups — particularly in communities that might have a strong multicultural background or groups representing people with disabilities — to talk to people about how they might be able to save money on their electricity bills. We also introduced the flexible pricing option. It might not have been highly successful in terms of the number of people who took up that option, but at least it provided consumers with a choice.

In closing, we do not oppose the bill. Any legislation we can put forward that provides an opportunity for consumers to have a say — in this case not only to consumer groups but also to the minister — when there is a determination about potential electricity price increases is something I personally support. Our consumer groups do a great job of advocating on behalf of our community. I wish the bill a speedy passage.

Mr McGUIRE (Broadmeadows) — I am delighted the former Minister for Energy and Resources, the member for Morwell, has taken up the proposed options to increase competition and drive down prices by giving consumers a better choice. In a bipartisan way he has supported the government's approach to enhancing this policy and these options. We are trying to give consumers more information and greater choice to drive down prices and ease the cost of living. I compliment the current Minister for Energy and Resources for bringing this legislation to the house and for continuing to stand up for consumers.

As the member for Broadmeadows, I see this as a particularly critical issue. Cost of living is a delicate issue in my electorate with the unemployment rate being as high as it is and with the other issues that need to be addressed when a so-called structural adjustment actually means that you lose your livelihood. I am glad the government is looking at a strategy for dealing with these issues, particularly in the so-called postcodes of disadvantage, to make sure that the added complexity they now involve is addressed. This is another piece of legislation, another reform, that goes to the heart of these matters.

This bill aims to provide more information and greater choice for consumers and the right for a representative of a consumer or other group to intervene in an appeal against the determination of electricity metering charges by the Australian Energy Regulator. Put simply, it gives consumers a direct appeal right if they believe that they have been charged too much. It also gives comfort to consumers concerned about smart meters. I have had a number of concerned people come to my electorate office unsure of exactly how smart meters will play out, so I think it is of major benefit to deal with that issue. The bill also ensures a voice for consumers and that their voice will be heard in the decisions that are made about smart meter charges. This will be of significant relevance to a number of people, particularly those on low incomes in hard-hit socio-economic communities.

The other proposition I want to put to the house is that not only do we have bipartisan support for this approach but we also have the minister introducing a whole raft of reforms. This is not just one piece of legislation; the Andrews government has also introduced an obligation on the Australian Energy Regulator to consult with consumers when it makes decisions about smart meter costs. That was introduced by an order in council in June and is now up and going.

Also the Labor government has compelled the Australian Energy Regulator to issue a draft decision on smart meter charges, enabling public consultation before a final decision is made. The process has been established and the consultation is ongoing. This will put consumers first in the energy retail market. That is the proposition Labor wants to have at the heart of this decision-making process.

Between 2013 and 2014 the number of electricity disconnections increased by 36 per cent and gas disconnections increased by 42 per cent. This is a critical issue when energy is such an essential service for households. The number of wrongful disconnections doubled, increasing from 400 to more than 1000 customers who were wrongfully disconnected. Affordability cases considered by the energy and water ombudsman of Victoria also escalated. This situation occurred under the administration of the former coalition government, so the Andrews government has come in, addressed those issues of the former government and is now introducing a suite of measures to ensure not only that consumers are protected but also that we take care of that first and fundamental issue and then drive Victoria's competitive retail market. These include a range of proposals, such as banning early termination fees for contracts which allow price variations, prohibiting higher supply charges for solar customers and giving the Essential Services Commission the power to fine energy retailers who act inappropriately. There has also been a request to the Essential Services Commission to inquire into energy retailers' hardship policies and practices.

There is considerable detail available on how we will introduce the legislation, how we seek to change the culture of those who are charging the fees and how we will get them to understand the impact that they have. If someone has their gas or electricity turned off because the bill is late, that can be critical for their family and in many cases their ability to take care of children. Labor is trying to make sure that we have a better and more considered way of addressing these issues. Soon the government will also announce a review of the energy retail market to ensure that regulatory settings promote competition and deliver better results for consumers.

As part of this bigger picture strategy the government is promoting a sustainable and innovative energy market. At a minimum, no less than 20 per cent of energy generated in Victoria will be delivered from renewable sources by 2020. The Labor government is using its purchasing power to drive investment in renewable products. This is aimed at creating 1000 jobs and goes to another part of how we can use the levers of government to help in a whole range of different parts of the economy, save householders money, drive competition and create jobs.

The government is looking at fairer access to the electricity grid for renewable energy customers by adopting the national electricity connections framework, reviewing the true value of distributed generation, including assessing whether the minimum feed-in tariff arrangements are appropriate, supporting community renewable energy projects, such as those in Newstead and Woodend, which the last speaker discussed — —

An honourable member interjected.

Mr McGUIRE — As my colleague says, these are good projects that will have benefit and will be able to be replicated in other locations as well. The government has also released *Victoria's Renewable Energy Roadmap*, which sets out a path to a cleaner energy future. There are also moves to cut energy costs, support clean energy industries and reduce greenhouse gas emissions. This is a comprehensive strategy that looks at what mechanisms are at a government's disposal, how they can best be used in the public interest to do the greatest good for the greatest number of people, how the government leverages its situation to help reduce costs for consumers, how it then drives competition — —

Mr R. Smith — On a point of order, Acting Speaker, at the last sitting when the member for Ivanhoe was in the chair there was some conjecture around the fact that members who took the Chair should be paying attention to the proceedings. When the Speaker came into office, he made it clear that people who took the Chair should not be on their phones, looking at correspondence or indeed doing anything that might detract from their ability to wholly focus on the debate.

The ACTING SPEAKER (**Ms Thomson**) — Order! I thank the member for raising his point of order. I understand the point he has made, and I have taken it on board.

Mr McGUIRE — In summing up, the government is getting on with what needs to be done — —

Honourable members interjecting.

Mr R. Smith — On a point of order, Acting Speaker, the member for Eltham is out of her seat and making comments. I request that if she is going to interject she return to her seat and interject from there.

The ACTING SPEAKER (**Ms Thomson**) — Order! I thank the member for his point of order. The member for Eltham has now withdrawn from the chamber.

Mr McGUIRE — The Andrews government is getting on with business. It is doing what needs to be done. It is not acting in — —

Mr R. Smith — On a point of order, Acting Speaker — —

Honourable members interjecting.

The ACTING SPEAKER (**Ms Thomson**) — Order! Does the member wish to raise his point of order, or can the member for Broadmeadows continue?

Mr McGUIRE — This is just a deliberate stunt.

Honourable members interjecting.

The ACTING SPEAKER (**Ms Thomson**) — Order! The member for Warrandyte will resume his seat, and the member for Ivanhoe will refrain.

Ms Spence interjected.

Mr R. Smith — On a point of order, Acting Speaker, the Government Whip referred to me as a crazy man. I ask that she withdraw.

Ms Spence — It was not what I said, but I do withdraw.

The ACTING SPEAKER (**Ms Thomson**) — Order! The member has withdrawn. I now call on the member for Essendon.

Mr PEARSON (Essendon) — Thank you, Acting Speaker. It is always delightful to see you in the chair. I am delighted to join the debate on the National Electricity (Victoria) Amendment Bill — —

Mr R. Smith — Acting Speaker, I draw your attention to the state of the house.

Quorum formed.

Mr PEARSON — I am delighted to join the debate on the National Electricity (Victoria) Amendment Bill 2015. As has been noted by previous speakers, this bill will amend the National Electricity (Victoria) Act 2005 to strengthen the oversight of the process for determining advance metering infrastructure charges. I am pleased and delighted that this bill is being supported by the opposition.

Last night I listened with interest to the contribution of the shadow minister and noted a couple of things. First of all, I did not realise who the shadow minister for energy was until I looked up the parliamentary website and saw that it is the member for Caulfield. As I listened to the member's contribution it struck me as interesting that he kept on referring to a company called Jemima and not Jemena. I confess I can mangle the English language just as well as anybody, and I certainly have the occasional slip of the tongue, but it was pointed out repeatedly to the shadow minister that it is actually Jemena, not Jemima.

It is interesting because the member for Caulfield has been the shadow Minister for Energy and Resources for nearly 12 months. Jemena is one of five licensed electricity distributor networks in Victoria, with 6000 kilometres of electricity lines. I would have thought that if you were the shadow minister, you would know this. I would have thought that if you were the shadow minister, you would have met with the company and said, 'Tell me, Jemena, about your business'.

I would have thought that if you were the shadow minister, you would know that the State Grid Corporation of China owns 60 per cent of Jemena's equity and Singapore Power owns the balance; that Jemena had more than 319 000 customers as of 31 March last year; that Jemena gas had revenue of $187 million for the financial year ending 2014; that the Jemena gas component of the business had $390 million of revenue in the financial year ending 2014; that Jemena produced something like 4320 gigawatt hours as of the financial year 2014; and that it had 4229 customers. I would have thought that if you were the shadow minister, you would know that. You would know that the name of the company that has all these assets under management is Jemena. I will say it once again for the record: Jemena, not Jemima.

The other observation I make about the member for Caulfield's contribution is that he laboured the point about Labor's IT projects. He went on and on. He said it was all about myki and — what was the other one?

An honourable member interjected.

Mr PEARSON — Smart meters of course. He said Labor cannot manage IT projects. His contribution was instructive, because just as there is no risk-free approach to life, there is no risk-free approach to government. If you have a risk-free approach to IT projects, you end up with what are called legacy systems. If you follow the member for Caulfield's thought process to its logical conclusion, we would not have undertaken a single IT project from 1999 to 2010. We would not have taken the chance, and to this day the government would be powering away on 286s computers. We would be sitting there with glasses on trying to work out the green screens. That is what the member for Caulfield wants us to do.

The reality is we took a risk because we thought, 'You know what? We are actually going to have to grasp the nettle. We are going to try to improve the quality of the systems and the infrastructure. We are getting on with it — #gettingonwithit', but things went wrong. You know what? In life when you have a go it does not always work out the way you planned it, but does that mean you turn around and say, 'Oh, no, let's not have a go'? Absolutely not. You get on with it — you give it a go.

It is instructive that the member for Caulfield could lambast us on Labor's 11 years — and I think he only mentioned two IT projects — but could not refer to a single IT project that the coalition government successfully delivered in four years, because there were none. I think this is a problem with the Liberal Party and technology. I remember working in the opposition rooms in Parliament House. In 1999 we had Windows 7 I think — it was the new Windows — —

Mr Richardson interjected.

Mr PEARSON — The member for Mordialloc is right — we had Windows 98. I remember getting into my mark II 1975 Corolla with my files to go around to the Premier's office. I drove the car through the gates. I felt like I was driving a Vietnamese tank through the gates of the presidential palace — it felt that good. I parked the car and walked up to the Premier's office, and there was Windows 3.1 in operation. That was in the Premier's office in 1999. It was amazing. The technology there was more backward and outdated than what we had in the opposition rooms.

Mr Southwick — On a point of order, Acting Speaker, I ask that the member be factually correct. He mentioned that there were only two projects; there was the law enforcement assistance program, HealthSMART, myki and smart meters — —

The ACTING SPEAKER (**Ms Thomson**) — Order! There is no point of order.

Mr PEARSON — You have to take a risk. You have to take a chance in life. There is no risk-free approach to life, nor is there a risk-free approach to government. You go in there, you do your best endeavours and you try your best, and sometimes things work and sometimes they do not. The reality is that this bill is about empowering and strengthening consumers and ensuring that there are appropriate checks and balances for small business.

The Australian Energy Regulator is an independent body, and it will do the assessment. It is about making sure that if you are a struggling small business owner — or any sort of small business owner — and there is a dispute about the billing that has been levied against your business and you do not necessarily have the capacity to appear, you are able to get some external advice or assistance on that matter.

Let us be honest: the reality is it is probably small business that is going to be under the gun on this. If Ma and Pa Kettle end up being gouged by a distributor for the cost of their smart meter, I suspect they will not take action against it. If there are going to be instances of gouging where people need help and assistance, it probably will be from more of your commercial customers and small and medium size enterprises. Some might say, 'They are in business — they have got the dough — so they can defend themselves, hire legal counsel or hire a public policy expert to go through the merits of the case and advocate for them', but sometimes in business you do not have the necessary cash flow capacity and there are those inherent constraints.

The bill is important because it provides an appropriate regulatory framework to make sure there are those checks and balances and that businesses — and for that matter consumers if they are targeted by potentially rapacious action by distributors — can be properly represented. But the reality is we are very fortunate in that we have one of the most contestable electricity markets in the world. We have good, innovative products coming to market which are lowering our greenhouse gas emissions or carbon footprint. We on this side of the house recognise the fact that climate change is real — we are not ashamed of this — and that there is a need to take action to address it. It is about making sure you put in place that regulatory framework and making sure that consumers are empowered to make the right choices in order to make better choices to reduce their carbon footprint.

It is an important piece of legislation. I appreciate the support that the opposition is providing to the bill, but I felt that I needed to indicate to the shadow minister that the company is called Jemena.

Ms BLANDTHORN (Pascoe Vale) — I appreciate the opportunity to make a contribution to the debate on this bill. It is a very important bill that is before us. Obviously the bill will amend the National Electricity (Victoria) Act 2005. The amendments will grant the Minister for Energy and Resources, as well as representatives of consumer and user groups, the power to intervene on behalf of consumers. Indeed the essence and the point of this bill is the power to intervene on behalf of consumers with regard to decisions and determinations made by the Australian Energy

Regulator (AER). The passage of this bill provides consumers with greater levels of protection against advanced metering — smart meter — charges that energy companies may attempt to pass on to consumers. The bill really is about the consumer.

Let us consider why this bill is before us. It is important to note that smart meter infrastructure was installed throughout Victoria as part of a state government initiative in 2009. As the member for Essendon has rightly pointed out, yesterday we heard from the member for Caulfield — I too was interested to learn that he was the shadow Minister for Energy and Resources. The opposition has tried to be critical, but members opposite had four years to do something in this space. After some delays in 2013 and 2014 under the dysfunctional coalition government, the installation of the infrastructure is now almost complete. This process was managed by Victoria's electricity distributors, which manage the infrastructure that delivers electricity in our state. Obviously there is a significant cost associated with delivering this infrastructure.

Section 17 of the National Electricity (Victoria) Act 2005 refers to the advanced metering infrastructure order and sets out the process for the recovery of costs incurred by electricity distributors when rolling out the smart meters. The AER was responsible for setting the budget that electricity distributors needed to adhere to when installing infrastructure across the state. The AER has stated that any cost that electricity distributors incurred in the rollout process that was in excess of their initial budget could only be passed on to consumers if the AER determined that such costs were 'prudent' and 'necessary'. But that was the problem: 'prudent' and 'necessary' were very loosely defined. Consumers lacked protections when it came to determining what was prudent and what was necessary.

In short, this bill will strengthen oversight of the process for determining advanced metering infrastructure charges. Importantly it will protect consumers and it will allow the Minister for Energy and Resources or representatives of consumer groups to appeal a decision handed down by the AER.

In considering this bill it is important to revisit what happened in 2014, and indeed what happened under the dysfunctional coalition government. In 2014 the AER ruled that some energy distributors were able to pass on the additional costs they incurred in installing smart meters to customers in the following year. Labor believes, however, the consumers — or should I say people — should not have to bear the financial burden of inefficient and poorly designed infrastructure rollout programs. The energy regulator's ruling meant that some households and individuals suffered. Consumers suffered; people suffered.

The Australian Energy Regulator's decision meant that households in the north-west of Melbourne — and my electorate is in the north-west of Melbourne — including constituents of Pascoe Vale who are supplied with electricity by Jemena, were forced to pay an additional $226 for their electricity in 2015. This $226 increase equated to a rise of 17 per cent in comparison to their 2014 electricity bills. In addition, households that were supplied by AusNet Services were struck by a 28 per cent increase in electricity bills, and United Energy customers experienced an increase of 9 per cent.

Indeed an article in today's *Herald Sun* states:

> Cash-strapped Victorian energy customers have racked up unpaid bills of at least $50 million.
>
> The ballooning debt is revealed in a hardship inquiry draft report calling for a system overhaul to help reduce record disconnection rates.

The article goes on to say:

> 'We need clearly defined steps and automatic triggers for payment plans'.
>
> The *Supporting Customers — Avoiding Labels* report reveals about 180 000 customers on hardship programs or payment plans already owe retailers $50 million. Some debts exceed $10 000.
>
> Overall energy customer debt is believed to be 'significantly' higher than $50 million, with many millions more incurred by people not in payment programs, or written off or sold to debt collection agencies.

Clearly there was a lack of protection for consumers.

This bill gives government and consumers a voice in decisions over charges. This legislation will grant the Minister for Energy and Resources and consumer groups the power to intervene on behalf of vulnerable constituents if they believe that energy distributors are attempting to pass on unfair and unreasonable costs to consumers. Passing on the costs to end consumers erodes consumers' standard of living because it means that a greater proportion of their household income is spent on their energy bills and not spent on things such as school fees and transport or on staple items such as food and shelter. It is unfair and it is unnecessary; it hurts consumers and it hurts people.

This bill recognises and protects consumer rights. Prior to this legislation an appellant to a decision made by the Australian Energy Regulator could not be represented by a third party at a tribunal. That is why the passage of

this bill is so important. In the future people will be able to be represented by a third party in appealing a decision. If an electricity distributor does not act in accordance with a ruling handed down by the AER and instead chooses to pass on the additional installation costs to consumers, the interests of electricity consumers will have to be recognised.

Clause 2 of the bill sets out its commencement provisions, with the bill due to begin on 1 July 2016. Indeed it is timely, because consumers cannot wait any longer in order to be able to have their fair say in appealing decisions or for the minister to be allowed to intervene where necessary.

This legislation will also prevent a repeat of the 2015 scenario. From 2016 electricity distributors will have the final opportunity to apply to the AER for an assessment of expenses incurred that were in excess of the initial budget that was allocated for the rollout program. This process will allow the AER to determine whether electricity distributors are given the authority to pass on the additional costs and whether those costs were prudent and reasonable. The passage of this legislation will prevent a repeat of the 2015 scenario that had some households paying an additional 17 per cent on their electricity bills. That was an additional 17 per cent across some of our poorest suburbs.

That is only one of the important things that Labor is doing for Victorians in the energy sector. Labor is developing a renewable energy target. By 2020 no less than 20 per cent of energy generated in Victoria will be delivered by renewable resources. This is something that those opposite might want to talk to their federal counterparts about. The Labor government is using its purchasing power to drive investment in renewable energy projects that will create 1000 jobs. This will build 50 wind turbines, which is again something those opposite might want to talk to their comrades in Canberra about.

We are delivering fairer access to the electricity grid for renewable energy customers by adopting the national electricity connections framework. We have released a renewable energy road map, which sets out a path to a cleaner energy future. Energy efficiency is a win-win. It cuts energy costs, supports clean energy industries and reduces greenhouse gas emissions. That is why the Andrews Labor government has committed to promoting energy efficiency and productivity in Victoria.

In conclusion, I commend the bill to the house. The bill will protect the rights of consumers, give the minister the power to intervene when necessary, uphold the rights of people and ensure that they are not spending unnecessary amounts on energy that could otherwise have been more fairly regulated. Labor is not the only party that protects consumers in the energy sector but it is the only party that has an ambitious and achievable plan to increase renewable energy and mitigate the threat of climate change. This legislation is proof of this. I commend the bill to the house.

Ms HALFPENNY (Thomastown) — Just as the previous speaker did, I rise to contribute to debate on the National Electricity (Victoria) Amendment Bill 2015, yet another fantastic initiative of the Andrews Labor government. This is a government that has done more in the last 12 months than the opposition did in its entire four years in government. The National Electricity (Victoria) Amendment Bill 2015 is about restoring balance and giving more say to residents and consumers of electricity.

I think it was around 2007 that the states passed on the powers to regulate pricing in the electricity industry to a national regulatory body so that it could be done with uniformity. However, a result of doing that was that Victorians had less control over electricity pricing. This bill restores the power of Victorians over certain aspects of electricity pricing, including the costs incurred in the rollout of smart meters or advanced metering infrastructure. Whilst much work has been done on that rollout, it has not yet been completed.

What happened in the past was that electricity distribution companies sought to charge a particular price based on how much it cost them to supply the infrastructure. What happened then was that it went to the regulator, which then determined whether the price was fair or not. However, this meant that consumers or the Victorian government did not have any real say if they believed that consumers were being charged too much. This legislation amends this to allow for the intervention of the Minister for Energy and Resources or consumer groups that represent consumers. This will allow consumers a greater say. It will mean it can be done in a more collective way and that consumers will have representation from strong organisations — or the government, in the case of the minister — which can put forward a sound case to make sure that electricity distributors do not charge any more than they should and that they justify their costings and why so much has to be passed on to consumers.

When it comes to energy — and I am referring to both the old forms of producing energy as well as the new forms that reduce the potential for greenhouse gases and climate change — we know that the Andrews Labor government is at the forefront and is much more

progressive than the Liberal-Nationals government was. It was a dinosaur in this area in terms of consumers, in terms of how energy is generated and in terms of promoting a clean energy future that we can be proud to pass on to future generations. For example, we know that under the previous government in 2013–14 there was something like a 36 per cent increase in electricity disconnections and a 42 per cent increase in gas disconnections. There was also a doubling of wrongful disconnections. These things really hurt Victorians, who are the people who most rely on electricity and gas.

Energy is an absolutely essential service for all people. Under the previous government these were the sorts of things that occurred. The Labor government seeks to protect Victorians and make sure they continue to have access to these essential services. It seeks to protect their rights as well as to ensure that distribution companies are called to account and do not overcharge excessively.

Electricity prices are a major problem in the electorate of Thomastown, particularly for people on fixed incomes. Thomastown has an ageing population and there are many people who rely on pensions, whether it be the aged pension or the disability pension. Therefore increased electricity costs are something very much at the forefront of constituents' minds. Containing costs for households is a small component of this bill. A whole lot of other things are being done to try to assist in the containment of electricity costs because electricity is an essential service for people, one that ensures they can run their homes, cook and feed themselves and their families and have the proper heating and hot water that we all need to survive.

The electorate of Thomastown covers parts of the Darebin and Whittlesea municipalities. I note that the Darebin City Council has a great initiative whereby people on fixed incomes can purchase solar panels for their roofs to generate their own electricity. This is then put onto their rates and can be paid back in small instalments over many years. It would be great to see the Whittlesea City Council implement a similar program to allow particularly those people on fixed incomes the ability to generate electricity and reduce their electricity costs via installing solar panels. I urge the Whittlesea City Council to look at the system implemented by the Darebin City Council in order to help reduce the electricity costs of those who have the lowest incomes. These people are often those who most rely on services such as electricity to heat their homes, cook and so on.

Alternative electricity generation also provides for cost reductions. There is a recent initiative, and legislation has been passed by the current government, that enables businesses to use low-cost finance to use alternative energy. That will be facilitated through council. This is a similar system to that available for residents in the Darebin area. It is an initiative of the state government that will apply throughout Victoria to allow businesses to reduce their power costs. This is yet another way the Labor government is trying to contain the prices of electricity, a service that is very important in ensuring that every single person can have a reasonable and comfortable everyday life.

We all have different views about the way that the Latrobe Valley power stations generate power. At this stage we have to continue to rely on traditional methods, but it is also important that we look to the future and at alternative ways to generate power that are good for the environment as well as the consumer in that they bring costs down. Looking into alternative energy generation is also a great way to look at increasing jobs and supporting new industries that allow jobs to grow in Victoria — and high-skilled, well-paid jobs that every Victorian has a right to expect.

As previous speakers have said, this bill is a good piece of legislation for consumers and is well worthy of support.

Ms GREEN (Yan Yean) — I am pleased to join the debate on the National Electricity (Victoria) Amendment Bill 2015. The purpose of the bill is to amend the National Electricity (Victoria) Act 2005 to grant rights to the minister and consumer or user groups to intervene in appeals against certain decisions made by the Australian Energy Regulator.

This is a very sensible change to make and is part of the evolution that has been required in energy regulation since the industry was privatised by the Kennett government in the 1990s. That is particularly true in my electorate, where there are quite different areas. We have urban growth areas and rapidly growing areas but also very high fire-prone areas where there is much interruption to service due to trees, wind and other climatic events. There are also a number of areas, my own household being in one of those, that do not have access to reticulated gas, so energy can form a huge component of household expenses, and that can certainly present a problem.

Many recent surveys have shown that even middle-class households are suffering bill stress from energy bills. I am pleased to see that the rack builders who are now building most of the homes in my

electorate have really started to reappraise the way they are doing the lighting in homes. When I was growing up — and many other members in this house would also remember — each room in the household probably had one baton light fitting, whereas now there is a proliferation of downlights. Our living area has about 20 downlights in it. As a firefighter I know these have been incredibly dangerous, as they can overheat in ceiling spaces, and many people trying to conserve energy are adding their own insulation or having inexperienced people fit their insulation, which can be a huge problem in terms of house fires. I am pleased to see that there are now energy programs in place, and many people have been contracted now. I know that Paul the Sparky from Cottles Bridge has come around to our place and changed light fittings over to light emitting diode fittings, and that is at no cost, so if anyone has not had their homes done, they should.

It very much got away from us in that there are some really beautiful homes built in new suburbs like Mernda, Wallan and Doreen, but a lot of people have moved into them and then found that they have had exorbitant energy bills particularly because of lighting and the number of high-energy-using devices like computers and big-screen TVs. Even older people have those types of things in their homes, so it has made energy bills skyrocket. One person in my household is known as the light Nazi because she follows everyone around the house turning lights off.

It will be a good change to allow determinations to be appealed, particularly because representative consumer groups can undertake those appeals on behalf of the community. I really hope they get to know in particular the circumstances in which energy is delivered in my electorate. I mentioned earlier the rural areas in my electorate and the problems people in those areas have with interruption to supply, but an interruption to supply can affect another essential service — that is water. Much of my electorate is not connected to reticulated water and to do your washing or have a shower, you need electricity to pump the water.

When there is an interruption to supply not only can there be risks to food and food hygiene with food deteriorating in fridges but there can be a huge impact on human health, with people not having access to fresh, clean drinking water or being able to wash. We have seen that with some of the big climatic events we have had with wildfires and wind events.

Now on high fire danger days electricity retailers are empowered to shut down electricity in order to lessen the bushfire threat. But this can also have a huge impact on households, because if they do not have another fuel backup — a diesel or petrol pump — they may not be able to pump water for their health, in response to heat or in fact if they are themselves threatened by fire.

It is great to see the take-up rate for alternative energies, and I know the member for Thomastown referred to that. Some established suburbs may look down on new suburbs and think they do not have a concern for the environment and their carbon footprint, but it is really encouraging when you see the sea of roofs in suburbs like Mernda, Doreen, South Morang, Wollert, Epping North and Wallan that have solar panels.

I went to Adelaide a couple of months back and visited a company that is operating on the old Mitsubishi site and producing batteries which can store solar energy. That has been a significant problem and people have been concerned about the changes to the feed-in tariff for surplus solar being produced and put back into the grid, and that has impacted on people's household budgets. But with this fantastic battery technology, which will soon be readily available, for about $50 000 a normal suburban house will be able to have battery storage technology. These batteries are only about the size of a refrigerator and can be put in people's garages. This is really important not only in terms of the measures in the bill but also because communities and households will be able to take their own steps to diminish their recurrent energy use. I will certainly be encouraging particularly older members of my community who might be facing retirement to think about investing in solar and battery technology so they are not reliant on the vagaries of the market into the future.

In the meantime the bill provides important changes so that decisions of the Australian Energy Regulator can be appealed. It is really important that energy consumers have a voice in appeal proceedings. One of the first things we did on coming to government after the 1999 election was give consumer voices a role in the then privatised energy market, because it was not something the Kennett government had paid attention to when it sold off the state's electricity assets. The genie was certainly out of the bottle — the assets had been sold — but it was important that consumers be given a voice, and that is what the bill does. I commend the bill to the house.

Sitting suspended 12.59 p.m. until 2.01 p.m.

Business interrupted under sessional orders.

MATTERS OF PUBLIC IMPORTANCE

Trade union influence

The ACTING SPEAKER (**Ms Thomas**) — Order! I have accepted a statement from the member for Box Hill proposing the following matter of public importance for discussion:

> That this house condemns the Andrews Labor government for putting the interests of union bosses ahead of the interests of ordinary Victorians, including:
>
> (a) failing to stand up to outrageous demands and unjustified strikes and bans by rogue union officials, which threaten vital public services;
>
> (b) agreeing to secret wages deals and restrictive work practices as pay-offs for election support;
>
> (c) introducing a costly and ill-considered grand final eve public holiday and making Victoria the public holiday capital of Australia;
>
> (d) allowing union bosses to exercise improper influence over due process and government decision-making;
>
> (e) putting the interests of the United Firefighters Union ahead of the effective operation of the Country Fire Authority and the role of CFA volunteers;
>
> (f) repealing the coalition's move-on laws, removing crucial police powers to uphold the law when union thugs impose unlawful pickets and blockades; and
>
> (g) scrapping the Victorian code of practice for the building and construction industry and abolishing the construction code compliance unit.

Mr CLARK (Box Hill) — The Labor Party and the trade union movement in Victoria and Australia today are failing working families. Victoria's trade unions are no longer broadly representative of the workers they purport to represent. Yesterday in this house we expressed our condolences at the passing away of a man of integrity and principle, forced by his father's death to leave school at 15, who became a railway shunter and, while still a railway shunter, became an active trade union office-bearer who stood up for the interests of his fellow workers before going on to represent those workers in Parliament.

That sort of trade union officer — a worker going on to serve his or her fellow workers — is fast becoming a thing of the past. Trade union officials are increasingly becoming a self-appointing, self-perpetuating cartel, a cartel whose members far too often put their political careers and personal and factional interests ahead of the workers whom they purport to represent, a cartel where it is almost impossible for an ordinary worker to be elected to union office when up against an incumbent protected by a big slush fund. Regrettably we are seeing the sort of attitude to rorts and rip-offs that is now endemic in the trade union movement becoming manifest within the Victorian parliamentary Labor Party.

Unfortunately today trade unions offer nothing for men or women working in countless shops, offices, factories or other workplaces across our state. That is why working families have voted with their feet and deserted the trade union movement, saving themselves the costs and hassles of union membership. That is why trade union membership is only around 17 per cent or so of the workforce today, even less outside the public sector. And yet despite this the Labor Party remains dominated by this narrow, unrepresentative trade union cartel. A model that may have made sense as a party for working families to support when Labor Party members were the parliamentary representatives of a broad worker movement is out of touch with working families when the union officials who dominate it have become a shrunken and insular cartel.

It is not just Liberals and Nationals who are saying this. Wise heads and elder statesmen in the Labor Party are also saying that the trade union movement and the Labor Party need to change and that reform is needed. That is exactly what former Australian Council of Trade Unions president and federal Labor minister Martin Ferguson told *Four Corners*, and I quote:

> … too many of that shadow ministry and the caucus are almost as if they're prisoners of the union movement.
>
> It's the union movement now who funds individual candidates. It's the union movement who has such a big say on the pre-selection … it's almost as if they sit down now and divide up the cake: you get that seat, we get that seat … And then they … dole out the prizes to their faithful.
>
> There's no independence … amongst too many caucus members at the moment. They wait for the phone call from the trade union heavy to tell them what to do.

Now if that were a problem just for the Labor Party, the rest of us could leave it to the Labor Party to sort out for itself. However, it is a problem for the rest of the community as well. It is a problem because workers and their families are being ripped off by union officials, and that is why legislation to reform trade union governance to prevent these rorts and abuses is essential. It is also a problem because this cartel of union officials also has the Victorian parliamentary Labor Party under its thumb. The cartel uses workers' resources to get Labor governments elected and then demands its pay-offs and expects elected Labor governments to deliver.

That is exactly what we are seeing in Victoria today. Union officials are demanding, and getting, pay-offs

from the Andrews government. Often these pay-offs are to serve their own interests rather than their members' interests, and when they do demand pay-offs for their members, those pay-offs are unjustified special deals that mean that other working families end up paying the price in higher taxes and charges or in poorer services.

Even when the demands of their union mates get so excessive that not even a Labor government can stomach them, elected Labor ministers find they are powerless to bring those union officials back into line. It happened under the Cain government, it happened under the Bracks and Brumby governments, and it is happening again under the Andrews government.

You need only look at the debacle of the rail strikes that is unfolding at present. Labor ministers were taken completely unawares. They thought, 'They're our mates; they're on our side. We ought to get in a room and have a little chat with them. They'll see sense. We'll get it all sorted out. We'll cut a deal and everything will be fine'. We warned them. We said, 'These union officials in the rail union are out of control. They are rogue union officials. You have got to stand up to them. You have got to be prepared to tell them to pull their heads in.

The Premier needs to get on the phone to them and tell them to change their ways, and you've got to be prepared early to go down to the Fair Work Commission and back up Metro Trains Melbourne'. The government and the ministers have been dragged kicking to it. If they had been more vigorous earlier, maybe they would have avoided inflicting the pain that tram commuters had to go through last week and that rail users are facing this week. It is becoming increasingly clear that they rode the juggernaut into power, and now the juggernaut of these same union officials is proving to be something beyond their control.

We have seen other enterprise bargaining agreement demands coming up. We have seen the firefighters' outrageous demands. We have seen the increases in the fire services levy that have been imposed in relation to that. We have heard other unions saying, 'We want the same pay-off as the paramedics got'. We have still not had the Labor Party come clean about what went on with the paramedics wage deal. On the one hand it is trying to say it did the same deal that the coalition government offered, and on the other hand it is saying it has done a better deal.

The fact of the matter is that it is pretty clear that the paramedics got a hefty pay-off indeed for the support they gave to the Labor Party at the election. There has been a shortening of the period of the enterprise bargaining agreement and agreement to a work value case where the government is going to run dead and have a whole lot of classification reviews, which is always a good backdoor way of giving disguised pay rises.

The one question the Labor Party has failed to answer — and we will very much see whether there is an answer coming forth today — is whether a secret, under-the-table deal was done with the paramedics prior to the election or whether the government simply had the bite put on it after the election and that was the price it had to pay for sweetness and light at the Premier's press conference.

That set the benchmark, and it is understandable that a whole lot of other trade union officials are lining up and saying, 'We want a similar deal as well'. As one official put it, 'You cannot give chocolates to some of your kids without giving chocolates to the others'. We have seen this tension developing already within the Labor government. We have seen the tensions and the contradictions between the Premier on the one hand and the Treasurer on the other. The Premier started off by saying, 'We're not going to have a wages policy at all; we'll just do it all on a case-by-case basis', and the Treasurer said, 'Uh-oh; we've got a few problems if we do that. We've got to try to put a bit of a brake on it'.

We have had that backwards and forwards going on for some time; however, as far as I can tell, we have still not had from this government a categorical statement of what its wages policy is. A media release from the Minister for Industrial Relations talked about a new bargaining unit, but we have heard nothing about exactly what the policy is going to be. On 1 July a *Herald Sun* article headed 'Wage deals to ward off pre-election union fights' contained the extraordinary statement:

> Under Labor's state wages policy public sector wage rises are restricted to 2.5 per cent a year over the next three years. But sources told the *Herald Sun* that if unions agreed to four-year agreements, the sweetener would be higher annual increases of 3 per cent in the first year, 3 per cent in the second and 3.25 per cent for the final two years.

What sort of way is that to run an industrial relations system, and where you cannot get a clear statement from the government as to what its wages policy is? It is pretty clear that departments have not been funded for anything more than a 2.5 per cent wages increase, so every time there is a deal done above that 2.5 per cent without genuine offsetting productivity savings, the department concerned is going to have to cut back

services to working families here in Victoria or the Treasurer is going to have to cut the surplus or increase taxes and charges in order to pay for that wages increase.

So we have these unjustified wage demands putting pressure on the budget. We have the inability of the government to cope with rogue unions creating havoc for the public. We have seen the government roll over to demands of the union movement to make Victoria the public holiday capital of Australia and introduce its ludicrous and ill-considered grand final eve public holiday. It has also moved from these stupidities of public policy to a matter that is even more sinister and concerning — that is, the improper influence of union officials over government decision-making. We have had the Minister for Industrial Relations refusing to give an honest answer to questions on notice about the meetings she may have had with a whole range of people in public sector unions. She is obviously ashamed of those meetings, but sources tell me there is a constant stream of union officials going up and down to her office, yet there is no accountability for what is going on.

Even more concerning are some of the expectations of trade union officials that came out in what Peter Marshall of the United Firefighters Union (UFU) had to say. He got so stroppy that the Labor Party would not do what it had promised him it would do before the election that he sent a dossier to numerous Labor MPs, and it turned up in the *Herald Sun*. There are a lot of very serious questions that need to be answered here, because Mr Marshall alleges that when the Metropolitan Fire Brigade (MFB) brought disciplinary charges against a senior firefighter about possessing pornographic and racist material on MFB computers, he called upon a range of people in the Labor Party to get in there and fix it. He called upon Chris Reilly, the minister's chief of staff, Danny Michell, and the then industrial relations minister's chief of staff, Simone Stevenson, and asked them all to intervene in that case.

In a sense the Labor Party was very fortunate that at the end of day the Minister for Emergency Services bucked at doing what the union wanted, but we still had no explanation as to why the then chief of staff of the Minister for Industrial Relations, Simone Stevenson, left her employment. Was she sacked because she sought to improperly intervene in these disciplinary statements, or was she sacked because the United Firefighters Union got stroppy with what she had said to them? If she got the boot over this, why are Chris Reilly and Danny Michell still working for the government?

It is this sort of back-office influence where union officials like Peter Marshall think they can get on the phone and you get a whole lot of chiefs of staff and industrial relations advisers dancing to the tune of the union over a very serious matter that should have been handled at arm's length. We are also seeing the influence of the firefighters union in relation to the Country Fire Authority (CFA) and the role of the CFA volunteers. I am sure my colleagues will have plenty more to say about that. We have also seen the repeal of the coalition's move-on laws that provided basic protections for working families that want to simply go about their business without union thugs blockading and harassing them and preventing them from entering union premises.

We have had the government abolish the Victorian code of practice for the building construction industry, abolish the Construction Code Compliance Unit and abandon drug and alcohol testing. Of course shortly after the government abandoned drug and alcohol testing on building sites we saw the Construction, Forestry, Mining and Energy Union do a complete backflip and say it thought tests are a good idea after all. What it shows over and over again is that this government is dancing to the tune of a narrow cartel of union officials who are putting their own personal and career interests ahead of working families.

Working families are paying the price for that through being sold out by their trade union officials, through the threat to the Victorian budget and the threat of higher taxes and charges and also through the poor services due to restrictive practices that these union officials risk inflicting on this state. The Andrews government stands condemned for putting the interests of these trade union officials ahead of the interests of working Victorians.

Mr PAKULA (Attorney-General) — What a stream of bizarre and unconnected conspiracy theories we just heard. I would say to the member for Box Hill that he has been hanging out with Mel Gibson too often. I welcome the matter of public importance (MPI), and I welcome it because it is — —

Mr Guy — You're funnier than your boss, Martin.

Mr PAKULA — I am funnier than you too.

I welcome the MPI because it is yet another sign of the obstinate but very welcome determination of coalition MPs to engage in a dialogue with each other, to be completely deaf to the aspirations, the concerns and the priorities of Victorians voters and to continue to prosecute an argument that it prosecuted for four years to no avail whatsoever. We have the member for Box

Hill yet again in here shouting in an echo chamber and in doing so amusing all his colleagues, reinforcing all of the prejudices, all of the hatreds and all of the undergraduate H. R. Nicholls Society fantasies under the instruction of their party president and for the benefit of their paymasters. I have got to say: this is the kind of MPI you see when the Liberal Party ceases to try to engage with the electorate at large. It is the kind of MPI you see when members of a party are so bruised and battered by their rejection at the hands of the electorate that they have to take refuge in somehow telling one another that the union bogeyman did it.

If you want to see the delusion and logical contortion at the heart of the argument of those opposite, you need go no further than item (a) of the MPI. I would have thought the member for Box Hill would be praising and congratulating the government. You have a situation where the government has not acceded to the demands of the Rail, Tram and Bus Union (RTBU) and where the government has joined the public transport agencies in their action against the union in support of Victorian commuters, but in the rational wasteland that is the mind of the member for Box Hill, somehow that has become an example of the government failing to stand up for Victorians. Go figure that. You have got the government actually doing what the opposition itself says should be done, and somehow that forms the basis of item (a) of the member for Box Hill's MPI.

As for item (b), the secret wage deals et cetera, yada yada, I must say it has clearly been a matter of fascination for the opposition as to why union members turned out in such numbers for the Labor Party before the last election — why they knocked on doors, why they stood on pre-poll, why they made phone calls. I will tell you why.

Honourable members interjecting.

Mr PAKULA — I am happy to deal with all of the dark little conspiracy theories of members opposite. I will tell you why: because union members knew that, unlike those opposite, we would not treat them like absolute rubbish. That is what they knew. They knew we would not try to goad them into industrial action, as former Minister for Health David Davis did with the nurses. They knew we would not try and do that to them. They knew we would not leave them hanging out to dry for two years, as the former government did with the paramedics. They knew we would not spend four years refusing to commit to presumptive legislation, as it did with the firefighters.

There is no mystery about why working men and women wanted to see a change of government. It was because they were sick and tired of the way they were treated by the previous government. The public sector at large probably was not happy about all of the job cuts after those opposite promised there would not be any. There is no mystery to it. Rather than come up with provisions such as item (b), if you want to see the reason union members and their families came out for the then opposition before the 2014 election, you should have a look in the mirror, because the answer lies there.

As to item (c), with regard to the grand final leave public holiday, I suppose the question government members would ask those on the other side is: why do they object so strongly to Victorians having an extra day with their families? Why be so Melbourne centric? Does no-one on the other side of this chamber have the imagination or the mental apparatus to discern just how beneficial this day will be for regional Victoria?

Honourable members interjecting.

Mr PAKULA — I extend the invitation to members opposite that if they do not believe me, they should come with me to Benalla on Benalla Gold Cup Day, on grand final Friday, where they are expecting a 50 per cent to 100 per cent increase in attendance because of grand final Friday — because of Victorian families taking themselves to our regions to enjoy all they have to offer and making a long weekend of it. What a travesty!

As for item (d), it is simply meaningless drivel.

Mr Clark interjected.

Mr PAKULA — I say to the member for Box Hill it is meaningless drivel, because I wonder which union bosses he is talking about. I am assuming it is not the RTBU. I am assuming it is not those unions that are unhappy about our Fair Go for Ratepayers policy. Even though we know Victorians will be very pleased, we know there are some union officials who are not happy about that. The member for Box Hill talks about the secretary of the United Firefighters Union. Did the secretary of the UFU find any succour whatsoever when the Minister for Emergency Services quite correctly refused to intervene in a disciplinary matter? All of the member's crazy conspiracy theories come a cropper when you look at the reality of what has occurred. Perhaps the member for Box Hill is talking about the Victorian Farmers Federation, because it actually seems pretty happy with Murray Basin rail and the Agriculture Infrastructure and Jobs Fund. The member for Box Hill might think item (d) is a

meaningful expression, but it is in fact meaningless drivel.

With regard to item (e) and the opposition's obsession with the UFU, I have to wonder what the actual obsession is. I want to know what it is that the opposition actually objects to. Is it the $33.5 million for 70 new vehicles? If it is that, the opposition should say so. Is it the $11 million for new stations at Huntly, Plenty, Edithvale or Buninyong? Is it the presumptive rights legislation? Is it the fact that the minister has committed time and again to the fact that there will be no change to Metropolitan Fire Brigade (MFB) and Country Fire Authority (CFA) boundaries, or the fact that the minister has committed time and again to the fact that there will be no amalgamation of the MFB and the CFA? Is it the fact that we will not waste millions of dollars on absolutely pointless litigation? Is it the fact that the opposition thinks we should do what it did and cut $66 million from the fire services? I do not know what the obsession is.

Mr M. O'Brien — That's a lie! That's a lie, and you know it.

Mr PAKULA — Michael, no-one else will defend your legacy, mate — there's no point.

As for the move-on laws — this old palaver, this work of fiction — the MPI talks about 'crucial police powers'. These are the powers that Victoria Police never asked for. They are the laws that were never needed and were barely ever used. There were two exclusion notices given to two individuals in a year, and I think they were for being drunk and disorderly. Seriously, that is what they were!

Mr Clark interjected.

Mr PAKULA — No, we're talking about your changes! I'll square off with Bob later, Robert. I'm sure he won't mind.

As for the story we are now hearing that those laws might have been the solution to the problems at the East Melbourne fertility clinic, why were they not? The move-on laws were in place for a year, that protest was there every single day of that year and not once were the move-on laws used against the protesters at the East Melbourne fertility clinic, so let us deal with that little palaver.

We all know why the move-on laws were brought in. We all know that the former police minister, Mr Ryan, got phone calls when police would not move against the picket line at Baiada — and those in opposition have all gone quiet about that since the *Four Corners* exposé. After that the move-on laws were brought in because — —

Mr Clark interjected.

Mr PAKULA — You're going to deny it, are you — that the calls came from Michael Kroger and others saying, 'Why won't the police move against that picket line?', and that is when the move-on laws came in?

Mr T. Smith interjected.

Mr PAKULA — You should have been here, mate!

As for the scrapping of the code of practice and the construction code compliance unit, we will talk about an exercise in redundancy. We have got a federal regulator, Fair Work Building and Construction.

Mr Clark interjected.

Mr PAKULA — I think Tony Abbott's in power now, Robert. We have Victoria Police if there is criminality. There is WorkCover or WorkSafe if there are injuries or problems with health and safety. All the construction code compliance unit was was an $8.4 million vanity project for the member for Box Hill. This government took the view that that money was far better spent vaccinating children against whooping cough, and I have to say that is something that we in the government stand by.

The member for Box Hill, when talking about that $8.4 million, might well say, 'Hang on, that's only one-tenth of what the feds have spent reinforcing their anti-union narrative. They've spent $80 million on tarring up their political opponents'. He would be right to say that, because that is $80 million that the Liberal Party has spent tarring up its political opponents — $80 million on a trade union royal commission that will live in infamy as one of the most tawdry and egregious abuses of executive power in this country's history.

Honourable members interjecting.

Mr PAKULA — Feel free to make an allegation.

Honourable members interjecting.

Mr PAKULA — As I said at the time, I took donations from my union as well — and do you know why? Because, just like corporations, unions are entitled to make donations to political campaigns.

Mr M. O'Brien interjected.

Mr PAKULA — Guess what, Michael? They are just as entitled to have a say in the political process as your mates at the top of Collins Street. You want to take money from your banking mates — —

The ACTING SPEAKER (**Ms Thomas**) — Order! The Attorney-General will address his comments through the Chair.

Mr PAKULA — Let me say, Acting Speaker, everybody knows that this is not a legal act, it is not a judicial act, but it is a political act. It is the type of show trial and the type of disgraceful misuse of political power that we would expect to have seen in China in the 1970s or to see in North Korea today — a show trial to get the federal Leader of the Opposition and a former Prime Minister in the witness box. If you need any better example, you will see that Labor governments conduct royal commissions into matters such as family violence and sexual abuse and the Liberal Party conducts royal commissions into its political opponents.

The member for Box Hill can shout 'Unions! Unions! Unions!' until he leaves this place — in fact I suspect he does it in his sleep. They are everywhere, they are coming to get him and they are coming to get all his mates. It is the same insular, self-reverential claptrap it has always been. We will go on talking to Victorians about their schools, their hospitals, their standard of living and their jobs, and the opposition can keep talking about this stuff until the cows come home.

Mr WALSH (Murray Plains) — If that was an audition for the position of the next deputy leader of the government, next Deputy Premier of Victoria, the member for Keysborough needs a few more lessons, because that was an uncoordinated ramble and rant about a whole heap of disjointed things. Mate, if you are auditioning for Deputy Premier, you will need to take a few lessons in how you do that.

I rise to support the excellent matter of public importance moved by the member for Box Hill, and I commend him for the articulate way he addressed the issues in his contribution. On the other side of the house there is a belief that the unions should control government here in Victoria and Australia. The union movement wants to be the ruling class of politics in Australia. If you look at the career backgrounds of quite a few of the government members of Parliament, you will see they have come from the union movement. It is about having a supposed ruling class of the unions in government here in the future. When they get into government and are elevated up the ladder, it becomes about paying back their union mates for the support they gave over that time.

If you go back to the 2014 election campaign, you will find no worse example of a thought bubble that would have a major economic impact on this state. That thought bubble was, 'Let's have a public holiday for the grand final parade'. A fantastic thought bubble? I think not. It is a thought bubble that is not going to do Victoria any good. I will come back to the things the member for Keysborough said about it and address it from a country point of view. No-one I have talked to thinks this public holiday is a good idea. Whether it be people here in Melbourne who would go out at lunchtime to watch the parade or whether it be the country business owners the member for Keysborough talked about, I cannot find anyone who thinks it is a good idea.

In my electorate I have Radcliffe's, which is a restaurant and wedding reception venue. It was stung by the Easter Sunday public holiday — it had a wedding booked and had to wear the cost of the penalties. It lost money on that wedding because of the penalty rates. Radcliffe's also has a wedding booked for the grand final parade holiday. It had to go back to the bride and say that it had to charge 25 per cent more because of the penalties, so now the bride's family has had to cut back on the reception to meet their budget, all because of that holiday. It is a disaster for them.

According to the member for Keysborough, a number of businesses in Nhill will supposedly benefit from this holiday, but Jim White of Jim's Butchery told the *Wimmera Messenger*:

> I won't be able to charge more for my products to cover the higher expenses. No-one from my staff will be going to the grand final.

He is not going to pay the penalties to be open. Kelly-Anne Merrett, owner of the Spot Cafe, said:

> I love AFL but I have no idea why there needs to be a public holiday before the grand final. Penalty rates will kill small business therefore we will most likely close or trade less hours.

What I think we will find is that people may go to country Victoria during that long weekend but they will find that places are closed and they will not come back again because they will have been sent the wrong message. The member for Keysborough says it is going to be a boon. Tom Smith, CEO of Echuca Moama Tourism, said:

> The increased costs will not be good for tourism.
>
> It is a classic example of Melbourne-based politicians making decisions which will impact the rest of the state.

I agree with Tom Smith wholeheartedly. This is not a good idea. The people I talk to who are in small business say that they will either have to charge more and run the risk of losing current customers or they will have to close. A lot of people will go to these communities and find that the coffee shop will be closed and the bakery will be closed. They will not get a good experience and they will not come back again.

When thinking about the grand final parade, did members opposite talk to DiMattina's Restaurant? The same people run the Society Restaurant, and it is going to be closed. A lot of businesses here in Melbourne are going to close. It would be absolutely tragic if we have two West Australian teams in the grand final, but it may happen, in which case we will have a lot of visitors from interstate coming here with money to spend and expecting a positive experience, but a lot of businesses will be closed. A lot of grand final eve Friday lunch functions are now not going to be held because penalty rates mean people cannot afford to run them. I say to the member for Keysborough that country people do not think it is a good idea. There might be some people at the Benalla races who do, but most communities do not think it is a good idea.

This public holiday is going to cost Alcheringa, one of the aged-care facilities in my electorate, $20 000, but it will not get one more cent from the federal or state governments to pay for it, and that applies equally across the health system.

Mr Pakula — $20 000?

Mr WALSH — Absolutely, $20 000. Alcheringa has three facilities and employs a large number of staff. It cannot afford that in its budget. It is not a good idea for country Victoria.

Moving on to the part of the member for Box Hill's matter of public importance regarding the United Firefighters Union (UFU) and the Country Fire Authority (CFA), in the 9 or 10 months of this government I have not heard one minister from the other side of the table utter the word 'volunteer'. They do not mention volunteers. It is all about the paid firefighters, it is not about the volunteers. Again, if you unpick the issues around the funding for the UFU, the fire services levy in Victoria is going to increase by 7.2 per cent to honour the promises made to the UFU during the election campaign. Rate notices are going out to landholders around Victoria right now and Victorians are seeing a huge increase in the fire services levy. A lot of people did not take notice of it when it was just an item in the budget, but they are now taking notice because the rate notices are going out. They are seeing the increases. The Premier promised that he would not increase taxes, fines and penalties greater than CPI — I did not realise CPI was 7.2 per cent, but 7.2 per cent is what is there.

The member for Keysborough was talking about presumptive legislation, but my understanding is that the proposal will effectively exclude the overwhelming majority of volunteers. It is just about the paid firefighters, and it will be very tight and effectively exclude all the volunteers. Members opposite should not say that they are sticking up for the firefighters, because the volunteers are the CFA. Something like 60 000 volunteers make up the CFA around Victoria. They are the heart and soul of the CFA, but those on the other side of the house do not like them and want to destroy them.

Mr Pakula — Destroy them?

Mr WALSH — The Labor Party is out to make life harder for volunteers, to have a union-dominated organisation in the CFA to make it harder for it to do its job.

I will finish with the issue of the building code. You do not have to go back very far to look at the desalination plant and the exclusive union deal that was done with the Construction, Forestry, Mining and Energy Union (CFMEU) and the Electrical Trades Union and what that deal did to building costs and the building industry in Victoria. You also have to look at what that did to the community of Wonthaggi. I have been to Wonthaggi a few times since the desalination plant was built. It is a community that has a serious drug issue, and it blames the CFMEU and its bikie mates for bringing drugs into the community and leaving the issue behind. The people who were working there were paid exorbitant amounts of money but had very little work to do and had a lot of recreational time, and unfortunately some of them got involved with illicit drugs and dragged them into that community.

Victoria is going to suffer from having a Labor government and a Premier who is beholden to the CFMEU because of what that will do to building costs. It will force business out of Victoria to Sydney. The New South Wales government is going gangbusters now. This government is destroying the infrastructure-building industry here in Victoria; that industry is moving to New South Wales, particularly because of the domination of the unions and the secondary boycotts that are occurring. We do not have to look any further than at the battle between the CFMEU and Boral to see the unruly thuggery and

intimidation done by unions in Victoria to the detriment of all Victorians.

Ms GRALEY (Narre Warren South) — It is a pleasure to join the debate on the matter of public importance moved by the member for Box Hill. It is also a pleasure to follow the current Leader of The Nationals, because I notice that his full team is not here behind him with smiles on their faces. I wonder where the member for Euroa is. I would like to know where she is, because she is not here supporting her leader. She is not leading up the cheer squad; that is for sure.

It is a pleasure to be here this afternoon to speak on the matter of public importance. When I read it I thought: what a load of diatribe; what is happening to the opposition? I will tell the house what is happening to the opposition.

Mr Pakula interjected.

Ms GRALEY — The Attorney-General is absolutely correct. Those opposite are still looking in the mirror at themselves. They still have not worked out what went wrong. They are still feeding on their own prejudices. They are still concerned about their own problems and consumed by their own predicament.

Theirs was a lazy, crazy government, and in opposition you are getting dumber and dumber, because you have not learnt the lessons. You have not looked in the mirror. You have not learnt a thing, because if you had — —

The ACTING SPEAKER (**Ms Thomas**) — Order! Through the Chair.

Ms GRALEY — If opposition members took a good hard look at themselves — while they are trying to find all that money that has gone missing, they should look at themselves as well — they would see that they had refused — —

Honourable members interjecting.

Ms GRALEY — They have refused, and it does not surprise me, because my experience of dealing with Tories in the past has been that they always think they know better and that they can tell people what to do and get away with it. That is not how it is done.

Those opposite have to start looking at what ordinary Victorians do. They go to work every day so that they can earn a living, so that their kids can go to school and so that they can pay their mortgages and for their cars. They want to go to the factory floor, work in the hospitals and work on construction sites. They want to go into classrooms, and they want to go to work on farms, just like our brothers and sisters, aunts and uncles, and mothers and fathers.

Those opposite refuse to acknowledge that ordinary Victorians, the people who do the good, hard work every day, caring for other people — such as nurses, paramedics, doctors and physiotherapists — are the people who have said to members of the former government that they got it all wrong. Those opposite need to have a look in the mirror and face it.

I will tell members opposite that one thing that they were really good at was picking fights with people; they were experts at that. I will give them that — they were absolute experts at picking fights. Who will ever forget the fight that those opposite picked with the paramedics — good ordinary Victorians, many of whom live in my electorate?

Who will ever forget that expensive advertisement? How much did that cost? How much of ordinary Victorians' money was wasted on trying to convince ordinary Victorians that the previous government was right and that paramedics were wrong to care about going to accidents and tending to their patients, getting them to the hospital, getting them into that emergency ward and making sure that they could get better?

I notice that today in the *Herald Sun* there is an article headed 'Baby lifesavers'. The picture shows what ordinary Victorians look like. They save people's lives, but all that members of the previous government did was stand in their way, bash unions up and make it harder for ordinary Victorians to go to their workplaces and do their jobs every day.

From speaking to paramedics I know they had had a gutful of that, and the reason — —

Mr Pakula interjected.

Ms GRALEY — The Attorney-General quite correctly points out that paramedics wanted a change of government and stood at the polling booth beside us because they were sick of the way the former government treated them. They had had an absolute gutful of it, and they wanted a change of government because, like civilised human beings — like hardworking Victorians — they wanted to sit down with the government and negotiate. Those opposite should try to understand the meaning of the word 'negotiate'. I should spell out that that is what normal learned and responsible governments do.

Ms Ryall interjected.

The ACTING SPEAKER (**Ms Thomas**) — Order! If the member for Ringwood is going to interject, she should resume her seat.

Ms GRALEY — I know how hurt those people were, but it was not just the paramedics who had their profession undermined by the previous government. Let us remember the attacks the previous government made on nurses. I only have to refer to an *Age* article from 2011 that states:

> The Baillieu government —

remember him?

> has developed a secret plan to goad the state's nurses into industrial action so it can force them into arbitration, cut nurse numbers and replace them at hospital bedsides with low-skilled 'health assistants'.

I remind everybody in this house that one day they will need a nurse, one day their kids will need a nurse and one day their parents will need a nurse, and members will not want a low-skilled health assistant looking after their families; they will want the best possible medical assistance that can be provided to them. Let us face it, every Victorian has a right to that.

The article goes on to say that that amazing Minister for Health, Mr David Davis — remember him?

Honourable members interjecting.

Ms GRALEY — Yes, we all remember him for the wrong reasons. The article further states:

> The government's aim, revealed in the submission, is to have the crisis continue to a point whereby the industrial tribunal, Fair Work Australia, is either called in or steps in because negotiations have broken down and the nurses' action is deemed harmful to public welfare.

How shameful is it that anyone would set professional, caring nurses up to fail? It is just unbelievable. Those opposite should be absolutely disgusted. That they can walk into this house today and lecture us about ordinary Victorians is just impalpable.

I contrast Mr Davis with the current Minister for Health, who came into this house today and, instead of treating nurses like dirt, introduced a bill that legislates nurse-to-patient ratios. I suggest to members opposite that instead of yelling and screaming and behaving like badly behaved children or those who are born to rule, they should get behind the new legislation and guarantee that the best possible medical care is provided to every Victorian and that public safety is protected in our hospitals.

I note that the member for Box Hill mentioned elections. I must say that I was concerned about the behaviour of certain people at the polling booths. A very fine gentleman from the firefighters union came and stood by me occasionally and very quietly presented his case by holding a placard that everybody could read, but the biggest bully at that polling booth was not a union official or indeed anybody from this chamber but the Empress of the South-East, who walked up and down the queue bullying my residents and saying the most disgusting things about me and my staff, suggesting that I may be on the point of dying.

So when Ms Bauer, a colleague of the Empress of the South-East, told a newspaper that she was attacked because she had an experience with cancer and that had somehow undermined her election victory — after the Empress of the South-East had thrown every bit of dirty water possible at me — I was not impressed, to say the least. But rather than barking back at her, I remained cool and have also complained about it. As the Liberal Party itself is currently investigating the member, I hope this matter is also taken up, because it was frankly deplorable.

This government is proud to represent ordinary Victorians, and we will continue to do that. Only today a new school was announced near my electorate, because unlike members opposite we will get on with the job and make sure that ordinary Victorians have the best education, health, roads and public transport in the country.

Mr HODGETT (Croydon) — It is a pleasure to rise to speak on today's matter of public importance. It is back to the future for this government — welcome back to the 1980s. A Labor government is talking about increasing Victoria's debt, tram employees have been on strike and trains will be out on Friday. Victoria is going nowhere under the Premier, and unions are playing a game of cat and mouse with this Labor government, pushing it around and calling the shots. Nine months in, the Andrews Labor government is out of control, resulting in a tram strike, the first industrial dispute in Victoria in decades.

Mr Nardella — Decades?

Mr HODGETT — Yes, Don, and I have never seen a man more decayed!

Former public transport ministers have lined up to say that over successive governments enterprise agreements have been negotiated without the need for industrial action or disputes. You have to ask yourself whether the Premier is sidling up to the unions and pushing

industrial action to do over Yarra Trams and Metro Trains Melbourne. The unions are calling the shots and pushing him around. He should be able to get through this without industrial action. People are getting sick and tired of being used as bargaining chips or being held to ransom in these disputes. How can Victorians have any faith in the Premier's ability to solve the problems Victoria will face when at the first sign of a dispute, industrial action comes our way and the whole thing falls to pieces?

Hence we have the member for Box Hill's matter of public importance today, which sums up the Andrews Labor government:

> … putting the interests of union bosses ahead of the interests of ordinary Victorians …

It does that at every opportunity. The matter of public importance also says:

> (a) failing to stand up to outrageous demands and unjustified strikes and bans by rogue union officials, which threaten vital public services;
>
> (b) agreeing to secret wages deals and restrictive work practices as pay-offs for election support;
>
> …
>
> (d) allowing union bosses to exercise improper influence over due process and government decision-making.

We have seen that time and again. I note there is a Shop, Distributive and Allied Employees Association faction meeting up at the back of the chamber today, so that is a good example of that. The two of them are trying to get the numbers. The Premier and the Minister for Public Transport are spending far too much time with their Rail, Tram and Bus Union mates, smoothing the way for CPI wage rises and keeping their generous allowances instead of getting on with managing our public transport system.

Meanwhile our transport system is descending into disarray. I have numerous examples of this, and I want to spend some time focusing on it. Instead of getting on with the job of providing a decent public transport system, resolving disputes and settling enterprise agreements, government members are too busy sidling up to their union mates and allowing them to call the shots. We have a minister who is out of her depth and a Premier who is being pushed around by the unions, and we have just had this industrial action. Last week was a typical example. Trams went out, and we had chaos in our public transport system. People were annoyed and frustrated at being continually used as bargaining chips and being held to ransom in these disputes. They cannot get to and from work or their appointments because the Premier is sitting on the sidelines being a commentator. He does not care.

We will have a train strike this Friday. We think the Premier has a role to play, but every time the pressure is on he goes missing in action. He sits on the sidelines and will not get down to work to resolve this dispute. We have been saying for weeks, 'Do something — get off the sidelines and get to work to try to resolve these disputes'. The train strike will cause absolute mayhem in the city. At last night's Fair Work Commission hearing we saw the rorter, the Premier, send people down to join at the last minute. I think it was at 6.00 p.m. that the government decided to join the action. The government representatives fronted up with no witnesses, no evidence and no submission. It was just a matter of going through the motions, ticking the boxes, having a photo opportunity and pretending to do something while at the same time cuddling up to their union and trying to do over Yarra Trams and Metro while our transport system continues to fail.

We have visited Shepparton with Wendy Lovell, a member for Northern Victoria Region in the upper house, and talked to people about the rail services to Shepparton. All they want is to have additional services. The existing service gets them down to Melbourne at an early hour of the day. They might have their appointment over by midday, but they have to hang around Melbourne all day because there are no services to get them back to Shepparton until late in the evening. It is not hard to listen to the community of Shepparton and look at putting on additional services.

We see the same thing when we visit Warrnambool and Colac. All they want is an additional one or two services and to build on those. They are happy to encourage people to come down and live in Warrnambool, to get people to work and educate their kids there, but this government will not support these communities — will not support Warrnambool or Colac — with their need for additional public transport. An email I received this morning is a typical example of the many I receive.

Mr Nardella interjected.

Mr HODGETT — I will indeed, Don. You might be interested in this one. This email, with the subject line 'Sunbury train issues', was sent to the Minister for Public Transport. It says:

> The Sunbury people are still waiting for you to respond to their questions.
>
> Why are you removing 200 train services per week from a growth area? Why?

> We have asked Josh Bull for a community meeting. No response from Josh.
>
> No action from Josh Bull or anything.
>
> Remember, Minister, politicians are voted in by the people and will be voted out by the people.
>
> A Greens branch is going to operate in Sunbury. People are turning their backs on Josh Bull. He clearly shows contempt for the Sunbury community and people are becoming disgruntled. They have lost confidence in Josh Bull and the Labor Party.
>
> We will not forget how you have treated us. We will remember at the next election.

Mr Nardella interjected.

Mr HODGETT — It is from Leanne Morgan, a Sunbury resident, and it was sent to your minister, so I am sure she can print off a copy and show it to you.

Then we have Mr van Dyk, who runs a good commentary. It is very pleasant and respectful, I might add. An email from 21 August is a classic example. At 8.35 p.m. he wrote:

> Hi Jacinta,
>
> Good evening, I hope this finds you well.
>
> This evening myself and several hundred other Ballarat commuters boarded the 5.53 p.m. service from SC. We were unfortunately told the train wouldn't be operating.
>
> It's now 8.34 p.m. and I have just boarded a train to Ballarat and hope to be home by 10.00 p.m. This is the 8.25 p.m. by the way running 9 minutes late for departure already.

Later that evening Joseph van Dyk had the decency to email the minister and say:

> Hi Jacinta,
>
> Just a quick email to let you know people who were catching the 5.53 p.m. train to Ballarat have now arrived.
>
> Unfortunately I had to cancel my dinner catch-up with friends and family; if only these trains could run on time.

Mr van Dyk has written email after email about delayed services. In over two months he has experienced more than 4 hours in delays. He is yet to receive a formal response to the letter he sent to the minister seven weeks ago. In another email he writes:

> Ballarat commuters are sick and tired of the delays caused by the regional rail link and demand the timetable be corrected immediately. We cannot fathom or accept a 1 hour 6 minute service continually being 20 minutes late.

And in another he says:

> We're now at Footscray and 160 people are standing.

It goes on and on, and it is all because this government is too busy sidling up, holding hands with and playing up to the unions instead of getting on and fixing our public transport system.

An email received this morning states:

> Today, 2 September, once again the 7.05 a.m. standard gauge Southern Cross to Albury and 12.45 p.m. popular lunchtime train back from Albury have been cancelled due to a train fault.

The minister is not listening. The email goes on to say that the minister is failing residents in the Seymour, Benalla, Ovens Valley and Benambra electorates, as well some in the Shepparton electorate who use the Albury line trains. It then says:

> This is what the Premier and Minister for Public Transport should be devoting their management time to …

But they do not. Why is Victoria going nowhere under this Premier? Because he is too busy sucking up to the unions, trying to do over Yarra Trams and Metro at every opportunity, and looking after his union mates.

In summary, if we look at our failed transport system under this minister and this Premier, they have failed to roll out the new Metro timetable successfully. They promised to open Flagstaff station on weekends — they promised that as an election commitment — but here we are today without it open. They delayed the opening of the regional rail link by a month. They stuffed up the bus timetable in Geelong; we were there recently and heard direct feedback from the people of Geelong and their frustration and annoyance at this government failing them because it is too busy dealing with unions. The opening of the 24-hour dedicated bus lanes in Victoria Parade has been delayed. Why? Because this government does not care. It is focused on rorting. It cannot run the public transport system.

The government is out of its depth and, as I have said time and again, you have to ask yourself: who is running the state? Is it the Premier or the unions? In summary, this is the price Victorians pay for a government that sold out to the unions purely to get elected. It is a sign of things to come, and it is not good enough.

Mr CARBINES (Ivanhoe) — I am pleased to make a contribution on the matter of public importance from the member for Box Hill. I will start by setting the scene for what has driven the opposition to put this forward as a matter of public importance. It goes very much to the character of those opposite in relation to what drives them to again pursue attacks on working people in the state of Victoria. It goes very much to an

article published on 7 March 2012 with the headline 'Baillieu apologises for giving the finger'. It says:

> In a statement issued by a representative of Icon PR, Mr Baillieu, a cousin of Premier Ted Baillieu and a former federal Liberal MP, accepted that his gesture to the group of six nurses was inappropriate.
>
> …
>
> 'I recognise that my actions merit an apology, and I give it unreservedly'.

Of course this is the way the Liberal government sought to engage with working people, with nurses in our health system in Victoria. Giving them the finger is the way members opposite encourage and thank working people in this state. That is the way they think about things. That is how they are driven. I am very happy to table a photo from that article showing Marshall Baillieu giving the finger to hardworking nurses in our community, and I seek leave to table the document and make it available to members of the house.

The ACTING SPEAKER (**Ms Ryall**) — Order! The member is not able to table the document at this time.

Mr CARBINES — I would like to make it available to the house.

The ACTING SPEAKER (**Ms Ryall**) — Order! The member can make it available to the house, but it cannot be tabled.

Mr CARBINES — Thank you, Acting Speaker. I will do that at the end of my contribution.

But of course this goes to the motives of each and every one of those opposite and the way they treat working people. I do not mind stating for the record, to show the openness and accountability of the Andrews Labor government, that as a member for 24 years of my union, the Media Entertainment and Arts Alliance — a union that has represented workers in the media for over a century — as a member of the Australian Workers Union and as a past member of the Community and Public Sector Union, I know the great value of and the work that unions and those who support them do and how their members work in collective action to advance and protect the interests of working people in Victoria.

In relation to this matter of public importance I speak to paragraph (d), which talks about the exercise of 'improper influence over due process and government decision-making'. Let us look at FOI in relation to Lynne Bertolini, who resigned as Victoria's Freedom of Information Commissioner. Hers was an appointment by the Baillieu government to end the culture of secrecy. Do you remember the former Premier who indicated, 'Ask and you shall receive' in relation to FOI? I quote from the *Age* of 7 August:

> In May, department boss Chris Eccles told a parliamentary committee that 'sufficiently serious' allegations had been raised in relation to the FOI office, prompting the department to initiate a review.

This is the FOI commissioner appointed by the previous government. This is the FOI watchdog. It took over a year for the previous government, with its new legislation, to appoint an FOI commissioner. If you want to talk about influence over due process of government decision-making, a pretty clear example is the fact that the previous government could not appoint an FOI commissioner for 12 months and then when it did the appointment barely lasted, in part because of incompetence.

Departmental investigations organised, run and initiated by the Andrews Labor government have discovered that the average time taken to complete an FOI request was 90 days, well in excess of the government's 30-day target. We found there were delays and secrecy. It was an embarrassment for the previous government.

An article published in the *Age* of 4 December 2011 states:

> … after a year in office, the Baillieu government is yet to find anyone to become its new head of freedom of information, and admits it will take months before the reforms kick in.

That is what the previous government did when it talks about undue process and getting involved in government decision-making. Who was the minister who was in part overseeing these processes? It was the anti-corruption minister himself. An *Age* article of 16 April 2013 reports:

> The Napthine government has been shaken by the resignation of anti-corruption minister Andrew McIntosh from the frontbench after he admitted leaking sensitive information to the media from a parliamentary committee he chairs.

Turning to the matter of public importance, which claims improper influence over due processes in government decision-making, it is the previous government that stands condemned for its incompetence on FOI, its incompetence in relation to its minister for IBAC and its incompetence in administering these schemes, because it was unable to do so.

It was not only those in the executive of the previous government who were incompetent and unable to manage these processes. Who could forget the Baillieu

office black hole for FOI requests? I quote from an *Age* article of 11 October 2011, which states:

> Departmental sources have confirmed that hundreds of FOI requests to government departments are now banked up on the desks of Mr Baillieu's freedom of information adviser, Don Coulson.

Don Coulson was the FOI adviser to the former Premier. Those opposite want to talk about the influence over due process and government decision-making. I quote from an article in the *Age* of 16 October 2014:

> Don Coulson, a former adviser to ex-Premier Ted Baillieu, who is suing the government for wrongful dismissal said MPs borrowed pornography that was stored on USB sticks and kept in the top drawer of his desk.
>
> Mr Coulson said ministerial officers and MPs, including a minister, circulated the erotic USBs.
>
> …
>
> The former adviser said he was sacked with 'no explanation'.

Would it not have been something for him to be sacked because he could not do his job, which was to keep his nose out of FOI applications from the public? No. It all got a little bit uncomfortable for the previous government so it decided to give him the boot.

I will go to another point that has been raised in this matter of public importance, which relates to the United Firefighters Union and the Country Fire Authority (CFA). Perhaps I should just touch on the government stance on firefighter cancer, which is insulting. I will talk about the hard work of CFA and Metropolitan Fire Brigade (MFB) firefighters across Victoria. I quote from an *Age* article of 21 August 2013, which states:

> 'We are not convinced that there is a direct link between cancer and the firefighters', emergency services Minister Kim Wells said on Wednesday morning.

That is about the level of respect firefighters in this state got from the previous government. In four years the previous government knew it had to do something about Fiskville, but it took an Andrews Labor government to permanently shut down that CFA training facility which had been killing Victorian workers. That is what needed to happen, and it took a Victorian Labor government to do it.

Under the previous government, the CFA and the MFB used taxpayer funds to tie up people in courts instead of making sure they kept Victorian workers safe. That is what the previous government did. The previous emergency services minister said, 'We are not convinced that there is a direct link between cancer and the firefighters', but where was he?

An *Age* article of 23 January 2014 is headed 'Kim Wells admits to tennis error as fires raged'. The article states:

> United Firefighters Union national secretary Peter Marshall said firefighters had no confidence in Mr Wells remaining minister.

It further states, and I quote:

> He texted like a teenager while hundreds of volunteers and career firefighters were out in 40-plus degrees, fighting to save homes and other assets in the Grampians and Halls Gap area.

Mr Burgess — On a point of order, Acting Speaker, the member has just said that he is quoting from that document; we would like him to table it.

The ACTING SPEAKER (**Ms Ryall**) — Order! The member is quoting, so I ask that the document be made available to the house.

Mr CARBINES — I am absolutely happy to provide it, Acting Speaker. As Peter Marshall said, the previous government is one that did not get that its responsibility was to protect the community. All we got was obfuscation; all we got were excuses when it came to presumptive legislation to protect firefighters and when it came to investigating and holding the CFA accountable for what happened at Fiskville. We were expecting the previous government would listen to the complaints and the professional and independent investigations, but it did absolutely nothing.

Talking again about influence over undue processes in government decision-making, let us not forget the Ventnor scandal. Let us not forget that it was the Leader of the Opposition who ensured that he got a dirty deal on the steps of the Supreme Court to make sure that Victorians coughed up to keep silent — —

Mr M. O'Brien — On a point of order, Acting Speaker, the member for Ivanhoe reflected on a member of this house. That is improper and disorderly, and he should withdraw.

The ACTING SPEAKER (**Ms Ryall**) — Order! Under standing orders a member may not impugn or make imputations in relation to another member. Given that in this circumstance the member about whom it is suggested the imputation was made is not in the house, I do not require a withdrawal, but I do remind the house that imputations against other members are not within the standing orders.

Mr BATTIN (Gembrook) — I will continue on from exactly where the previous member has just left off. He was talking about Peter Marshall and his

disrespect for the former minister. One thing is consistent: Peter Marshall does not even like the new minister. At the moment they are at war — she is not allowed to talk to him; he is not allowed to talk to her. All discussions now have to go through the Premier's office. That all started when the secret union plot came out in an article on the front page of the *Herald Sun*. We did not have to read very far into that article. It states:

> Senior Andrews government staff have been linked to a secret union plot to interfere in a disciplinary case against an MFB commander charged with accessing porn and racist material on work computers.
>
> United Firefighters Union secretary Peter Marshall has sensationally declared war on the government, sending Labor MPs a 17-page dossier of internal meetings and explosive material regarding the case.

It is quite interesting when we talk about this that before the election the union was having that influence. I will be going through some of that 17-page dossier to explain what happened both before and during the election. That is not including the rorts that have been put on the table today, as is laid out on the front page of today's *Herald Sun*. I am sure there are many members in this house — probably more in the other house — who are genuinely worried about what might happen if there is an investigation into taxpayers funds being used to campaign in electorates that members opposite were not involved in. I am positive they will come out with that.

Mr Edbrooke interjected.

Mr BATTIN — Thank you. Well done, congratulations. It is like the member for Frankston has just dyed his hair and come back. Welcome back, Geoffrey, good work, mate!

The article goes on to state:

> Mr Marshall, alleges Chris Reilly, one of Premier Daniel Andrews' right-hand men, arranged for industrial relations minister Natalie Hutchins's chief of staff Simone Stevenson — who left the job last week — to deal with the UFU.

I find it interesting that Mr Andrews appointed Chris Reilly to work on these negotiations and secret deals that he made prior to the election and now he wants to break those deals.

The member for Frankston should stand up. I know he is the mouthpiece for the United Firefighters Union (UFU) in here. It is really important that he get this message and actually stand up for them — —

The ACTING SPEAKER (**Ms Ryall**) — Order! Through the Chair.

Mr BATTIN — It was sad that the UFU had to leak this to the *Herald Sun*. The article continues:

> Mr Marshall's dossier of allegations outlines a litany of backroom dealings with Ms Stevenson, Mr Reilly and emergency services minister Jane Garrett.
>
> It asserts the union had a 'deal' that Labor would step in and ensure the disciplinary hearing would be run under the 2010 EBA rules rather than the MFB Act.

This is evidence of exactly why this matter of public importance is here. The union is trying to run this state, and it wants to be the government and the ruling body. Included in the dossier are times and dates, emails and text messages, including when Ms Stevenson allegedly told Mr Marshall, 'Leave it to me, I'll Christopher Pyne it'. Most of us will remember that particular comment because that was a comment that was read out plenty of times. It was just going to be left to him, and he will fix it, and that is not an issue at all!

Prior to the election, to put things in place the union went out and lived up to its end of the bargain. Not only did it have members out on the polling booths for the current government, the UFU conducted a comprehensive eight-month campaign, maximising a network of coordinators and firefighters in the lead-up to the election in eight marginal seats. Firefighters were out weekly, handing out information to oust the Napthine government at railway stations, public events and Liberal Party events. The UFU organised 23 doorknocks across 15 electorates, resulting in approximately 40 000 conversations with residents. Firefighters were present at pre-polling booths in targeted seats every day for the pre-polling period.

On election day the UFU firefighters were present at the 195 booths across nine marginal electorates, and one of those electorates was Carrum. We have seen an article just this week — and evidence before a committee — about what happened down there and the bullying claims that have been made by the former member for Carrum, Donna Bauer. What has happened in relation to that is an absolute disgrace. Union members were out there wearing fake uniforms — fake uniforms!— in relation to that. I will stand here and attest that in the Narre Warren North electorate they even brought in former police officer Kevin Bradford. If you want to look up the history, go and Google 'Kevin Bradford'. Actually go and Google 'Kevin Bradford' and 'sexual assault'. That is the man Labor had standing in a UFU uniform at the booths, handing out material. I am sure those opposite must be proud of

that. Members opposite might want to Google that one, because he is a winner for them.

Each of the nine marginal seats targeted by firefighters was either retained or won by Labor. Do we think that this was done for nothing? Do we think that the union was out there saying, 'No, this is actually just a little message. We want to help our good mates here in the Labor Party', or do you think there might have been something in it for them? There might have been some deals in place.

Ms Ward interjected.

Mr BATTIN — I will throw you some chips over there; we will be right. We want to make sure that these deals were put in place. The dossier says:

> The UFU has raised concerns with current government departments regarding the MFB's use of disciplinary processes as a tool against UFU members. These concerns have been raised in both general terms and in relation to specific matters such as the Rich matter. Concerns have been raised in writing and agreements were made.

So the government actually put agreements in place to ensure that the Metropolitan Fire Brigade (MFB) would act against what its normal process was because the UFU was telling it to do so. That is in the dossier. That is Peter Marshall's evidence sent off to the *Herald Sun*. That is stated by Peter Marshall, not by us — 'agreements were made'. The dossier further says:

> On 3 February 2015 the UFU secretary emailed a briefing paper 'Disciplining of MFB employees for political activity' to Chris Reilly and Danny Michell …

Both are still involved with the Labor Party, and both are still involved with ministers' offices. The dossier continues:

> That briefing paper set out the background to retaliatory disciplinary allegations being made by the MFB against staff who spoke out against MFB's conduct, the fact that concerns about MFB senior management behaviour had not been addressed and seeking four corrective actions. It was agreed the following would be done:
>
> A. the MFB cease and desist such disciplinary actions;
>
> B. all MFB actions against its employees should be suspended and reviewed;
>
> C. an agreed code of conduct to replace the outdated discipline process should be implemented as intended under the agreements;
>
> D. the general order should be amended so as not to conflict with the charter of human and implied constitutional rights of political expression.
>
> …
>
> In February 2015 at the request of Chris Reilly the UFU spoke to the industrial relations minister chief of staff Simone Stevenson in February, who informed the UFU that the matter would be resolved in accordance with the UFU request …

I find it interesting that it 'be resolved in accordance with the UFU request'. I would have thought that it would be resolved in accordance with the MFB act, a piece of legislation that has been put through this house, the legislation that ensures the governance of the MFB and the Country Fire Authority (CFA) and ensures that they actually have protections in place. If the union is not happy with those protections, Peter Marshall should be approaching the government and asking it to change the act, not look at changing what was happening and forcing the government to work against that act. That is something that should not be done.

One of the things the union called for was an adjournment of the hearing. It pushed for an adjournment of the hearing in relation to the disciplinary hearing. It was told the night before the hearing that it would be adjourned. The hearing was supposed to be at 10.15 a.m. At 9.30 a.m. the union had no idea what was happening, although the minister's office had agreed to adjourn it. Eventually a text came through from the chief of staff of the Minister for Industrial Relations, saying:

> At Garretts now. CEO has confirmed that matter is adjourned.

That is the interference of the UFU in the minister's office. It is running what is going forward. It has already put in place what it wants out of the review for fire services, and it is not listening to volunteers. If it thinks that Peter Marshall has the answer for them, for volunteers across Victoria, it might want to read the transcript of Peter Marshall in Queensland talking about the presumptive legislation. Those opposite lied at the election when they spoke about presumptive legislation. They said they were going to bring it in for all the CFA volunteers and all career firefighters, on the same playing field and at the same level. That is not correct, because now they are talking about the Tasmanian model, and the Tasmanian model specifically has differences between paid firefighters and volunteer firefighters.

It is about time those opposite realised that the Victorian CFA is run by volunteers with support from the career firefighters, and the support from the career firefighters has been fantastic in many of those integrated stations. It is a shame that the UFU cannot get out there and understand that there are two parts of the workforce, and most of it — 97 per cent — is a volunteer workforce. We need to support that volunteer

workforce. The member for Frankston is on the record as saying that Volunteer Fire Brigades Victoria has no voice. He does not support it, and his volunteers down that way do not support it. However, he is the only one actually standing up for volunteers in Victoria.

Ms COUZENS (Geelong) — It is a great pleasure to contribute to this debate on the matter of public importance. In looking at the points listed here, I thought, 'Really? Have those on the other side forgotten that the Labor government won the election and that the attack on unions is an attack on Victorian voters?'.

Ms Ward interjected.

The ACTING SPEAKER (**Ms Ryall**) — Order! There is no need for the member for Eltham to use that language in the house.

Ms COUZENS — The Liberal candidate in my electorate at the November election tried to use my union contacts as a way of campaigning against me. Obviously it did not work very well because I am standing here today.

I am really proud to be part of a government that respects unions as genuine stakeholders, which is what they are. Those on the other side have to realise that when they attack unions. Unions are not just big bogeymen out there on their own; they are made up of members of the community who have votes at election time. They are mums, dads and young people who are concerned about what is happening.

The attack on unions is clearly unfounded in this instance. What do unions want in return for their support? They want education, health and jobs and all the things that make it better for people to live in our community, and in Geelong it is no different. During the election campaign the Liberal candidate tried to undermine me through my involvement with the union movement. I proudly had my campaign poster on the fence of the Geelong Construction, Forestry, Mining and Energy Union (CFMEU) office. The Liberals tried to use that in their Facebook campaign, which backfired. Within days of the election I was asked to speak at a union rally. The member for South Barwon was very quick to attack me in the local media for speaking there. I thought, 'Don't you get it? You lost the election on the basis of union bashing', particularly in Geelong.

Unions have fought hard to protect the rights of working people, to get a fair and decent wage, a decent education and access to health care and services. Unions care about these issues. Union members are members of the community. They want their children to get good jobs. They want to be able to access good quality health care and education.

For many years I was very proudly involved as a union official with the Geelong Trades Hall. Now having come into this place as the member for Geelong I miss that strong involvement with the union movement — —

Mr Burgess — Go back.

Ms COUZENS — Maybe I will go back one day. Thank you.

The ACTING SPEAKER (**Ms Ryall**) — Order! The member should not respond to interjections.

Ms COUZENS — In my involvement as an official with the Geelong Trades Hall I was very proud to work with the executive and the secretary, Tim Gooden, on issues that impact working people. The Geelong Trades Hall has a great record of working with all of the Geelong community, particularly Geelong community leaders, industry, the Geelong Chamber of Commerce, the Geelong Manufacturing Council and all the industry bodies in Geelong that work together — with the Geelong Trades Hall I might add — to identify where jobs are needed and what needs to happen for job creation. They all work together, and I think the Geelong Trades Hall has a very proud history of doing that.

As part of my role at the Geelong Trades Hall I also worked with the Women's Unionist Network highlighting issues that impact women. This was very important particularly in areas concerning our nurses. The nurses at Geelong Hospital often raised issues around their enterprise bargaining agreement (EBA) negotiations. My community welcomes the government's move to enshrine nurse-patient ratios in legislation. Nurse-patient ratios are important for patient safety. They are about quality care for patients. Our nurses and their support staff work very hard, and that legislation will provide flexibility to reconfigure nurse and midwife staffing and rostering arrangements to ensure the best utilisation of available nurses and midwives to maintain high-quality care, which is what it is all about. If it were not for the nurses union, we would not be at this point today.

As a very proud Australian Services Union (ASU) member I raise the issue of a family violence clause. This was first introduced in Geelong, and I am very proud to have been a part of it. The women's network in Geelong, along with Australian Services Union members met and discussed the issue of a family violence clause, which had never been put in place

anywhere in the country, if not in the world. Our members were very active in trying to get this put through and eventually the Surf Coast shire agreed to include it in its EBA. This was a first not only for Geelong but for Australia and the world. It received world acclaim and there was a lot of media around it. The Women's Unionist Network and ASU members involved were members of the Geelong community. They were not just big bad union bogeymen or women.

Another issue I want to raise is around occupational health and safety. The CFMEU and the Electrical Trades Union (ETU) are constantly under attack from those opposite. Over the years I have worked closely with local organisers Brendan Murphy, who is now retired, and Peter Booth in Geelong. Safety issues are critical. I have a son who works in the construction industry, and I have spoken to many family members of people who have suffered serious injury or been killed. There are heartbreaking stories from these people. It is absolutely shocking to have someone knock on your door and tell you that one of your loved ones has been killed at work. It is particularly important for the construction industry. I really value the work that the CFMEU and the ETU do in terms of safety, because if we did not have those unions ensuring that occupational health and safety is followed — —

Honourable members interjecting.

The ACTING SPEAKER (**Ms Ryall**) — Order! Members of the government are all having conversations. I do not think it is particularly supportive to not be able to hear their own member who is on her feet.

Ms COUZENS — Thank you, Acting Speaker. It is important that we acknowledge the valuable role that the construction unions play in keeping worksites safe. We need to continue to encourage them to do that.

We need to ensure that the equal pay campaign is followed through on. The ASU ran an amazing equal pay campaign, headed up by the president of the union, Lisa Darmanin, over a number of years to ensure that community workers were acknowledged for the work they do. The campaign was fought for low-income community workers across the state. In Geelong ASU members worked particularly hard to raise this issue at both federal and state levels, and I am pleased that the Andrews Labor government has supported that campaign and is committed to providing what the workers need.

Equal Pay Day is this Friday, 4 September, and it is being driven by the union movement. The Geelong Trades Hall held an event last night to highlight the issues, and on Friday night the Women in Community Life Advisory Committee, which is part of the City of Greater Geelong Council, will hold an event to acknowledge equal pay issues. The guest speaker will be Ged Kearney from the Australian Council of Trade Unions. We will welcome Ged to Geelong to raise these issues which are being driven by the union movement.

In relation to public holidays, I have heard from a number of small businesses in Geelong. Obviously there are some who are not happy about it, but many I have spoken to are happy about it. They see it as an opportunity in Geelong to highlight the fact that — —

The ACTING SPEAKER (**Ms Ryall**) — Order! The member will resume her seat. The member's time has expired.

Mr WAKELING (Ferntree Gully) — I am pleased to follow the member for Geelong. If ever you want to hear how the Labor Party has broken away from its traditional union roots, you just need to listen to the diatribe like the one we just heard from the member for Geelong. Clearly it was a speech written by the Geelong Trades Hall Council. When we are considering a matter of public importance about the stranglehold the union movement has over this government, we have just heard evidence of that from the new member for Geelong.

Today has been a bad day for this government. I know that because a member of the government told me that in the Strangers Corridor when I walked in this morning. Out of respect, I will not name that member. But today is a bad day. Members have been showing each other front-page stories. Without wanting to be disorderly, I say that clearly today is a bad day for this government. We want the Premier to be focused on delivering good policy for this state. That is what we want. We want him to be focused on being honourable, on being diligent and on doing the right thing. But what we have is a Premier who is in a state of panic because he is running around to find out who are the rats in his ranks that leaked the information to the *Herald Sun*. That is what the Premier is focused on at the moment. Members of the government are wondering whether they will be investigated by the police and/or IBAC. Members of the government clearly have concerns.

Mr Richardson interjected.

The ACTING SPEAKER (**Ms Ryall**) — Order! The member for Mordialloc will not be warned a second time.

Mr WAKELING — The Victorian community is expecting a government that is focused on delivering for Victorians and in coming up with new policy. I segue to the rushed announcement today by the Minister for Education of 15 new schools that will be built by this government. I will go through the list: Casey Central East Primary School, Cranbourne South West Primary School, Epping North Primary School, North Geelong Special Development School, Heather Grove Primary School, Mernda South Primary School, Mill Park Lakes East — and the list goes on.

Mr Nardella — Hear, hear!

Mr WAKELING — The member says, 'Hear, hear'. I would like to confirm that I am actually reading from page 21 of budget paper 4 listing the state capital program for 2014–15. This is the document that was handed down by the member for Malvern when he was the Treasurer of this state. What we have seen today is a cobbled-together press release. The Minister for Education, who is the Deputy Premier, and the member for Narre Warren South were hurtled out to the suburbs to make some amazing new funding announcement for 15 new schools, when all they have done is taken the list of the schools that were in the 2014–15 budget prepared by the member for Malvern and put them on their own press release and claimed it as new money. That just shows the desperation of those opposite.

Honourable members interjecting.

Mr WAKELING — I understand there are concerns about my volume, but let me just say that the former member for Rodney is not in this house anymore.

One of the major things that demonstrates how out of touch this government is is the grand final eve public holiday. Former Premier Steve Bracks would have never introduced a new public holiday without consultation with industry. He would have gone off and engaged with industry to understand their concerns. But they are not the actions of this government. This government announces that it is going to implement a new public holiday. Even worse, it then goes off and consults with industry, allowing people to put their views forward through the regulatory impact statement process, but before it has even made a decision on its impact, it has already gazetted the public holiday. It is saying, 'Despite the impact and what you have told us, we are disregarding the views of industry anyway'. It is absolutely ridiculous.

Earlier I heard the member for Keysborough telling us in this place that this holiday would be embraced by the Victorian community. Can I say that that is not the case in my community, as reflected all across this state. I would like to draw on a couple of comments. I will be quoting, and I am happy to table the document. I am happy to table it for the benefit of the minister at the table.

I would like to put into *Hansard* the views of Bob Stirling, the owner of a Ferntree Gully window manufacturing business, High Craft Windows, who said he will be forced to close his doors, it will cost him $20 000 to $30 000 in lost sales, and he will have to pay for 30 staff to stay at home. That is what this government is delivering for his business in my community.

I will quote Wendy Jenkin, secretary of the Mountain Gate Business Association and owner of ladies clothing store Occasions & More, who said that on this day it will cost her $1000 to $2000 in lost sales. She said:

> It just means another day where you have to shut your business …
>
> It's another day people won't be around, they'll be doing —

other things rather than going out in the community shopping. This is exactly the impact of this decision on the Victorian community. It was ill thought out, and there was no consultation with the community.

With regard to the abolition of the construction code compliance unit, which was put in place by the former government, one only needs to look at the impact of the desalination plant and the agreement put in place with the Construction, Forestry, Mining and Energy Union and the Electrical Trades Union. I know people who work at the plant. That facility was called Treasure Island. It was called that because anyone who got a job there knew that the money they would make would be significant and that they would not receive that at any other site across the state. What is worse about that is that it is not about a company's money being wasted; that cost is passed on to Melbourne water customers. Every Melbourne water customer is seeing an increase in their water bill to pay for the construction costs of a desalination plant which we have not used. We have not drawn one drop of water from it, but we are still paying the cost.

The Attorney-General said in his contribution to the debate that we do not need a Victorian compliance scheme because there is a federal scheme in place. That was interesting. He is saying there is not a need for a scheme in Victoria because Prime Minister Tony Abbott has his own compliance scheme in place. That puts the Attorney-General at odds with his own party in

Canberra. He is now saying that the state Labor government endorses the industrial relations practices of Tony Abbott and that he endorses the implementation of a code of compliance unit in the federal government.

You cannot have it both ways. You cannot say you are opposed to it but that the only reason you needed to close the system was that there were adequate protections in place by the federal government. That is exactly what the Attorney-General said today. That means he supports the system that has been put in place by Tony Abbott. I do not know whether or not his colleagues in Canberra have the same opinion. I will listen with interest to hear whether or not the federal Leader of the Opposition, Bill Shorten, shares the views of the Attorney-General on this issue.

I understand that these debates can be robust. I understand that politics can be robust. I understand that political campaigns can be robust. I have fought them at university and I have fought them out on the streets during the state election. However, can I just say with the greatest respect that I thought the comments made by the member for Narre Warren South about the former member for Carrum were highly inappropriate. I would have thought better of her.

Mr Nardella interjected.

Mr WAKELING — No, with the greatest respect the former member for Carrum — —

Mr Nardella interjected.

The ACTING SPEAKER (**Ms Ryall**) — Order! The member for Melton!

Mr WAKELING — The former member was suffering from bowel cancer, and the union linked her bowel cancer to government policy and publicly challenged her on her statement — —

Mr Nardella interjected.

The ACTING SPEAKER (**Ms Ryall**) — Order! The member for Melton!

Mr WAKELING — I would have thought that anyone in this state would think that was highly inappropriate. If members of the government are not prepared to reject that — —

The ACTING SPEAKER (**Ms Ryall**) — Order! The member's time has expired.

Mr McGUIRE (Broadmeadows) — This debate has been run and won. No matter how much ranting and raving and no matter what emotional response we get, we had an election in November. The themes we hear today are like reheated pizzas with the occasional bit of spice thrown in to try to make them relevant. The vote is in: you lost. That is the point.

The ACTING SPEAKER (**Ms Ryall**) — Order! Through the Chair.

Mr McGUIRE — Through the Chair, the coalition lost. That is the point. Let us bring on another vote today. What will happen? It will lose again. There it is. What is this debate about? This is not a matter of public interest. It is just a re-run of failed election campaign themes. I have been listening carefully, and I have not heard one positive — nothing. I have heard no vision, no plan and no ideas — nothing for the future of Victoria.

What is this matter about? It is born of the coalition's first winter of discontent. That is the problem. Relevance deprivation is at its heart. Do members know why? It is because those opposite have finally worked out — it has finally dawned on them — that there is a tide in the affairs of men, which, taken at the flood, leads on to fortune. Omitted, all life's journeys are spent in shallows and in miseries. Such is life in opposition. This is the point. This is what it is born of. This is all we have. Those opposite have tried to relitigate in the Parliament the arguments they lost in the court of public opinion. I am saying, 'Call on the vote', because the coalition will lose again.

It is now spring in the world's most livable city, and the government is getting on with business. It is sowing the seeds for future economic development and for jobs and growth. This is the vision that those opposite could talk about if they wanted to debate a matter of public importance. This is what we should be doing. The public is crying out for us to talk about the positives that we can implement as a Parliament. That is what it is about.

What do we get dragged in here today? We get this stuff that is like reheated stale pizzas. It is nasty. It is looking back on the past. It has that venting-of-the-spleen attitude to it. We have seen it. It is talking the state down. That is what it is really about. There is no hope, there is no vision, there is no plan and there is no policy, so we have no leadership. The Liberal Party has a credibility crisis and a policy crisis. Among The Nationals — or is it the Country Party? — there is an identity crisis. The party does not know what it is, where it wants to be or what it stands for. That is the issue.

Mr Nardella — They have lost their money.

Mr McGUIRE — They have lost their money.

Honourable members interjecting.

The ACTING SPEAKER (**Ms Ryall**) — Order! If members want to have a conversation, I suggest outside might be a good idea.

Honourable members interjecting.

The ACTING SPEAKER (**Ms Ryall**) — Order! The members for Gembrook and Mordialloc!

Mr McGUIRE — If we look at paragraph (a) of the matter of public importance, we can see it is wrong. The government has joined the case against industrial action, so dismiss that paragraph; get rid of it. Paragraph (b) mentions allegations of secret deals. Let us have a look at the coalition's secret plan. In November 2011 the *Age* published an article headed 'Revealed: secret plan to cut nurse numbers'. It states:

> The Baillieu government has developed a secret plan to goad the state's nurses into industrial action so it can force them into arbitration, cut nurse numbers and replace them at hospital bedsides with low-skilled 'health assistants'.
>
> …
>
> A cabinet-in-confidence submission, signed by health minister David Davis in May and leaked to the *Sunday Age*, confirms that the government had detailed plans to cut the annual nursing budget by $104 million.
>
> …
>
> The government appears determined to pursue its policy despite its submission acknowledging that interstate nurses 'receive significantly higher pay rates' than Victorian nurses.
>
> …
>
> The government's aim, revealed in the submission, is to have the crisis continue to a point whereby the industrial tribunal, Fair Work Australia, is either called in or steps in because negotiations have broken down and the nurses' action is deemed harmful to public welfare.
>
> This would force both parties into arbitration, where the government's push to reduce nurses' conditions is likely to be successful because the tribunal is not permitted under the constitution to tell states the 'number, identity or appointment' of the workforce they employ.

This was the coalition's secret plan. It was a cabinet document. The coalition was prepared to force nurses to take industrial action, such as closing beds, and then argue that action was harming the community and say how terrible the nurses are.

The article goes on to quote Lisa Fitzpatrick from the Australian Nursing Federation:

> 'But this is what they've set out to do all along. It's duplicity of the greatest proportion — more than we've ever seen before.'

That is really what was going on, and now we have this matter of public importance.

Those opposite have gone; they have vacated the arena. They have walked out on their own matter. This is it: the inconvenient truth. When it is spelled out, those opposite walk out. This is unbelievable. Get the camera: they have gone on holiday. They have all gone. These are the working conditions of the Victorian Parliament. Come in here and face the truth. This is the inconvenient truth. Those opposite cannot take it, and they have walked out. I could rest my case. However, I have more time, so I will keep going. Seriously, this beggars belief. This shows where opposition members are. This shows how low the coalition has landed. Opposition members cannot even come in and face up.

We have got one back! We have got the Opposition Whip! The whip has turned up. Give three cheers for the whip! There he is. He has made an appearance. This is extraordinary. It is absolutely unprecedented to see this happen in a matter of public importance. We have dragged another one in!

Mr Katos — Acting Speaker, I draw your attention to the state of the house.

Quorum formed.

Mr McGUIRE — Let the record show that members opposite could not take the inconvenient truth. They walked out. There had to be a quorum called on their own matter of so-called public importance. That says it all.

One other point was raised by the member for Box Hill, and it was about working families. Do not ever preach to me about working families. The worst result, state and federal, for working families is a coalition government. The evidence is in. It is clear and beyond dispute. That is the problem members opposite have. They do not want to change, they do not want to be evidence based, and they do not want to address the issues and concerns of real people. This was a folly, and it has been a farce. Members opposite have been exposed.

Mr BURGESS (Hastings) — It is a pleasure to rise and speak on this matter of public importance. Firstly, I would like to wish everybody a very happy Small Business Month, because it is Small Business Month.

But believe it or not the irony of the whole situation has not been lost on small business in Victoria. In six weeks time small businesses will have another major impost cast upon them by this government — another public holiday that will cost small business very dearly.

Ms Ward — We love our footy!

Mr BURGESS — If the member wants to repeat that out in her electorate, I am sure she will get a very different response from businesses out there.

That is not the only ironic aspect. One of the greatest ironies I have seen is that the first thing the new Minister for Small Business, Innovation and Trade did as minister — as he was; he has since been replaced — was, after being directed by the Premier, go out and cast two major imposts on the people he was supposed to be representing in his portfolio. All businesses across Victoria got a gift from this new small business minister of two major imposts with incredible cost to those businesses.

Also, have you heard the one about the small business minister who let the cat out of the bag and told a business group that the two new public holidays were just the thought bubble of one man? That one man obviously was the Premier. The minister told people that it was not his idea but that the government had been stuck with it. We all know what happened to that minister when he crossed the Premier. That is still being played out, and we saw part of it on the front page of the newspaper this morning. We are looking forward to the next edition of that.

The Labor Party has an intractable problem. It has a reducing gene pool because it always selects from the same people. It selects from the union movement, and what is the union movement good at? The union movement is good at squeezing money out of business and taxpayers. That is what it does, and that is all it does. In fact if the Labor Party continues to do that, if it continues to select from the same gene pool, it will reduce and continue to reduce. What we are seeing from these people is that they are one-trick ponies. Is it any surprise that we see on the front page of the newspaper this morning that members of the Labor Party have been up to their same tricks and that they have had their hands in the taxpayers' pockets again, this time to get themselves preselected? This is just the same trick.

What do we expect from the Labor Party? We see it every time. Whether it be at federal or state level, we see exactly the same thing. Labor spends a lot of money, and then what does it do? It solves it by taxing. Labor taxes and taxes, and that is all it knows. Taxes come in a whole range of ways. They can include direct taxes or reductions in services, which really is just same thing, or it can be the imposition of new public holidays. The new public holidays are a cost on the organisations that are the backbone of our economy. That is exactly what the government has done on this occasion too. It is trying to squeeze more money out of the electorate, squeeze more money out of small business, and by doing that the government is putting workers and their families out of work and reducing their incomes.

As I said, there is no great shock in what we saw on the front page of the paper this morning. I suppose the shock is that it was as clearly expressed and that we got to read some of the guts of it, but the fact is that it is not a great shock that members of the Labor Party had their hands in the taxpayers' pockets again or that this time they were doing it directly to have themselves elected. That will play out, and we will see what the authorities have to say about it as we move forward.

The Labor Party has also considerably underestimated the electorate. The Victorian people particularly have an inherent understanding of where their economy is at. They just know it. They know when the economy is going well, they know when it is starting to struggle — it is chugging along — and they know what is right in different circumstances. On this occasion what I am finding when I speak to people in the community is that they cannot understand why a government would impose a luxury like two extra public holidays when people know that things in the economy are not going particularly well.

It is actually un-Australian to impose a new cost on a particular area of the economy when the economy is already struggling. You would expect people to be really keen on the public holiday — they will take it, and so they should — but the fact is people are not particularly keen on having this public holiday because they know we are not in a situation that demands it. There is just not availability for it. The article in this morning's *Age* says we are getting ready for a second global financial crisis. If that is the case, we are putting in place two major impediments to small business investing and employing — and the operators of small businesses are the very people we are reliant on and the backbone of the economy. That is the Labor Party in action. It does it every time: it goes against the way things should be run, against employment and against what would make the economy strong, which is improving the situation for small business.

On that public holiday 158 000 businesses will close and 30 000 more businesses will open for only a few hours or with some, not all, staff. That is not something I would be particularly proud of if I were in the Labor Party. It has made a move that is going to reduce the number of businesses open by 158 000, and another 30 000 will only be open part of the day. The member for Melton is over there nodding his head as if that was exactly the plan. When the Premier was asked why he was doing this in a situation where nobody had asked for it, he said, 'Because it's going to be fantastic for tourism'.

The Premier needs to go around the state and ask those in the tourism industry, as I have been doing over the last few months. Apparently the businesses in the Wodonga area did not get the memo from the Premier that this was going to be good for them, because on that day Albury, which is only a couple of hundred metres away from Wodonga, is going to be open for business, with no public holiday, while Wodonga is going to be closed for business because of a public holiday the Labor Party has imposed on it. That is a problem. It is going to put a huge cost onto those businesses that employ our people. We want those businesses to employ more people because the unemployment rate is going up, but the Labor Party is putting impediments in place so they cannot do that.

That is not the only problem. People will go across the border and find new places to have a coffee or buy their goods. Sometimes those people may not come back to the old places, having found a new place to shop. That will be something indirectly caused by this new public holiday that the government has imposed on these small businesses. It is something you would expect from a government that is at the behest of the union movement, and that is certainly what is going on here.

The Labor Party looks around to see some of the large businesses doing reasonably well and thinks that is what the economy is all about but forgets that it is really about the small businesses. In Victoria there are about 540 000 businesses, but more than 93 per cent of those businesses employ fewer than 5 people and 97 per cent employ fewer than 20 people.

Business interrupted under standing orders.

NATIONAL ELECTRICITY (VICTORIA) AMENDMENT BILL 2015

Second reading

Debate resumed.

Ms WARD (Eltham) — I am pleased to see that the huffing and the puffing has finally wound down, because it was certainly getting hot and stuffy in here. I am here to cool the place down — after all, I am cool! I rise to speak in the debate on the National Electricity (Victoria) Amendment Bill 2015. This bill protects the interests of electricity consumers by granting the Minister for Energy and Resources, or groups representing those consumers, the right to be heard in proceedings which may impact on costs that those consumers pay for their energy consumption. It will allow these groups to intervene in appeals against certain decisions and determinations made by the Australian Energy Regulator.

Ensuring the rights of consumers are upheld is always important, and it is something that the Labor Party takes very seriously. We have spent a lot of time and energy over decades making sure that the rights of Victorians and of Victorian consumers are well protected. This legislation is another step in our continued refinement of the laws of this state. We have always been the party of reform, modernisation and ongoing improvement, and the complexity of modernisation has never daunted us. This party has never shied away from modernisation, from trying new things or from challenges. This party knows you cannot just sit on your hands and do nothing — and that, for all the huffing and puffing and bluster that goes on on the other side, you cannot blow the house down because you have to keep working, reforming, refining and pushing forward. You have to keep getting on with it.

The advanced metering infrastructure has helped to modernise our electricity system, yet in implementing modernisation, consumers should not be left behind. There have to be avenues for consumers, whether through the advocacy groups or the minister, to have their voices heard. For the Labor Party, having voices heard is one of the most important and fundamental things. We believe in people having a voice.

A report released earlier this year by the St Vincent de Paul Society found that:

> Some Victorians are paying up to $1000 a year for gas and electricity before they turn anything on …

That is an astronomical amount of money. That is money taken out of people's pockets even before they

can switch their lights and heaters on and keep their fridges going. To many householders this is a lot of money to pay, and to create an amendment that allows consumers a voice to say when they feel they have been unfairly charged is extremely important. We need to be able to empower people to take control over the bills they are receiving when they feel they are unfair.

While we are looking out for Victoria's electricity consumers, we are also looking out for all Victorians when it comes to managing Victoria's energy consumption and greenhouse gas emissions as well as the overriding threat of climate change. This is why we are working to strengthen the state's response to climate change through important initiatives such as a review of the Climate Change Act 2010. The independent review of the Climate Change Act 2010 is one of the first steps towards restoring Victoria's status as a leader and model for other governments in tackling climate change.

Members on this side of the house know that climate change is real, but we also know that energy costs continue to rise. By relying solely on traditional methods of generating energy, we end up with expensive energy, with $1000 bills before you even get started. We end up with households paying thousands of dollars year in, year out to heat and cool their homes and to protect the food in their fridges. We have to act now to help people in Victoria afford their day-to-day living, and we can only do that through investing in renewable energy. We have to invest in renewable energy and make things cheaper. The more money we invest in technology, in jobs and in our smart community, the better off Victorians are going to be. Victorians' hip pockets will be better off — there is absolutely no question.

This is an important environmental action as well as an economic one. As I said earlier, electricity costs are very expensive and as a government we need not only to look out for consumers and ensure that their rights are protected but also to do what we can to help keep energy costs manageable. If anybody knows the importance of this, it is members on this side of the house. We know how families struggle, how individuals struggle and how pensioners struggle, because they are our people and they are the people we represent. They are the people we are out in the streets talking to. They are the people we see when we are having our street stalls and doing our phone calls and when we are out in our community, because our communities are the most important things to us. We care about our people. We work incredibly hard to make sure that we are connected with our people and we represent their needs. This is what we do. We are hardworking. We are not like the mob opposite — all they want to do is run around, do cheap stunts, huff and puff, and carry on like two-bob watches. We are getting down to work and getting on with it. We are improving this state, and we are improving the lot of all Victorians. This is why the Andrews government will continue to invest in renewable energy. It will help keep costs down, it will help our state stay clean and green and it will also help create jobs.

I am sure that it was disappointing for everyone on this side of the house to see the 90 jobs disappear from Williamstown shipyard this week. We can see that the Liberal Party is not interested in creating jobs. Neither the federal Abbott government nor the state Guy opposition are interested in creating jobs; they are interested in creating chaos. Their energy needs — —

Mr Clark — On a point of order, Acting Speaker, the member needs to relate her remarks to the bill. She may be trying to fill 10 minutes, but she has to do so by referencing the bill. To start talking about jobs at the Williamstown shipyard is not at all related to the bill. I ask you to bring her back to it.

The ACTING SPEAKER (**Mr Carbines**) — Order! I do not uphold the point of order at this stage, but I will ensure that the member for Eltham comes back to debating the bill.

Ms WARD — The Liberal Party is not interested in creating jobs. If it were, it would still be in government in Victoria. Members opposite are climate deniers and job deniers. We need to have a positive agenda instead of sniping, snarling and snapping from the sidelines, as those opposite have been doing, particularly during the last 2 hours. For 2 hours there has been no constructive debate; there has been only sniping and snarling.

The Andrews government has been proactive in systematically and thoughtfully delivering better outcomes for all Victorians, including through legislation such as this and through broader-reaching changes like our jobs fund, investments in alternative energies and our fantastic level crossings program. These are changes that deliver real outcomes for Victorians. Victorians want to know that they are paying a fair charge for their energy use and connection to modern infrastructure. Victorians want to know that they are going to get to work or their leisure activities easier and quicker, Victorians want this state to have a clean energy future. The government will do that by creating jobs.

Most recently this hardworking government announced its renewable energy road map, an initiative to source

renewable energy certificates from new projects in Victoria and bringing forward around $200 million of investment in renewables. From this project around 1000 jobs will be created and, importantly, most of those will be created in regional Victoria. We want to create jobs in this state, and we are getting on with delivering those jobs. I commend the bill to the house.

Debate adjourned on motion of Ms SPENCE (Yuroke).

Debate adjourned until later this day.

FIREARMS AMENDMENT (TRAFFICKING AND OTHER MEASURES) BILL 2015

Second reading

Debate resumed from 19 August; motion of Mr NOONAN (Minister for Police).

Mr CLARK (Box Hill) — The opposition supports this bill. It is a bill that in all but one respect is almost identical to a bill brought to the previous Parliament by the then government. The bill will amend the definition of evidence of possession of a firearm in section 145 of the Firearms Act 1996. It will lower the threshold number of unregistered firearms deemed to be a trafficking quantity from 10 firearms to 3 firearms. It will introduce a new specific offence for the unlawful manufacture of firearms. It will introduce a separate new penalty level and offence for theft of a firearm into the Crimes Act 1958. All but the final one of those measures were included in a bill that was brought to this Parliament by the previous government.

When the Minister for Police announced that he was intending to introduce the bill he sought to make a virtue of the fact that he was initially intending for it to be introduced in early 2016 but had decided to bring it forward and introduce it this year, in response to the shooting of two police officers in Moonee Ponds and an increase in firearms offences in the north-west metropolitan region of Melbourne. However, rather than seeking praise for his virtue in bringing forward the bill from 2016 to 2015, the minister owes the community an explanation as to why it took him so long to get this bill put together in the first place given that, with the exception of the new and separate offence and penalty, the measures that are being introduced are virtually in all material respects identical to the measures that were introduced in the Justice Legislation Amendment (Firearms and Other Matters) Bill 2014 by the previous government.

The bill does deal with a subject matter that is very important. As the *Age* newspaper reported, there has been an increase in firearms offences, particularly in the north-west metropolitan region, where a large number of firearms are being found. All the evidence suggests that the use of illegal firearms is increasing significantly in Victoria. Military-grade weapons are being increasingly uncovered and there has been a substantial increase in the rate of armed criminal offending in recent times, particularly armed hold-ups of licensed gaming venues.

A significant number of individuals associated with outlaw motorcycle gangs have been charged with firearms offences; they make up a substantial proportion of all outlaw motorcycle gang members. A worrying number of drive-by shooting incidents have occurred, and a very high proportion of those remain unresolved. There is a concerning rate of firearms use in family violence-related incidents, and outlaw motorcycle gang members in particular seem to have a high level of involvement in family violence occurrences. This is certainly an important topic on which legislation should be enacted.

Opposition members naturally support this legislation just as we supported the legislation we brought to the Parliament last year when we were in government. It is concerning that, for a matter where with very slight amendments the minister could have brought this bill to the Parliament in the very early days of the new government, it has taken until now for the bill to reach the Parliament. Unfortunately this is part of a growing pattern on the part of this minister of tardiness in bringing important legislation to the Parliament.

On previous occasions I have referred to the legislation creating new offences in relation to the drug ice, which the Premier announced with great fanfare prior to the election. He told the community that the war on ice was both essential and urgent and committed himself and his would-be government to acting in relation to it. There is absolutely no dispute that trafficking in ice, the effects of ice and the destruction it is causing in the community need to be tackled, and the previous government was prepared to act on it. The current government has indicated a commitment to do it, but we have still not seen any legislation from this minister. I think the community is increasingly entitled to grow concerned about the lack of action on measures that, prior to the election, the Premier said were very important and would make a real difference. Whether or not those measures will make a real difference remains to be seen, but we cannot even get to first base unless and until those measures are brought to the Parliament.

Hopefully the provisions in this bill will make a significant difference. Reducing the threshold number of unregistered firearms deemed to be a trafficable quantity is designed to improve the capacity to bring prosecutions for that offence. Again, material set out on page 4 of the parliamentary library's research note on the bill cites an article published in the *Age* as saying:

> Crime Statistics Agency figures show that despite a doubling in firearms offences statewide in five years, only two people have been charged with selling or acquiring a trafficable quantity of guns since 2010, and only eight were charged with possessing a trafficable quantity.
>
> Police privately say the legislation, which defines a trafficable quantity as 10 guns, is actually a hindrance to charging gun pushers.

There is certainly good reason to legislate, and opposition members welcome the fact that this measure has now reached the Parliament and hopefully will be enacted soon.

Similarly the provision in the bill in relation to evidence of possession of a firearm is important, because increasingly firearms are found at such places as the premises of outlaw motorcycle gangs or other gangs. Whenever a firearm was discovered, everybody in sight would deny any knowledge or awareness of the firearm or take any responsibility for it, so there have been issues of being able to successfully prosecute in those circumstances. The bill introduced last year and the bill now before the house seek to tackle that by making express provision in relation to the possession of firearms. Clause 7 of the bill substitutes new section 145, which provides:

> (1) A firearm is taken to be in the possession of a person if the firearm is found —
>
> (a) on land or premises occupied by, in the care of or under the control or management of the person; or
>
> (b) in a vehicle of which the person is in charge.

The clause then lists some exceptions. The exception in the 2014 bill was that the person did not know, or could not reasonably be expected to know, that the firearm was on the premises or in the vehicle. With a very slight wording change that exception is retained in the current bill, and there are two other limited exceptions added:

> (2) Subsection (1) does not apply if, at the time the firearm was found —
>
> (a) the firearm was in the possession of another person who was lawfully authorised under this Act to possess the firearm; or
>
> (b) the person believed on reasonable grounds that the firearm was in the possession of another person who was lawfully authorised under this Act to possess the firearm …

The possession of a person who is lawfully authorised to possess a firearm is straightforward. I hope that the provision about a person believing on reasonable grounds that the firearm was in possession of such a person will not allow accused persons to inappropriately escape conviction where in fact they deserve to be convicted. However, the main part of the provision is a significant one, and hopefully it will make a real difference in the effective prosecution of people who are unlawfully involved in firearms and their possession or distribution in the circumstances where firearms are found on land or premises or in a vehicle. Similarly the new specific offence for the unlawful manufacture of firearms created by clause 5 of the bill seems a desirable step forward which hopefully will make a difference.

The other provision to which I want to make particular reference is the measure in this bill that was not in the 2014 bill. I refer to clause 8 of the bill, which creates a new separate offence with a higher penalty in relation to the theft of a firearm as distinct from the theft of other items. The objective of this provision is understandable. We want to impose a higher penalty on people who are involved in stealing firearms compared with other thefts because of the serious consequences of such thefts, their prevalence and the need to take tough action both to deter people from committing those offences and, should they offend, to take the people involved out of the community for a substantial period.

The objective of the section is welcome; however, I make a point which I have made in other contexts — that is, simply creating a new offence with a higher maximum penalty will often not achieve its objective. It will not achieve its objective if the higher maximum penalty that is provided for in legislation does not result in higher actual penalties being imposed by the court. For example, it is of no use, or of little use, to increase a maximum penalty from 10 years to 15 years if sentences that are imposed may only increase from 2 years to 3 years. The real problem there is not with the maximum but with the fact that sentencing practices have led to the actual sentence being imposed being well out of line with the maximum.

The previous government sought to tackle this concern through the introduction of baseline sentences, and it is an issue that the shadow Attorney-General has referred to in this house in recent times — that is, the need to ensure that legislation operates effectively and that this Parliament make clear the intention of the Parliament that there be a higher median in sentence imposed for a

particular offence and that that will result in an adjustment in current sentencing practice accordingly.

If a court decision gets that wrong, whether through misunderstanding, perversity or whatever other reason, then the Parliament needs to act to make absolutely clear to the courts, the legal profession and to everybody else what the intention of that legislation is. Potentially there is an issue here as to whether in practice simply increasing the maximum penalty for this new separate offence of theft of a firearm is going to have the benefit that we hope it will have and that the bill seeks to achieve. The government, the minister and the Attorney-General need to be cognisant of that. They may need to consider over time extending the range of baseline sentences to ensure that the sentences imposed for offences bear the relationship to the maximum sentence that this Parliament, on behalf of the community, believes they should.

Having made those observations, I conclude by reiterating that the coalition parties support the bill. As I said, it is largely based on legislation brought to the Parliament under the previous government. It is concerning that the minister has taken so long to introduce it. We now wish the bill a speedy passage and hope it will find its way onto the statute book and into operation as soon as possible. In that regard, even though the default commencement date is about a year away, as is often the case, I hope government speakers — the member for Niddrie, being the Parliamentary Secretary for Justice, for example — will be able to assure the house and the community that the government intends to bring the legislation into operation much earlier than that so its beneficial effects can be achieved as quickly as possible.

Mr CARROLL (Niddrie) — It is my pleasure to speak on the Firearms Amendment (Trafficking and Other Measures) Bill 2015. It is amazing to follow the member for Box Hill. I know he is reading Joel Deane's book *Catch and Kill — The Politics of Power*, and I think he is going to have to get back to it very soon because he spoke about the delay in this minister introducing the bill. Need I remind the member for Box Hill, who quoted statistics from 2010 — when the coalition, incidentally, came into office — that the previous government had four years to bring this legislation in? It did introduce the legislation, but only right at the end of its term — before it became a one-term wonder — and then its bill lapsed. The Minister for Police is fixing up the coalition's mess again. He is introducing legislation to tackle firearms. He has listened to the Police Association Victoria. The Minister for Police has also done work on the drug ice, which the member for Box Hill mentioned. I will never forget what happened when the Law Reform, Drugs and Crime Prevention Committee, on which I served, released a report. The now member for Ovens Valley was there as well, as was the Visiting Professor, the member for Box Hill. What did the then Premier do? He announced 11 new sniffer dogs. That was the Napthine government's response to the drug ice. The then Leader of the Opposition, now Premier, led from the front with the then shadow minister. He now has the *Ice Action Plan* and the ice task force. He is putting money into rehabilitation and giving the police the resources they need, something those opposite had four years to do.

This legislation is important. You only have to go through the history to know that. I put on the record my thanks and appreciation to the parliamentary library for its very good research note on the bill. It takes you right back to Port Arthur, which put gun legislation and the buyback scheme on the Australian map. I pay tribute to the then Prime Minister, John Howard, with the support of the then federal Leader of the Opposition, Kim Beazley, for introducing world's best practice legislation to cut down on guns and gun crime.

Since that awful tragedy there has been an escalation in the number of guns and gun crime, but with this legislation the Minister for Police and the government are doing everything we can, working with the police association and with stakeholders. The media has also had a role to play in bringing this legislation forward.

As someone who was born and raised in Melbourne's north-western suburbs, I know the media has described that area as the 'red zone' in relation to guns. I still refer to the area as just the north-western suburbs of Melbourne. It is an area where there has been an enormous amount of guns and gun crime. There have been recent incidents in Moonee Ponds and Essendon, including a near tragedy where a police officer was shot at. If he had moved his head an inch either way, he could have been very seriously injured or even killed, but that is the nature of the work our police do.

The Andrews Labor government and the Minister for Police are giving Victoria Police the powers they need to effectively combat the illegal use of firearms and the illegal firearm market in the community. It is an important step forward. We are committed to ensuring that our firearm laws balance the interests of those who will reasonably use a firearm, such as sporting shooters and primary producers, and the broader interests of the community to have guns lawfully supported as well.

In developing the bill and other legislation, we have worked closely with the Police Association Victoria. As with many things the Minister for Police has done, the police association has welcomed the bill. In reading some of the commentary on this matter I was reminded that it is important to have a strong relationship with the police association.

An article by Tammy Mills in the *Age* of 19 June headed 'Gun found every two days' says:

> Police are discovering guns in cars every two days in Melbourne's north-west, which has been described as the 'red zone' by officers concerned about a growing gangster culture in the region.
>
> …
>
> Some 530 guns were stolen in regional Victoria in 2013.
>
> It comes as the Crime Statistics Agency released figures —

recently —

> … showing an almost threefold jump in firearm offences in the north-west over the past five years, from 581 in the year to March 2011 to 1332 in the 12 months to April 2015.

This is a trend that the government is committed to addressing, and the police association has welcomed that commitment. Police association secretary Senior Sergeant Ron Iddles has been reported in the media as calling for the enforcement of firearms trafficking offences to be made a lot more stringent. This legislation does that.

Importantly, the police association put out a media release that I think needs to be recorded in *Hansard*. The media release basically congratulates the Minister for Police on the work he has done in the only short amount of time he has been in the role. We have only had one state budget, and I am looking forward to the next state budget, but after the last state budget the Police Association Victoria said in this media release:

> We congratulate police minister Noonan for his leadership in listening to our concerns and acting on them at the earliest possible opportunity — the government's first budget.

It also said:

> … the police association is pleased that the government has seen fit to fix a number of problem areas which the association had previously identified.

Obviously many of the issues the association had identified had fallen on deaf ears in the previous four years. It was four years of inaction, but now we have a government, a minister and a Premier who are getting on with the task that lies ahead.

I also highlight some of the work that has gone on with this legislation, which brings in some of the best practice from across the country. This legislation will do numerous things that will crack down on illegal firearm use and the trafficking of firearms but it also will assist police. When you read through the parliamentary library brief, you get a real sense of what police confront every day and the tragic circumstances they sometimes face when dealing with law and order at the grassroots level.

Samantha Bricknell, the author of the Australian Institute of Criminology report in 2012 entitled *Firearm Trafficking and Serious and Organised Crime Gangs*, noted:

> All jurisdictions, except South Australia, have an offence of firearms trafficking or the illegal sale of firearms on three or more separate occasions. Differences exist between the jurisdictions in the quantity of firearms specified, the number of sales that need to occur and the time period over which sales are to take place for an offence to be committed.

In his second-reading speech the minister goes to the heart of how we are going to address this. The bill inserts a new section 59A into the act increasing penalties for the offence of manufacturing firearms with penalties ranging from 600 penalty units or 5 years imprisonment to 1200 penalty units or 10 years imprisonment, depending on the type of category of firearm manufactured. As the minister stated in his second-reading speech:

> The amendments will bring Victoria into line with other jurisdictions, providing for similar penalties and a specific offence for unlawful manufacture.

He gives the example of section 50A of the New South Wales Firearms Act 1996, which states that a person who manufactures a firearm is liable to imprisonment for 10 years or 20 years where it is a pistol that is prohibited.

This legislation is about bringing Victoria into line with jurisdictions in other parts of the country. I had the pleasure to represent the minister at a corrections ministers conference in Darwin recently where we spoke about some of the reforms we are doing in Victoria to address many of the problems we inherited with our jails and the escalation of the number of prisoners doing time for less than 12 months. We need to put more focus into making sure we are working with our prison and corrections systems to ensure that we have the balance right when it comes to addressing rehabilitation. We are very keen to reassure the community that the intention of this legislation is not to capture innocent parties. None of its provisions will be a driver for public unrest.

This legislation is not intended to capture anyone who performs with a local sports shooting club or who has a genuine community interest in using firearms legitimately. It is very much about tackling at the source the use of firearms by outlaw motorcycle gangs — that is, OMCGs — the manufacture of firearms and the unlawful possession of firearms. Ensuring that our streets and our community are safe is first and foremost a key consideration that drives the minister's reforms and a key consideration for the Andrews Labor government going forward.

Mr McCURDY (Ovens Valley) — I am delighted to rise to make a contribution to debate on the Firearms Amendment (Trafficking and Other Measures) Bill 2015. As was said in the house earlier today by the member for Box Hill, the bill mirrors the legislation the opposition introduced a few years ago, and I am certainly pleased to see that. Although it has been dragging its heels a little bit on law and order issues, the Andrews Labor government is at last finally starting to deliver. I think tackling firearms for safety in our community is imperative. One thing is being safe; the other thing is feeling safe. I think the more we continue to try to bring in legislation to prevent criminal activity — whether it be in relation to firearms or whatever — we certainly assist people to feel safer in the community.

The purpose of the bill is to amend the definition of 'evidence of possession' of a firearm. It will also lower the threshold of unregistered firearms deemed to be a trafficable quantity from 10 down to 3. I do not know how that will work, but certainly on face value it looks like a common-sense approach and a logical way to go about it, provided that it stays at three. It also introduces a new specific offence for the unlawful manufacturing of firearms and introduces a new specific offence for the theft of a firearm. We know that there are a lot of statistics around that show that crime in our state — and in Australia for that matter — that involves a firearm, more often than not involves illegal firearms rather than registered firearms.

The bill also creates a separate new offence of theft of a firearm under the Crimes Act 1958, with higher penalties than currently exist, because currently thefts are prosecuted under the general theft offence and the penalty provisions of the Crimes Act. The maximum penalty is 10 years in jail, and this legislation will increase that to 15 years. This is certainly an excellent decision and, as I said earlier, the coalition took many initiatives to curb violence, and I am pleased to see this continuing.

The bill amends the Firearms Act 1996 in the definition of evidence of possession of an actual firearm. That is shifting the focus away from a person's direct relationship with the firearm to more of a deemed possession, in which the evidence is the relationship between the person on the premises or the vehicle where the firearm is found. That certainly closes a few loopholes and is again a fundamentally logical outcome.

The bill strengthens provisions in order to facilitate the successful prosecution of firearm trafficking offences by lowering the threshold number from 10 within a period of 7 days down to 3 within 12 months, which tightens those rules and comes in line with other jurisdictions. Certainly the Australian Capital Territory, South Australia, Western Australia and New South Wales have those lower trafficable thresholds. Queensland is still out there with 10, but we will come into line with those other states.

Finally, it creates a specific offence for the unlawful, non-licensed manufacture of firearms, being simply separate from the offence of carrying on the business of dealing in firearms and provides high penalties for such illegal manufacture. Again that is a significant step forward. By the same token it is important to understand and not confuse this legislation. This legislation is about illegal firearms. I do not want everybody in my community jumping up and down, making life difficult for registered gun users. Certainly The Nationals are very strong supporters of recreational shooting and hunting. It is a legitimate hobby and sport and even a management tool for farming and other communities, so it is important that we do not mix up making penalties tougher for illegal firearms with what applies to those who are registered gun or firearm users.

Take the example of the lever action shotgun. Currently lever action shotguns fall under category A of gun licences in Victoria, just like bolt action rifles. There is conjecture around at the moment about whether they should become category C, which is the semiautomatic section. I note that Senator Bridget McKenzie, who is a strong supporter of recreational hunting and sport management, was a prime mover in ensuring that the licensed firearm users and industry representatives had input into the review. By establishing that industry reference group, stakeholders will certainly be heard.

Licensed firearm users are not just regionally based. In fact a large proportion of registered firearm users are metropolitan based. Australia has over 800 000 licensed firearm users who will not be affected by this legislation. This is about the illegal trafficking of

firearms, the manufacturing of illegal firearms and so forth.

The coalition again proved its strong stance on law and order, putting in place 1700 new police officers. In fact I think it was more than that in the end. It also put in place 940 protective service officers as well as bringing in other changes to hoon laws and the removal of suspended sentences. The list goes on and on. We have proven our credibility when it comes to law and order. The Andrews Labor government is starting to follow in those footsteps, which I am pleased to see.

In terms of other legal uses of firearms, the Wangaratta Gun Club has contacted me on many occasions on different issues. I have already spoken to it about this legislation so that it understands that this is not going to affect people who are lawfully using registered firearms. Brian Reid and Trevor Beach have come to me with many different concerns about making sure their sport remains safe and is still viable in regional areas.

I will leave my remarks there. There are a lot of statistics and evidence that suggests that the majority of crime that involves a gun on many occasions involves illegal guns. This bill will go a fair way towards changing the laws to try to try to prevent people who are going down that path. It will make the laws much tighter. I commend the bill to the house.

Mr EREN (Minister for Tourism and Major Events) — I too would like to speak on the Firearms Amendment (Trafficking and Other Measures) Bill 2015. At the outset I would like to congratulate the minister. It is a great bill. I think it is very important to make sure that guns are in proper hands. We see the devastating effects of guns falling into the wrong hands and the hands of people with the wrong intentions. Clearly this bill will go a long way to making sure that we keep our community safe.

I wish to point out that despite all the troubles of the world in relation to some of the devastating shootings that have occurred, particularly in the United States, it still insists on not moving down the path of making its community safer. As has been indicated by previous speakers, we have led the world in relation to our firearms laws, and we are very proud of that. But there is always room to improve. This bill will go a long way to making sure that we have a safer community in the long run.

It is also a fundamental duty of any Victorian government to protect its citizens. We have done that, and consecutive governments have tried to do that as well. At the end of the day if we do not feel safe in our suburbs, in our streets and in our homes, then life will become unbearable. That is why we need to ensure that community safety is paramount. This bill goes to the heart of this responsibility by ensuring that Victoria Police is equipped with the necessary powers to stem the flow of illegal firearms and prosecute those responsible for engaging in unlawful activities involving firearms.

The bill makes amendments to the Firearms Act 1986 in relation to the possession of firearms, firearms manufacturing and trafficking offences in firearm theft. I would just like to put on the record that these amendments include removing the current definition of evidence possession and introducing a new deemed perceived possession, which will shift the focus away from a person's relationship with a firearm to the relationship between the person and premises or vehicle where the firearm is found.

The bill lowers the threshold number of unregistered firearms trafficable quantity from 10 unregistered firearms to 3 firearms. It will make amendments in relation to the prohibition of the acquisition or disposal of trafficable quantities of firearms to provide that a person who is not the holder of a dealer's license must not acquire or dispose of more than three unregistered firearms within a period of 12 months. The bill also introduces a specific offence for the unlawful manufacture of firearms, being distinctly separate from the offence to carry on a business of dealing in firearms. It will also introduce a new offence of theft of a firearm under the Crimes Act 1958, which will carry a higher penalty for offenders.

These measures will collectively strengthen Victoria Police's ability to be able to effectively combat serious and organised firearm-related crime and the illegal firearms market. Whilst the government's focus with this bill is on those engaging in illegal firearm activity and lifting community safety, we must be careful not to lump law-abiding gun owners together with illegal firearm operators. That is why this bill makes provision for responsible gun owners, as it is unreasonable to punish those who use firearms responsibly due to the illegal and dangerous actions of a few people in the wider community. This bill is balanced. It provides protection to those who are able to responsibly own and use a firearm and also provides protections for those in the broader community, such as victims of domestic violence and drivers of public transport vehicles, who could not be reasonably expected to know that an illegal firearm has been left in their household or vehicle.

I now turn to responsible gun owners, who include sporting shooters and primary producers who have legitimate grounds to own, store and operate firearms. The Andrews Labor government is supportive of shooting sports in Victoria and is investing over $12 million through the shooters sport facility program, which is getting on with the job of providing facilities for shooters in the community. The government also recognises the need to balance the interests of community safety with the interests of responsible firearm owners. The government has got this right in relation to this bill. It has widely consulted with a range of key stakeholders. That is what this government does really well; we consult when we introduce bills to this place. I think it is important to bring the community along with you. In some instances not everyone will agree with some of the legislation that comes before this place, but we on this side of the house consult really well. We like to consult to make sure that we take the community with us.

From that perspective two groups in particular that have been consulted in the production of this bill include Victoria Police and the Police Association Victoria. It is encouraging that these organisations have been supportive of the bill. I note the work of the police association secretary, Ron Iddles, in campaigning on the need to reform our gun trafficking laws. He has been a great advocate for this and has had a lot to do with us in relation to formulating this bill.

Government departments were also provided with the opportunity to be involved in the consultation process, and our ministers have also welcomed the contribution of the Shooters and Fishers Party, members of which are in the other chamber. That is democracy. Obviously they have a big part to play in formulating these very important policy positions, and they have certainly been part of these discussions. It is good to hear that they have been largely in support of the bill, and we welcome their sharing these amendments with their constituency base. In continuing the interactions with stakeholders the Victorian Firearms Consultative Committee and the Victoria Police-convened firearm user group, both key firearm stakeholder advisory bodies, will be briefed on the details of the legislation upon their being promulgated.

We are all well aware of the firearm violence that has been on the rise, and our communities are obviously touched by it. It is certainly devastating when somebody is maimed, injured or even killed as a result of a firearm. It sends shivers down the spine of communities, and that is why it is so important to have this legislation in place to protect the community as much as we can. Of course who could forget that in June two Victorian police officers were shot in Moonee Ponds when they intercepted a car? One policeman, the driver, fortunately escaped with his life after instinctively turning away, with the shot hitting the back of his head. Ron Iddles has stated that it has never been more dangerous for police conducting car intercepts than it is today.

What was also mentioned was the excessive use of methamphetamines — that dirty, disease-carrying drug called ice which is devastating communities and having a dramatic impact on society in terms of an increased level of violence. Clearly the group most exposed to this violence is our police force. Every day policemen and policewomen go out there and risk their lives for us, and we need to make sure that they are armed with the powers provided in the legislation before the house, which will make their lives a bit easier.

Victoria Police is also discovering guns in cars every two days in Melbourne's north-west, which has been dubbed the 'red zone' and is a huge problem. The region includes the area where I and many others grew up. Broadmeadows is obviously a fantastic place. I have not lived there for many years now, but certainly when I was growing up there was not this type of violence or this level of firearm use. This is a worrying trend, which is also occurring in Sunshine and Werribee. These regions have reported firearm-related incidents such as drive-by shootings every six days, and there are increasing instances of children as young as 16 carrying guns; regular occurrences of guns, including sawn-off shotguns and an automatic machine gun, being found in cars during routine intercepts; and guns stolen from rural homes being used in violent crime in the north-west. Clearly these are very worrying trends.

Crime Statistics Agency figures from June showed a threefold jump in firearm offences in the north-west over the past five years, from 581 in the year to March 2011 to 1332 in the 12 months to April 2015. Some 530 guns were stolen in Victoria in 2013. I could go on and on about all those incidents that have been reported right throughout the state. I will just say that this bill will hopefully make our communities a lot safer, and we will strive as a government to ensure that we have safe communities. I therefore wish the bill a speedy passage.

Mr HIBBINS (Prahran) — I rise to speak on the Firearms Amendment (Trafficking and Other Measures) Bill 2015. The Greens will be supporting this bill. There will not be any need to go into a consideration-in-detail stage, which will no doubt please the members on the other side. The Greens

certainly support the efforts to tighten gun control in Victoria and particularly this bill in relation to the possession and trafficking of illegal firearms, the illegal manufacture of firearms and the theft of firearms. Tougher gun control has always been a high priority of the Greens at all levels of government. We fully understand that a safe community is one where gun ownership is restricted and where there is a low number of guns in the wider community.

I will go into the details of the bill, which aims to give Victoria Police powers to stop the flow of illegal firearms and to prosecute individuals engaging in unlawful activities involving illegal firearms. The bill makes amendments to the Firearms Act 1996 to lower the number of unregistered firearms that is a trafficable quantity from 10 firearms to 3, and it expands the time frame in which trafficking is deemed to occur from 7 days to 12 months. The bill also provides for higher penalties for persons who manufacture firearms without an appropriate licence and creates a new offence for the unlawful manufacture of firearms. The increased penalties will be up to 5 years imprisonment for unauthorised manufacture of category A or B longarms and paintball markers and up to 10 years imprisonment for the unauthorised manufacture of category C, D or E longarms or handguns.

I understand these amendments bring Victoria into line with other jurisdictions, which is important, given the need for a fully national approach to gun laws. The bill also clarifies the circumstances in which a person is taken to be in possession of a firearm, which we are seeking further clarification on. Lastly, the bill amends the Crimes Act 1958 to create a new offence of stealing a firearm.

As I said, the Greens have a long history of supporting gun control, which started in the Parliament of Tasmania back in the late 1980s, when Christine Milne and Bob Brown, both now former Greens leaders, were members of the Tasmanian Parliament. The Greens moved several times to ban automatic and semiautomatic weapons during their time there. Three bills were introduced into the Tasmanian House of Assembly attempting to tighten firearms legislation, but unfortunately none of those bills was supported by that Parliament.

Following the tragedy of the Port Arthur massacre, where 35 people were killed and 23 were injured, we saw nationwide gun law reform. You often hear the term 'unspeakable tragedy'. That was a tragedy that we needed to speak about. We needed to understand how and why it happened and we needed to talk about gun law reform in this country.

I will read from an editorial from Christine Milne recounting the time after the massacre:

> When the government, opposition and Greens came together in the emergency meeting that followed, there was no appetite from either of the major parties for banning weapons.
>
> But the presence of the world's media and the pressure I was able to bring, as the Greens were in the balance of power, resulted in a tripartite committee charged with gun law reform as a dignified and appropriate response to the tragedy.
>
> During that process John Howard came to Tasmania, saw what we were doing, and announced federal bans on semiautomatic and automatic long-barrelled weapons.

I read this to point out that the Greens have a longstanding history of supporting law reform, since well before the political consensus existed to allow it to occur.

The gun law reforms that were introduced in Australia have gone on to become the envy of the world. Unfortunately in the USA, where they no doubt have a crisis in terms of gun crime and mass shootings, President Obama said in response to another mass shooting:

> When Australia had a mass killing … it was just so shocking to the system, the entire country said, 'We're going to completely change our gun laws' …
>
> They did and it hasn't happened since.

He is right: our gun laws are the envy of the world, but we cannot become complacent. An article by Lenore Taylor in the *Guardian* at the weekend headed 'After 20 years, Australia's gun control debate is igniting once again', lists several concessions that have been made to our nationwide gun laws over time, with a number of concessions made to the gun lobby. It says:

> The original agreement restricted gun licences to adults but now several states have brought in 'minor's permits' and in Western Australia there are no age limits for club shooting.
>
> …
>
> The agreement established a 28-day 'cooling-off period' between applying for, and getting a gun, but four states have now done away with that for second and subsequent guns.
>
> And while almost a million guns were handed in and destroyed in the post-Port Arthur amnesty, imports have now taken the … gun inventory back to 1996 levels.

In Victoria issues have been raised recently over the prevalence of guns in our community and the existence of a growing illegal firearms market. Just recently two police officers were shot at when they intercepted a car in Moonee Ponds. Melbourne's north-west has been identified as a red zone, where police are discovering guns every two days, including in routine car intercepts.

Drive-by shootings are occurring on average every six days, and there is an increasing trend of children, some as young as 16, carrying guns. There are more than 250 000 longarms and 10 000 handguns in the illicit firearms market. We are seeing a growing trade in firearms stolen from properties in rural and regional Victoria and later used in criminal activity in the city.

The amendments in the bill are an important step forward in reducing gun crime in Victoria. Without vigilance in relation to gun crime and gun laws the safety of our communities is at risk, as is our reputation as having world's best practice gun laws.

As has been mentioned previously in the debate, there is concern about the Adler self-loading shotgun, which is capable of firing eight rounds in 8 seconds. This is just the sort of rapid-fire weapon we sought to outlaw after Port Arthur. It is the sort of weapon we do not want in our community. But what we have seen is the federal government, after suspending imports, now doing some sort of deal with a member of the Senate crossbench in exchange for an unrelated vote in relation to border protection, to introduce a sunset clause on the ban on imports. It is simply outrageous that a government that is seemingly bereft of a moral compass should be wheeling and dealing our community safety in exchange for votes on unrelated amendments. The Adler shotgun is a dangerous weapon and serious restrictions are needed for it in Australia.

Recently a Senate-initiated inquiry into illegal firearms was chaired by soon-to-be-retiring Greens senator Penny Wright. It found some uncertainty around the number of illicit firearms in Australia, and on that basis the committee made a number of common-sense recommendations for additional funding to allow programs such as the National Firearms Monitoring Program and the firearm theft in Australia monitoring report to continue on an ongoing basis. It also recommended funding for the Australian Institute of Criminology to conduct a review of current data collection and reporting arrangements. These are common-sense reforms that one would have thought would attract support from across all parties, but unfortunately the coalition thought that was not the case. Unfortunately what we have seen from The Nationals federally — and I hope The Nationals in Victoria show a bit more fortitude on this issue — is the idea that the Greens are waging some sort of scare campaign when it comes to gun laws.

Senator McKenzie from The Nationals apparently said that claims that most guns are not trafficked into Australia but stolen from registered owners had not been substantiated in the findings of the inquiry. She is reported as having said:

> What we have found is clear evidence provided by witnesses, including law enforcement agencies, that most guns used to commit a crime do not originate from licensed firearms owners but are in fact illegally imported.

The article continues:

> Senator McKenzie said illicit firearms on the streets were a concern and a continued focus on stamping out illegally imported firearms must be a top priority for government.

I appreciate that the federal coalition has a strong focus on border protection, but when it comes to guns in this country it has got it wrong. You only have to look at the statistics from the Australian Crime Commission. In its submission to the Senate inquiry it says that:

> Theft remains a primary method for diverting firearms to the illicit market. An average of 1545 firearms per annum was reported stolen to Australian state and territory police during the period 2004–05 to 2008–09.

The majority of firearms reported stolen are rifles, followed by shotguns. Handguns generally make up less than 10 per cent of stolen firearms. This broadly reflects firearm ownership patterns in Australia. In relation to the status of the illegal importation of guns, the Senate committee report notes evidence that firearms and firearms parts are illegally imported into Australia, although the Australian Crime Commission data indicates that these comprise a small portion of all firearms diverted into the black market. A report by customs found that the Australian illicit firearms market is predominantly comprised of firearms diverted from licit domestic sources. Firearms tracing found that less than 1 per cent of firearms traced were illegally imported.

As Senator Wright has stated:

> The evidence is clear: firearm theft from registered owners is a significant contributor to the number of illicit firearms on Australian streets. Like it or not, it is true.

In conclusion I say that Victoria and Australia have some of the world's best gun laws. They have served us well and succeeded in keeping our community safe. But we cannot be complacent. Gun crime continues to be a problem in Victoria, with the theft of legal weapons being a source of that problem. On that basis, the Greens will be supporting this bill.

Mr McGUIRE (Broadmeadows) — This bill is vital and urgent for public safety. The Firearms Amendment (Trafficking and Other Measures) Bill 2015 seeks to address organised crime groups that are expanding from involvement with illegal drugs to the

use of illegal firearms. This is particularly important in Melbourne's northern and western suburbs, and the bill looks at how we can crack down on the illegal marketing of guns. The legislation seeks to find a balance between the appropriate use of firearms in groups such as sporting shooters and primary producers and at how firearms are dealt with in the broader community in terms of safety and security.

This bill, along with other legislation that has been introduced to this Parliament by the Andrews government, contributes to the government's broader proposition of wanting to be tough on not just crime but also the causes of crime. This is an issue that I will come back to in this contribution.

The main purpose of this bill is to lower the trafficable quantity of unregistered firearms, to provide higher penalties for the unlawful manufacture of firearms, to clarify the circumstances under which certain people are taken to be in possession of a firearm and to create a new offence of stealing a firearm in the Crimes Act 1958. The new offence will carry a higher penalty. They are the critical themes and aims of the bill.

To put it into context, the firearms legislation is constantly evolving to take care of new initiatives, I guess you would call them, from criminals, to address emerging technologies and to look at enhanced manufacturing capabilities and the accessibility of overseas weapons. This is a constantly changing set of circumstances where we must have scrutiny and watch what is emerging either through technology overseas or by local initiative.

In the wake of the Port Arthur shootings in Tasmania in 1996, Australia underwent significant firearm law reform, including the nationwide buyback of newly prohibited firearms. That was done through the National Firearms Program Implementation Act 1996 and the National Firearms Program Implementation Act 1997. The buyback scheme compensated firearm owners and dealers and was funded through a one-off increase in the Medicare levy. As noted in the 1997 Australian National Audit Office report of the scheme, it resulted in the surrender of around 640 000 prohibited firearms nationwide. That is according to the Victorian parliamentary library's research. I think that goes to a measure of what we were able to do as a nation with a bipartisan approach to address this critical issue. Of course we see the difference and can compare it all too often with what happens in America. It is to the credit of the political system in Australia that we were able to address this matter and reform the law to get the guns off the streets.

With this legislation the Victorian government is giving Victoria the powers it needs to effectively combat the illegal use of firearms and the illicit firearm market that is developing in the community. The government is committed to ensuring that our firearm laws have balance. It has worked with a range of groups on this bill, including Victoria Police and the Police Association, and has also welcomed the contribution of the Shooters and Fishers Party in the discussion leading to this legislation.

The number of these firearm offences has clearly been rising for the past four years, yet the former government did nothing. While it introduced similar legislation, it was far too little too late and it did not acknowledge the increasing problem of the theft of guns by introducing stronger penalties. This is another case in point of the Andrews government getting on with what needs to be done and making the reforms that are critical.

I also want to look at the proposition that there was no use in the former coalition government, with its rhetoric, being supposedly tough on crime but then not actually being tough on the causes of crime. This is the joint responsibility that governments should have. I speak as the member for Broadmeadows about how we have tried to get the government to engage at a coalition level, either in the state or nationally, to address the different issues that in many cases are the settings for crime — such as the high levels of unemployment. In my electorate when the coalition was in power the level of unemployment was equal to that of Greece. Youth unemployment is believed to be higher than 40 per cent. This is perilously high.

I reached out to the federal government to become part of an economic and cultural development summit to look at these issues. I wrote to the Prime Minister to try to get him to respond, but there was no response after six months, and to my approach to the Treasurer, he just gave a blanket, 'No, I'm not coming'. I said, 'Say it ain't so, Joe. Say it ain't so. You won't come to the electorate hardest hit by both your budgets?'. This is the issue with the change in Australian politics. What happens to a fair go? What happens to responsible government? What happens to actually dealing with communities that are in the so-called postcode areas of disadvantage that are becoming increasingly complex? The Prime Minister could not deny that he knew about it because when he went to the Australian Security Intelligence Organisation to get the briefing and the media were brought in and shown the hotspots on the maps, guess what? One was Campbellfield, and the other was Craigieburn. What is in Campbellfield? The Ford Motor Company.

We have these transitional changes that are destroying livelihoods. We are trying to deal with what this means to our community, given the social impact that this has. Here was a chance to actually be a participant rather than a bystander — to be a responsible government and look at what the new industries and new jobs are going to be. I want Broadmeadows to be remembered for the rise of CSL, not the demise of Ford. But you have to do this with a collaborative approach. You cannot just be running the politics of fear. You cannot just keep doing that. This is at the heart of what is going on in our national debate, and this is a corrosive proposition in communities. This is the disappointment of what happened.

At the summit we were able to get the Treasurer of the state of Victoria, the Deputy Premier and the Minister for Education. Just to continue in goodwill, beyond politics, I wrote to every federal cabinet minister, every parliamentary secretary and every head of a federal government department. I got one positive response — from the secretary of the federal Attorney-General's Department. That was because he actually has to deal with issues concerning terrorism, and he actually grew up in the northern suburbs. He had a connection at a personal level, and he had a deeper understanding. He actually wants to make a contribution beyond the narrow, blinkered, political, ideological view that unfortunately has become the mantra of the federal government.

We have to stand up against fear. We have to bring the community together in a cohesive way, but we simply cannot do it on our own. The Victorian Treasurer came, and we talked about what the job strategies and industry strategies are. The education minister was there as well. It is as simple and clear-cut as this. This goes to historic neglect, it goes to political bias and it goes to the issues that we have to call out. I do not want to see Broadmeadows burning, and with this issue you actually have to address it and be a part of it.

This is a proud, resilient community. When we had no library, we built a global learning village that last year won the award for Public Library of the Year. The model has evolved. We had the lowest uptake in tertiary education, but we now have a multiversity, which is an Australian first. We had the lowest rate of connection to the internet, but we now have an ideas lab bringing Microsoft, Intel and Cisco — Silicon Valley — to Broadmeadows. This community is not about lifters and leaners. We have to get away from this class war rhetoric. We have to realise that this is where the heavy lifters are. These are the people who have underwritten prosperity for generations. All they are asking for is a fair go. All they want is responsible government. The attempt has been to reach across to form a collaboration and a partnership to do it. There is only one major institution that will not join. We have had three tiers of government, civil society, business and major employers come. It is only coalition governments, state and federal, that will not. That says too much about what is wrong in the Australian political system.

Ms THOMAS (Macedon) — The Firearms Amendment (Trafficking and Other Measures) Bill 2015 is extremely important, and I am pleased to contribute to the debate on it. Firstly, I find it extremely disappointing that those on the other side of the house have chosen not to participate in this debate. One person from the Liberal Party, one person from The Nationals and one person from the Greens have made contributions. It would seem that that is going to be the extent of their contribution. I believe the people of Victoria across all electorates would be quite disturbed to know that there is such little interest being shown in such an important bill and such a pressing problem for our community. I want to record my concern at the lack of interest being shown by those on the other side of the house in relation to this very important piece of legislation.

This bill is very important and will make the following changes to the Firearms Act 1996. It amends the definition of 'evidence of possession' to shift the focus away from a person's relationship with a firearm to one of a relationship between the person and the premises or vehicle where the firearm is found.

It strengthens a number of provisions in order to facilitate the successful prosecution of firearms trafficking offences by lowering the threshold number of trafficable quantities of unregistered firearms from 10 within a period of 7 days to 3 within a period of 12 months. I will come back to why that is so important in a moment.

It introduces a specific offence for the unlawful manufacture of firearms, being distinctly separate from the offence of carrying on the business of dealing in firearms. It also introduces a new offence of theft of a firearm under the Crimes Act 1958. These changes will strengthen the ability of Victoria Police to effectively combat the illegal use of firearms by addressing serious and organised firearm-related criminality and the illegal firearm market in the community.

I spoke earlier of the significance of lowering the threshold number of trafficable quantities of unregistered firearms from 10 within a period of 7 days to 3 within a period of 12 months. This is very

important. On 24 June this year the *Age* published an article that states:

> Crime Statistics Agency figures show that despite a doubling in firearms offences statewide in five years, only two people have been charged with selling or acquiring a trafficable quantity of guns since 2010, and only eight were charged with possessing a trafficable quantity.
>
> Police privately say the legislation, which defines a trafficable quantity as 10 guns, is actually a hindrance to charging gun pushers.

It is fantastic that the Minister for Police has brought this bill to the house to address this particular issue. He is quoted in the article as saying:

> We want to stiffen the penalty to bring it … down to say three or four guns, so you have the same offence, but you have a lesser number of guns to get that offence on your record …

That is what this bill does. It really is doing what the minister said it would; it is tightening the existing penalties.

I want to talk about the bill in some more detail. I want to talk about the possession of firearms. The bill introduces a new deemed possession provision by amending the definition of 'evidence of possession' in section 145 of the Firearms Act. The amended provision will shift the focus away from a person's relationship with a firearm to the relationship between the person and the premises or vehicle where a firearm is located.

The amendment redefines 'evidence of possession' to include occupying or being in control or management of premises or being in charge of a vehicle where a firearm is found. The amended provision will place an evidentiary burden on the defendant to prove that the firearm was not theirs. It includes a rebuttal in section 145 to state that the definition of possession will not apply if the person can establish that they did not know and could not reasonably be expected to have known that the firearm was in the premises or vehicle, or it can be established that the firearm is in the lawful possession of another person or that they believed on reasonable grounds that the firearm was in the lawful possession of another person.

One of the key objectives of the deeming provision is to overcome problems encountered by Victoria Police in dealing with serious and organised crime. The provision has been specifically sought by VicPol in order to deal with unregistered firearms that are found largely in the possession of or on the premises of serious organised crime groups, such as bikie gangs. Victoria Police have dealt with scenarios where firearms were being found on premises or in vehicles but which all gang members denied knowledge of, including situations where firearms were secreted. This is a very important element of the bill, but I think it is important to understand that this deeming provision will have clear exclusions that will apply in circumstances such as family violence, where police officers will exercise reasonable discretion in the normal course of their investigations. A victim of family violence may not know the gun is there, and if they do then the victim can claim that the partner is in possession.

There are many elements to this bill, and I have outlined some of them. As I said, I think this is a very significant bill and one that I want to speak about personally. As members of the house already know, because I have told them before, my partner is a 40-year member of Victoria Police. He has had a very distinguished career of public service and one that I am very proud of. In that time he has been a member of the armed robbery squad and the homicide squad and has dealt with all manner of terrible, disturbing and frightening situations and criminals — and he has always conducted himself in a way that I am extremely proud of. He has also held an office with the Police Association of Victoria. I know that he will be very pleased to see that this government is taking this action to support our hardworking members of Victoria Police, as will his police colleagues.

As the member for Macedon, I am lucky that amongst my constituents is Daniel Young, a member for Northern Victoria Region in the other place, who is a member of the Shooters and Fishers Party. This bill is very clear in its intention. It is about the illegal possession of firearms. It is about getting to people who steal and traffic in firearms. It is about organised crime and criminal gangs, and it will ensure that our police have greater powers at their disposal to better protect law-abiding members of the Victorian community, including registered gun owners, against the actions of these organised crime gangs.

This is an excellent bill from a hardworking Minister for Police. Again I record on behalf of my constituents my disappointment in the opposition's failure to participate in this debate, but I commend this bill to the house.

Mr EDBROOKE (Frankston) — It gives me great pleasure to rise to speak on the Firearms Amendment (Trafficking and Other Measures) Bill 2015. This bill will make amendments to the Firearms Act 1996 which are aimed at strengthening the ability of Victoria Police to effectively combat serious and organised firearm-related crime and the illegal firearm market.

The bill will also make an amendment to the Crimes Act 1958 to assist police in their efforts to tackle illicit firearm activity. This is about preventing gun violence, supporting our hardworking police and making their job as safe as possible. Recently our police have ruled out single-officer patrols. They have been wearing Kevlar vests. A lot of this has to do with aspects of terrorism, but it also has to do with gun crime. Police statistics show a 300 per cent increase in firearm-related offences in the past five years in north-western Melbourne, with a gun found every two days. The number of firearm offences was 581 in 2011 and rose to 1332 in 2015.

Why are we speaking on this bill? Because children as young as 16 are carrying illegal guns around. In routine car intercepts police are being shot at. In one case an M16 assault rifle was found in what police call the 'red zone' in north-western metropolitan Melbourne. Also a Thureon machine gun was seized in police raids on homes in Point Cook, Wyndham Vale, Tarneit and Werribee. A number of people were arrested in these raids, which were sparked after a $290 000 armed robbery of a cash transport van in Sunbury.

Another reason we are talking about this bill — and getting it through — is that a man was gunned down in Altona Meadows. Handguns, longarms and automatic machine guns were found by police after an intercept of a car in Sunbury. A gym owner was shot twice in Burnside. A man was shot in the leg in a road rage incident in Bacchus Marsh, with two kids in the back of the car. Could you think of anything more horrible? Also a man was shot in Bloomfield Road in Doncaster.

To put a different slant on this bill, it is about illegal firearms. I am a licensed shooter — I take part in clay target shooting. I would like to put on the record that it is usually not licensed shooters, who go through the rigmarole of getting a gun licence, who are hurting people with the use of guns. The process in itself is very arduous — it involves studying courses. The firearm needs to be licensed and registered. There are provisions for how firearms are stored. This bill is hitting gun crime where it hurts — that is, it is hitting criminals, not registered and legal gun owners.

The bill will lower the trafficable quantity of unregistered firearms from 10 to 3 over a 12-month period. In the *Age* of 9 July 2015 Ron Iddles, the secretary of the Police Association, wrote that it is ridiculous and does not make sense that at present police have to prove a person has sold 10 unregistered guns over 7 days or is in possession of 10 firearms to be charged with trafficking. We are bringing that down to three, because at the moment if a person sells 8 guns in 7 days, they have not committed a trafficking offence. Ron Iddles is right — it does not make sense.

This bill also aims to reverse the onus under which a person is taken to be in possession of a firearm found in premises or a vehicle, which makes sense. We have heard time and again of police raids that turn up firearms in houses, clubhouses and cars, and people who are helping the police with their inquiries saying, 'We know nothing about that firearm'. This bill reverses the onus so that people have to prove they have nothing to do with the firearm, which is very important. This supports our police because nothing is plainer than the nose on your face: if there is a gun under your bed, most of the time it is going to be yours, whether it is legal or not.

The bill amends the definition of 'evidence of possession' by substituting a new section 145 of the Firearms Act 1996. The purpose of this is primarily to target serious and organised crime groups that increasingly engage in the trafficking of black and grey market firearms, which are usually stolen and subsequently used to assist crime gangs in the commission of serious crimes. New section 145 will remove the current definition of 'evidence of possession' and introduce a new 'deemed possession' provision providing that evidence of possession will include a person occupying or in the care, control or management of premises, or in charge of a vehicle where a firearm is found. That is a great change; that makes sense. The amendment shifts the focus away from a person's relationship with the firearm to the relationship between the person and the premises or vehicle where the firearm is located. We are closing a gap in the legal system that people have been wriggling through.

This bill will also create a new offence of the unlawful manufacture of firearms, which will attract a penalty of 10 years jail. Given that the unlawful manufacturing of firearms is a serious crime which can lead to unregistered and unlawful firearms circulating in our community, particularly amongst serious and organised crime groups, which can only cause damage, the bill will increase the current penalties relating to such an offence and, more importantly, separate the offence of unlawful manufacture from the existing offence of carrying on a business of dealing in firearms without a licence. By separating them we are ensuring that we know that one is particularly serious and will attract a 10-year jail term. The increased penalties will range from 600 penalty units or 5 years imprisonment, which makes sense to me.

We are also introducing into the Crimes Act 1958 an offence of theft of a firearm, with a maximum penalty of 15 years imprisonment. We know that stolen firearms are often used in crimes. There has been a spate of firearms stolen in rural communities which we are led to believe are often used in violent gun crime. This new offence will carry a higher penalty than the offence of theft under section 74 of the Crimes Act in recognition that the theft of firearms can increase the illegitimate flow of firearms in the community and lead to very serious criminal activity. The Victorian government is giving Victoria Police the powers it needs to effectively combat the illegal use of firearms and the illegal firearms market in the community.

Earlier we heard a member on the other side of the chamber speak about the Adler eight-shot lever-action shotgun, and I think most of us would be in two minds about this. As a person with a gun licence, I wonder why we need a lever-action shotgun that can fire eight shots in 7 seconds. On the other side, though, I am not sure how many legal and registered guns are used in gun crime compared to illegal weapons on the streets. Nevertheless, I am not sure where we would need an eight-shot rapid-fire shotgun in our community — and if one was stolen, what kind of damage could it do in the wrong hands?

The Victorian government is committed to ensuring that our firearm laws are balancing the interests of those who responsibly use firearms, such as sporting shooters and primary producers, and the interests of the broader community to live safely and securely. This is particularly important, as I spoke about before. It is important that the government works closely with a range of groups on this bill — and it has — including Victoria Police and the Victoria Police Association. We also welcome the contribution of the Shooters and Fishers Party, a group of responsible gun owners, in discussions.

In my local community there are currently many low-level ice dealers running around with guns. In speaking to the local police I am hearing that there is a gangster culture where people believe that if they are dealing in illegal drugs, there is almost a fashion to have a gun on them — some sort of Americanisation, which is a path we certainly do not want to head down. These firearm offences have clearly been rising over the past four years, yet the former government did not really do anything. I think there is a good chance to do something now.

I read a quote on this topic from a bloke called John Oliver in the US, and I found it particularly poignant. He said:

> One failed attempt at a shoe bomb, and we all take off our shoes at the airport. Thirty-one school shootings since Columbine and no change in the regulation of guns.

Take from that what you will, but it is definitely a tick in the box for us that we are not going down the same path as America. We are making our own decisions about what makes our community safer, what makes our police safer and how we can clamp down on firearms being used as weapons in crimes. This government is getting on with it, and I commend this bill to the house.

Mr J. BULL (Sunbury) — I rise to contribute to the debate on the Firearms Amendment (Trafficking and Other Measures) Bill 2015. I will touch on the comments made by the member for Frankston, who spoke about not going down the same path as the US, as I will focus a large portion of my contribution on exactly that.

Before I go to the bill I point out that I think it is critical that state and federal governments in Australia limit the prevalence and use of firearms in the community. As we have just heard from the member for Frankston, members will be well aware of the high incidence of gun deaths in the United States. I love statistics, but the statistics in this situation are absolutely frightening. The ABC reported that:

> The United States has the highest rate of private gun ownership of any developed nation, at nearly 89 firearms per 100 people. It also leads overwhelmingly in the number of firearm deaths.
>
> For every 1 million Americans, there are 29.7 homicides by firearm each year, the Human Development Index reported.
>
> Switzerland, the nation with the next highest rate, has 7.7 firearm homicides per million people, while Australia, which saw its gun death rate plunge by more than half since 1996 when it tightened gun laws, has just 1.4 firearm homicides per million.

There is no doubt in my mind and no doubt in the minds of members in the house tonight that taking guns off the street and limiting the sale, use and availability of guns significantly reduces injury and death within our community.

The ABC also reported that:

> US mass shootings occur with devastating frequency. According to the Mass Shooting Tracker, there have been 248 mass shootings in the 238 days of 2015.

That number is devastating and very frightening. While the US constitution's second amendment enshrines the right to bear arms, laws on possession and purchase of firearms vary from state to state. Members know that the US constitution provides the right to bear arms, and

it is generally accepted that over the past 30 years we have seen gun laws across the United States easing rather than tightening. That in itself is extremely concerning.

The National Rifle Association has spent millions of dollars in successful efforts to help roll back dozens of gun restrictions since 2009. It is hard to believe that there are those such as members of the National Rifle Association who still believe the right to carry a gun or a weapon trumps the right of the community to feel safe. That goes to the absolute heart of this argument: you should be able to walk down the street, go to school, go to work, be on the train and enjoy your weekends free of fear of harm. You should not have to worry that the person sitting next to you may have a concealed weapon or, in many cases, especially in the US, a weapon that is not concealed.

In Victoria we have seen a rise in the discovery of guns by police, with reports that guns are being found in cars every two days in Melbourne's north-west. According to the *Age*, police in the north-west have reported firearm-related incidents, such as drive-by shootings, every six days; an increasing trend of children as young as 16 carrying guns; regularly finding guns in cars, including sawn-off shotguns and automatic machine guns, during routine car intercepts; and guns stolen from rural homes being used in violent crime. When you ask police what the most dangerous part of their job is, often they will say it is randomly pulling people over on the road because you never know who you are going to get and what is going to be in their car.

The Australian Crime Commission estimated that in 2012 there were 260 000 firearms on the illicit market. Many of the guns on the black market were never handed in when the national firearms agreement was established in 1996 following the devastating Port Arthur massacre. This is all extremely concerning, and the government is responding with this legislation, which will lower the trafficable quantity of unregistered firearms from 10 to 3 over a 12-year period, reverse the onus under which a person is taken to be in possession of a firearm found on a premises or in a vehicle, create a new offence for the unlawful manufacture of firearms and introduce an offence of theft of a firearm in the Crimes Act 1958 with an increased maximum penalty of 15 years jail. The government has worked closely with a range of groups on this bill, including Victoria Police and the Police Association of Victoria. We also welcome the contribution of the Shooters and Fishers Party to these discussions.

If we are looking specifically at the deemed possession provision — and the member for Frankston certainly outlined this very clearly in his contribution — we are looking at amending the definition of 'evidence of possession' in section 145 of the Firearms Act 1996. The amended provision will shift the focus away from a person's relationship with the firearm to their relationship with the premises or vehicle where a firearm is located.

Once again, when you are speaking to police — I have some terrific police in my community who do a wonderful job day in and day out, often putting their lives on the line for ours — you realise that they need to be supported in what they do. The police need to be assisted with legislation that is practical and that enables them to enforce the law in the way it is intended to be enforced. One of the key objectives of the deeming provision is to overcome problems encountered by the police in dealing with serious and organised crime. The provision has been specifically sought by Victoria Police in order to deal with unregistered firearms that are found largely in the possession of or on the premises of serious organised crime groups, such as bikie gangs. Victoria Police has dealt with scenarios in which firearms were found on premises and in vehicles but of which all gang members denied knowledge.

It should also be noted that it is extremely important that the bill address the unlawful manufacturing of firearms, which potentially leads to unregistered and unlawful firearms spreading throughout the community. A new offence will be created for a person who is not a licensed firearms dealer and is involved in the illegal manufacture of firearms and firearms parts. It will carry a penalty ranging from 600 penalty units or five years imprisonment for the illegal manufacturing of category A or category B firearms or paintball markers to 1200 penalty units or 10 years imprisonment for illegally manufacturing the more restrictive category C, D or E firearms.

This bill is extremely important to ensure that the government is assisting police and emergency services authorities in doing the very important job of keeping our community safe. The responsibility of state and federal governments is first and foremost to make sure that our communities are safe and that people feel protected and able to go about their daily lives without being concerned about firearms. Will this remove every illegal firearm from the streets? No, it will not, but what we know is that this bill will go a long way to making sure that these laws are tightened up and that those who do the wrong thing will be adequately punished. It is a very important bill, and I commend it to the house.

Ms KAIROUZ (Kororoit) — I rise with sadness to speak on the Firearms Amendment (Trafficking and Other Measures) Bill 2015. I say that because, yet again, in recent days we have seen the tragic results of the accessibility of firearms in the United states, a country that gives to its citizens a constitutional right to bear arms with little obstacle placed in the way of those who would do harm. Time after time we have seen the effects of a gun-toting culture gone mad, and it seems each event becomes more graphic, more public and more shocking. Fortunately we have a more enlightened approach in Australia, but it did not come without our own tragedies, including Hoddle Street, Port Arthur and the Milperra bikie massacre. It took strong leadership to make the appropriate changes in the Australian context. Dare I say from my side of politics that John Howard and Tim Fischer should have then been, as they should now be, applauded for the stand they took on behalf of their government in the wake of the Port Arthur tragedy. Their leadership has made Australia a safer place.

I can hear the chorus of naysayers and their claims that guns do not kill people, people kill people. Yes, the firearm is only the instrument of the person who takes aim, and those with murderous intent can use other means to carry out their despicable crimes — but the difference is the speed and the efficiency with which a firearm can do harm. Julian Knight would not have been able to carry out his crimes to the same extent without a firearm. I doubt whether he would have had the courage to approach his victims with a knife. When captured he showed what a miserable, cowardly wretch he was, and still is. Similarly the Port Arthur massacre would have ended with far fewer casualties had firearms not been involved.

I am not someone who could be described as a wowser, and I acknowledge that there are a number of legitimate reasons for owning a firearm. I have heard claims that current laws only stop honest people from having firearms in their possession and not criminals, which is partly right. The range of firearms available for honest citizens is limited, but for a good reason. Time and again we have seen the ruthless efficiency of semiautomatic and fully automatic weapons, some of which are capable of firing many hundreds of rounds per minute and with devastating effect.

The criminal element will continue to seek ways to get hold of weapons, and enforcement agencies will continue to seek ways to take those weapons out of circulation. That is where we come in; that is where we can help. By beefing up the current legislative framework we will make it harder for criminals and others who should not have firearms to have them. We will also make it simpler to convict those who transgress, and we will seek to keep offenders off the streets for longer when they do transgress.

That is also where this bill comes in. The bill before us seeks to amend the Firearms Act 1996 to lower the number of unregistered firearms that is a trafficable quantity, provide higher penalties for the unlawful manufacturing of firearms and clarify the circumstances in which certain persons are taken to be in possession of a firearm. The bill also seeks to amend the Crimes Act 1958 to create a new offence of theft of a firearm and for other purposes.

Currently in Victoria to be convicted of trafficking firearms under the Firearms Act 1996 a person has to be selling or trying to sell 10 or more firearms. When we look at a definition of trafficking more generally, we find that it means to be engaged in the action of trading something illegally or engaged in illegal commerce. This bill seeks to lower the trafficable quantity from 10 to 3, and I believe that is a sensible approach. If a person is in the business of selling illegal firearms, whether it is 3 or 30 firearms, we want them punished, we want them off the streets and we want them off the streets for a long time.

This bill also picks up a practice that is becoming increasingly reported in news bulletins in Victoria — that is, the manufacture of do-it-yourself firearms. Anyone skilled with a lathe and other engineering equipment, as well as being in possession of the knowledge of case hardening and the precision grinding of steel, has the capacity to make a basic firearm at a minimum. These weapons can not only be dangerous to the intended target but have also been known to explode and injure the user.

More frightening still is the capacity to produce firearms using 3D printing. I understand that designs are readily available for download on the World Wide Web and that firearms can be made from a range of materials. I further understand that these weapons can be dangerous to users because they can explode on firing, as I mentioned earlier. The use of 3D firearms is an area which will require the attention of enforcement agencies into the future. This bill gets ahead of the curve and increases the penalty for unlicensed manufacture of firearms to 1200 penalty points and 10 years imprisonment. In so doing the act provides a greater deterrent effect.

Stealing firearms is another crime which will attract a greater penalty than that which currently exists. At the moment stealing a loaf of bread carries the same penalty as stealing a firearm. This bill recognises that

stealing a firearm is not the same as the theft of other items in that the theft of the firearm is likely to be the beginning of a terrible story. One might deduce that the person who steals a firearm does not do so to pursue legal activities such as hunting or target shooting. Rather, they do so with the intent to commit crime. The creation of a new offence of stealing a firearm will give our magistrates and judges the capacity to apply much stronger punishment than is currently available.

We must be hard proponents of the fight against gun crime. Not only are lives lost to firearms but also people have been traumatised by firearms. I speak of those people who are victims of armed robberies where a weapon has been brandished but not fired. I also speak of our emergency services personnel, who are often confronted by people using firearms. As legislators we need to do whatever we can to prevent the horrors associated with the use of firearms. This bill responds to this need, and I commend it to the house.

Ms EDWARDS (Bendigo West) — I am pleased to make a contribution to the debate on the Firearms Amendment (Trafficking and Other Matters) Bill 2015. It is important that Victoria's firearms laws have a balance between those who responsibly use firearms, such as sporting shooters and farmers, and the need to protect our communities and allow people to live safely and securely. Changes to these gun laws are about keeping our communities safe.

I grew up in a family of sporting shooters. My father, my uncles, my brother and my cousin were, and continue to be, members of the Maryborough Rifle Club and the Maryborough Gun Club. It was always well known and a rule followed meticulously that guns were used for sport and were locked away in gun safes and out of reach of curious children. I watched on many occasions as my father and my brother went about dismantling and cleaning their rifles in preparation for the competitions they entered. I never felt afraid because I understood that those guns were for one use and one use only, and that was at the rifle range. They were registered firearms, and they were well looked after as any sportsperson would care for the equipment they need to compete, and compete well, in their chosen sport.

My brother has excelled at this sport and I am proud that currently he is the captain of the Australian match rifle team that will compete against Great Britain for the Woomera trophy in 2016 at Campbelltown in Tasmania. He also set the world record for the 1500 yards a couple of years ago and won a sports star of the year award for Maryborough and region. Good genes! I should mention that my brother's name is Shane Courtney. My cousin Jim Shepherd is a state council member and rules supervisor for the national body for clay target shooting in Australia and a member of the Maryborough Gun Club. He is also the winner of the 2008 presidential medal for outstanding contribution to the sport from club to national level and was inducted into the Victorian Clay Target Association hall of fame in 2011.

I understand what guns are, what they can do and why we need to protect our communities when the illegal use of firearms and the illegal firearm market become a threat to people's safety. We do not need to look much further than the United States to see how guns destroy lives, families and whole communities and create mayhem and chaos on the streets.

In 2012 the Australian Crime Commission estimated that there were 260 000 illegal firearms on the black market. Many of these guns were the guns that were not handed in when the national firearms agreement was established in 1996. It is well documented that these laws were made following the horrific Port Arthur massacre in 1996. The Port Arthur massacre was a defining moment for Australia in terms of our approach to gun laws and the need to protect people and communities from this kind of horror.

Sadly the number of firearms offences has been rising over the last four years, as has the incidence of theft of firearms from private properties. This is especially prevalent in rural areas. More than 140 guns were stolen from farms in western Victoria in the first half of last year, and around 530 guns were stolen from rural properties in 2013. Police have commented that many guns stolen from rural properties are fuelling a growing gangster culture. It is also reported that many guns used in serious crime are indeed stolen guns. While it is important for farmers and others to report stolen firearms and report suspicious behaviour on or near their properties, this new legislation will help police in regional Victoria crack down on gun thefts from people on farms and other rural properties. Of course it is also law that any guns on rural properties or guns that are used for sporting purposes are registered and can be tracked.

The bill amends the legislation to introduce a further new offence — that is, theft of a firearm — by inserting a new section into the Crimes Act 1958. This offence will carry a maximum of 15 years jail, which is an increase from the 10-year penalty. Crime statistics show that despite the proliferation of guns on the black market and a doubling of firearms offences statewide in the last five years, fewer than 1000 people have been charged with gun trafficking in recent years. Only two

people have been charged with selling or acquiring a trafficable quantity of guns since 2010, and only eight were charged with possessing a trafficable quantity of guns.

An article in the *Age* of 19 June this year, 'Gun found every two days', reports that police have been finding guns in cars during intercepts every two days on average and that the north-western metropolitan police region, the state's largest police service area, was experiencing firearm-related incidents, such as drive-by shootings, every six days. Further it reports an increasing, very sad and disappointing trend, which is quite horrifying to hear, of children as young as 16 carrying guns. Police report regularly finding guns in cars, including sawn-off shotguns and even an automatic machine gun. And as I said, guns stolen from rural properties are being used in increasing numbers in violent crimes.

The bill will also address the unlawful manufacture of firearms and create a new offence where a person who is not a licensed firearms dealer is involved in the illegal manufacture of firearms and firearms parts. Importantly this will bring Victoria into line with other states and territories that currently have specific offences for the illegal manufacture of firearms. The bill amends section 7C of the principal act to lower the number of unregistered firearms that is a trafficable quantity — that a person cannot possess — from 10 to 3. This will assist police to combat the illegitimate flow of firearms in the community.

The objectives of the bill are to assist Victoria Police to effectively tackle serious and organised firearm-related criminality and to facilitate the removal of illegal firearms circulating in the community, given the risk posed to public safety and the potential for innocent people to be injured or killed as a result of illegal firearm activity.

I acknowledge and thank Victoria Police for the great work they do on many occasions under very difficult circumstances, and I especially want to thank them for their protection of the Bendigo community at last weekend's disgraceful and hate-filled rallies. I commend the hardworking Minister for Police for quietly getting on with introducing this legislation. The *Age* has reported today that the group who attended the rallies — the racist people who do not want a mosque built in Bendigo — are planning a further rally in Bendigo. I say to them: it does not matter how many times they come to Bendigo to hold these rallies full of hatred and racism, because Bendigo will always return to its peaceful normal self after they have gone.

On a final note, I am really looking forward to seeing my brother lead the Australian match rifle team to victory next year. I commend the bill to the house.

Mr PEARSON (Essendon) — I am honoured and pleased to join the debate on the Firearms Amendment (Trafficking and Other Measures) Bill 2015. Other members have acknowledged the great work Victoria Police members perform in protecting our community and our streets. As the member for Essendon, I particularly acknowledge the great work performed by officers from both Moonee Ponds and Flemington police stations. As was commented on previously, one of those officers was recently injured in an incident. I do not want to go into the details because I do not want to breach the sub judice convention, but it was obviously very upsetting for the members involved. I understand that the condition of one of these members has greatly improved and that he might be in the process of returning to work, which is a great thing. He is a fortunate individual. Members of Victoria Police do a tremendous job in protecting our communities and streets.

As has been indicated, the bill will target illicit firearms. As legislators we have a responsibility to weigh up the competing pressures of ensuring that Victoria Police can effectively police our community while not undermining our civil liberties. This is an important point. For example, article 14(2) of the Constitution of Singapore empowers the Parliament of Singapore to impose restrictions on civil rights on the grounds of public order. I have raised my concerns in the house before about how over the passage of time civil rights in Singapore have been whittled away, which has now led to that country being like a gilded cage. But we must listen to first responders on the front line and we need to carefully weigh up and consider what they are seeing. Our role as legislators is to make sure that they are able to discharge their duties as best they can. Frankly, we have a real obligation to protect our community from firearms offences.

Victoria Police has raised grave concerns about what it has been seeing, which has been touched upon previously. In an article of 1 June, based upon an interview John Sylvester — one of the finest crime journalists this state or nation has ever seen — conducted with Steve Fontana, the assistant commissioner indicated that burglars are grabbing up to 12 guns in a single raid, that the underworld is being flooded with firearms and that police are seeing a cascading effect whereby low-level criminals, some of whom are drug affected, now possess weapons. That is now causing enormous problems in our community.

In that article the Australian Crime Commission estimated that in 2012 there were 250 000 longarm firearms and 10 000 handguns in the illicit market. So clearly action was needed to be taken to protect the community from these weapons. The bill makes an amendment to the definition of evidence of possession under section 145 of the Firearms Act 1996, and that will remove the current definition of evidence of possession and introduce a new definition of deemed possession, which will provide a provision that evidence of possession will include a person occupying or being in the care, control or management of premises or in charge of a vehicle where the firearm is found.

The amendment shifts the focus from the person's relationship with the firearm to that of a relationship between a person and the premises or vehicle where the firearm is located. This will help Victoria Police deal with unregistered firearms, which are often found in the possession of or on the premises of serious organised crime groups such as bikie gangs. It is trying to put further pressure on people who are engaged in illegal activity so that when they get pulled over by the police they cannot just turn around and say, 'I didn't know the gun was sitting on the floor of the car'. It is looking at what reasonable grounds might be; and that is an important initiative.

When it comes back to the checks and balances you would expect from the legislation, the prosecution will still retain the legal onus of proving all the elements of the offence to the criminal standard of beyond reasonable doubt. The exceptions provided in the new provisions relate to matters that are solely within the knowledge of the defendant. That is a sensible balance between the two.

The reality is that we are living in different and difficult times. It is very different from the sort of community my father grew up in. My father grew up on 10 acres of land in East Burwood, which based upon property prices now would be worth an absolute fortune. When my father was a teenager he and his friend made very basic firearms — a rifle that used gunpowder to fire ball bearings. I think they got a bit of a fright from the kick and the fact that the firearm actually worked and the ball bearings were able to travel quite some distance and go through fences. My father always had an interest in shooting; he was not a bad shot in his day. He was conscripted to go to Vietnam, and I am glad he married my mother to get out of going to Vietnam because I fear he probably would have ended up as a rifleman.

Ms Knight interjected.

Mr PEARSON — He did, but the call-up helped to narrow the decision-making and the timing.

Clearly in those days you could manufacture a firearm and have a bit of a nice time of it all, but this bill introduces amendments to make sure that that can no longer be the case. That is a very sensible thing. It is very different when you are living in that sort of rural environment and you are mucking around with your mates and a slug gun. These are different times and we need to make sure that the legislation reflects the times we operate in. It is also important to recognise too that through this legislation we are trying to segregate the lawful members of our community who like shooting and hunting, and that it is a legitimate sport. Some people love it, and they fulfil a worthwhile and important public function, be it in terms of removing vermin like rabbits from our community or feral deer or other rodents. It is important that we recognise the role of the sporting shooter; we are not trying to prevent people from doing what they like doing. When my father was younger he loved going out rabbiting with his .22 rifle and his shot gun. One of his proudest claims to fame was that he managed to use his .22 rifle to shoot a rabbit through the eye. That is one of his great claims to fame.

Ms Edwards interjected.

Mr PEARSON — The member for Bendigo West is disputing me. I swear upon a stack of Bibles that my father did that. He told me, so it must be true!

This is a piece of legislation that is not out to target the legitimate sporting shooter. I am sure that the members of the Shooters and Fishers Party in the Legislative Council are very proud standard-bearers of their constituency, and I think they will be quite pleased with this piece of legislation the government has prepared to address this issue.

There will now be a penalty for the unlawful manufacture of firearms. Those penalties will range from 600 penalty units or 5 years imprisonment for the unauthorised manufacture of a category A or B longarm firearm or paintball marker to 1200 penalty units or 10 years imprisonment for the unauthorised manufacture of category C, D or E longarm firearms or handguns. This is a very important initiative. It is about making sure that legislation follows the times in which we live and reflects what we are seeing. We have to make sure that our streets are protected and safe.

I remember being in Brisbane after *The Moonlight State* was aired on *Four Corners* in 1987 and seeing a car pull up and a guy pull out a handgun and pass it to a

person in another car while a copper was just down the road. These are the sorts of things we do not want to see on our streets. That might have been standard form and practice in Bjelke-Petersen's Queensland, but we are better than Queenslanders. We are Victorians. We need to make sure we keep our streets safe and protected and this bill does that. It is responsive to the issues raised by Victoria Police. I am pleased to commend the bill to the house.

Ms GREEN (Yan Yean) — I take great pleasure in joining the debate on the Firearms Amendment (Trafficking and Other Measures) Bill 2015. I note that the Deputy Speaker is now taking the place of the member for Eltham in the chair. The Deputy Speaker knows full well the difference between unlawful gun use and the practices of licensed shooters. I know that the Deputy Speaker and I sadly missed last Friday's politicians clay target shoot. Unfortunately the Labor team came third, but apparently we did beat the Liberal Party, which is always a good thing. I think that shows the Labor caucus has superior rural credentials and shooting prowess.

I look forward to the Deputy Speaker and myself returning to the ranks of our team next year and hopefully cracking it for a win. This year will be only the first or second time I have missed that event in more than a decade. The first time that it was held Labor had a victory, and much to the chagrin of The Nationals, Bill Sykes lost in a shootout. The Nationals were horrified that there were a whole lot of sheilas in the team that won. I think that shows that shooters come in all shapes and forms and licensed shooters are respectable members of the community.

I have spoken many times on important changes that have been made in this place in relation to firearms. I am pretty pleased that I have been able to convey to successive ministers over my time in this place the authenticity of licensed shooters and change what have been some inner city people's perceptions about shooters being rednecks.

When I was parliamentary secretary for police and emergency services, it was a real privilege to deal with the licensed shooting community. I have had many great discussions with Rod Drew, who heads up that august body of Field and Game Australia, which is located in Seymour, just to the north of my electorate. During the time that I was parliamentary secretary for police and emergency services, the electorate of Yan Yean had 6 out of the top 10 postcodes in the state with registered gun owners.

I remember a previous environment minister, John Thwaites, questioning this. He said, 'I thought you lot all loved the environment out there'. I said, 'There's no distinction; you can be a licensed shooter and love the environment'. Field and Game Australia is a good example of that. It has done brilliant work every year on World Environment Day and many other days. It has built many nesting boxes in Plenty Gorge Park. It does some great work.

I have also had a lot to do with the deer-hunting fraternity and a number of other groups that are very concerned about the threat of feral animals to our native species and our environment but also to humans. We have an enormous problem with deer in this state. I am a frequent visitor to the alpine area due to my son having lived and worked there for eight years, and I know there is a year-round problem with feral animals. Numerous times when I have been visiting the alpine areas I have needed to stop and assist motorists who have collided with deer. Because of their centre of gravity deer very frequently end up on bonnets and windscreens and can cause catastrophic injuries to human beings.

There are also plenty of deer in my local electorate. Even on Yan Yean Road, which is very congested and frequently has traffic jams, vehicles have to watch for kangaroos and feral deer. I witnessed a collision between a car and a deer at 4 o'clock one school-day afternoon, so it is an ever-present problem. I would like to put on the record my thanks to the licensed shooting community for their advocacy and concern on those matters.

A number of licensed shooters in my community have also represented our country in licensed shooting sports, so we have a great history. The member for Thomastown, who I sit next to, and I are working very closely with the licensed shooting community to try to get them a new facility and move their Epping premises.

In relation to the bill before the house, we are not actually talking about licensed shooters; we are talking about a very large expansion and spread of illegal weapons within the community, which is at the opposite end of the spectrum. I mentioned the number of licensed shooters within my community. Sadly, however, recent press reports and police information have identified what has been dubbed a 'red zone' in Melbourne. Police are concerned about a growing gangster culture in Melbourne's north-west, in which the Yan Yean electorate is located. So, sadly, my electorate is part of that problem.

It is really important that we take steps, such as those contained in the bill before the house, to give Victoria Police the powers it needs to effectively combat the illegal use of firearms and the illegal firearms market in the community. As other members have said, we just do not want the growing gangster culture or prolific illegal firearm use that we see in other countries, like the United States.

The Victorian government is committed to ensuring that our firearm laws balance the interests of those who will responsibly hold a firearm, like those I have mentioned, such as sporting shooters and primary producers — like the family in which I grew up. Many farmers responsibly use firearms in the conduct of their primary production business. However, these interests must be balanced with the interests of the broader community to live safely and securely, and the issue of police finding firearms every two days in the north-western region needs to be acted on.

I commend the Minister for Police for quietly getting on with the work of preparing this bill by undertaking relevant consultation and then bringing it before the house. I know it has been welcomed by the Police Association of Victoria. Our colleagues in the Legislative Council, the Shooters and Fishers Party members, have also indicated that they feel the bill is broadly heading in the right direction.

It is deeply concerning that those on the other side of the house in the Legislative Assembly, the coalition parties, have decided not to take part in this debate. It is a really important message to give to this community that this Parliament collectively takes a very dim view of the expansion of and growth in illegal firearm numbers. It shows a dereliction of duty that the coalition is not participating in this debate, just like the dereliction of duty it demonstrated when it presented a similar bill to this house last year and then allowed it to lapse. That shows how much it cares.

Those opposite bang on giving chapter and verse about how tough the coalition is on crime. It was not tough on crime in government, and it is still not tough on crime in opposition because it is not participating in this debate like Labor is. I commend the bill to the house.

Ms WARD (Eltham) — It is always a delight to see you in the Chair, Deputy Speaker. We all saw James Campbell's list of hardworking coalition MPs the other week. He is going to have to revise it because we have seen no evidence of any hardworking coalition MPs in this house today.

Mr Carroll — Two speakers.

Ms WARD — 'Two speakers', says the member for Niddrie. I would have thought, considering how much those opposite talk about how important rural communities are to them, that they would have been here and that they would have cared about the importance of ensuring consumer rights when it comes to electricity connection. I would have thought they would have wanted to stand up and talk about the importance of protecting rural communities from the massive increase in gun thefts in rural communities. I would have thought that they would have wanted to stand up for their communities instead of this petulant posturing they have been engaging in all day. It is absolutely pathetic.

Like many people in this house, I come from an urban background, and I do not have a lot of experience with guns. I have to say that when I first went overseas and saw people on trains in Thailand with large semiautomatic weapons, soldiers and vigili and other police officers in Italy with handguns, and police in Russia with machine guns, I was shocked. I find guns quite unsettling, but that is not to say that I do not support the right of people to have guns if they engage in recreational shooting activity. What I do not support is lax gun control. We need to have gun laws, and we need to have strict gun laws to ensure the safety of our people.

Guns held in the hands of responsible people are useful weapons. They can be used on farms, and they can be used in recreational shooting. It is when they fall into the wrong hands that we find ourselves with serious problems. When we think of guns in our country we know that guns are not as prolific here as they are in the United States, and our ideas around guns are, I think, often shaped by the events that go on in the USA. I want to take a couple of lines from the President of the United States, Barack Obama, who said after a church shooting in Charleston:

> … at some point, we as a country will have to reckon with the fact that this type of mass violence does not happen in other advanced countries. It doesn't happen in other places with this kind of frequency. And it is in our power to do something about it.

That is what we have indeed done in this country and in this state. We have done something about it, and I am happy to say that this Labor government is continuing to do something about it.

Like other people in this house, I vividly remember the day we heard about the Port Arthur shooting. I was driving from Research to a pub in Yarra Glen. Driving in the car and hearing the news report as it came across the radio is as vivid to me now as it was then. It was

hideous, and as the day unfolded and we learnt more about what happened to those people — to those children, to those mothers protecting their children — it just broke all our hearts. I commend John Howard for the very strong stand he took after Port Arthur. It was a very courageous thing for him to do, and it was one of the few things he did that I thought had an absolutely outstanding result for our country.

Prior to the implementation of those gun laws, 112 people were killed in 11 mass shootings in Australia. That is a lot of people. Since the implementation of those gun laws no comparable gun massacres have occurred in Australia. We do not have the same situation they have in the United States because we were courageous, we stepped up and we, as a whole country, stood as one and got rid of a hell of a lot of guns. It was an important thing for us to do. The interesting thing is that John Howard's laws banned guns such as the Glock semiautomatic handgun that was used in the Charlton shootings. We are not allowed to have those guns, and there is a very good reason we do not have those guns. Gun regulation does save lives.

Now is the time to act, with the *Age* newspaper reporting statistics from the Police Association Victoria that police are discovering guns in cars every two days in Melbourne. Firearm-related incidents, such as drive-by shootings, are occurring every six days. There is an increasing trend of children as young as 16 carrying guns. At 16 you cannot drive a car. At 16 you do not even know what day it is, so you certainly should not be walking around with a gun. It is crazy. Police are regularly finding guns, including sawn-off shotguns, and even an automatic machine gun, in cars during routine interceptions. Where do those guns come from? Guns are being stolen from rural homes and used in violent crime. Around 530 guns were stolen in rural Victoria in 2013. That is a significant number of guns.

I am glad this legislation reduces from 10 to 3 the number of unregistered firearms considered a trafficable offence. It increases the penalties for manufacturing firearms, and this is incredibly important in this modern era when guns can be made very easily, including on 3D printers. We can have any person sitting in a back room putting together a gun using a 3D printer, so it is important that legislation keeps pace with modern times and with modern technologies. I am glad that we are doing it, and I take the point that the member for Yan Yean raised, which is that the previous government just sat on a similar bill and let it lapse. I am glad this government is yet again getting on with it, getting things done and making things happen, ensuring the future of people in Victoria.

A former member for Frankston, the very nice Alistair Harkness, who is now an academic at Federation University, has done a fair amount of study in this area, including on thefts of guns in rural communities. He says that with fewer high-powered weapons available, convenience store assistants, petrol station attendants, bank tellers and the wider Australian community will enjoy a great deal more safety. This is important. It is not just about the gun thefts and the economic challenges that they present; it is about the day-to-day lives of people who are confronted with armed bandits coming into their workplaces, where they should be safe, and putting guns in their faces. It is horrendous for someone to have to deal with that. People will be safer as they go about their day-to-day lives with this legislation in place.

It is a nonsensical argument that guns do not kill people, that people kill people. In isolation you can make this argument. However, without access to a bullet and a gun to fire, it is hard to kill people. Guns are a very efficient tool of death. That is why they and other gun-like weapons are the weapons of choice in war, not sabres, not bows and arrows, and not spears.

It is interesting to note that with our ongoing evolution of and changes to gun laws, making them tighter and making it harder for people to traffic and store guns, the annual figure for robberies involving firearms has declined by around 400 since the 1990s. That is 400 fewer robberies a year compared to the figure 25 years ago. This is a good statistic, and it is because we are making it harder for people to commit crime.

The United States experience is a good example of how guns are not a good defence tool. Guns do not protect you. You do not have a gun with you 24 hours a day; you have it locked away, you have it under your bed or you have it in the side table. This is what kills people: someone comes into your house to rob you and they go to where your gun is. They know where you hide your gun. They know it is going to be in your bedside table or on the kitchen bench. You do not actually protect yourself. Over the period from 2007 to 2011 when roughly 6 million non-fatal violent crimes occurred each year, data from the national crime victimisation survey in the United States showed that the victim did not defend with a gun in 99.2 per cent of those incidents. This is a country with 300 million guns in civilian hands — 300 million guns is insane!

Before I finish I would like to bring to the attention of members the horrendous crime in Norway, the horrific slaughter of young people. The man, who I will not name, wrote in his so-called manifesto that he got his gun from the US; he had a mail-order gun. It is

incredibly important that we have tight controls and that at every step of the way in a gun's progress, if you like — of people manufacturing it and of it being imported into the country — we have tight gun laws and that we make it hard for those people who want to use guns illegally, that they find it a real challenge and that they know they will be penalised severely for their illegal use. This law does not target recreational users of guns. It is not targeted at people who use guns sensibly and maturely. It is a law that will help to cut back on and prevent people from using guns in acts of crime. I commend the bill to the house.

Mr LIM (Clarinda) — I am very pleased to join my colleagues on this side of the house in participating in this debate. I notice that more than 20 of my colleagues, who are very keen, passionate and caring about this issue, have spoken in the debate. When I look across the chamber there is not a single person, except for the shadow minister for roads and infrastructure, who is at the table, and one of his colleagues, who is smiling. I do not think he has any feelings about the bill, but I am very proud.

I start by congratulating the minister, who is very much a quiet but big achiever in what he does and who achieves so much for what we aspire to, particularly in this field. I will never forget the mass killings in Tasmania. I was travelling with a former shadow minister at the time, John Pandazopoulos. We were guests of the four-wheel drive association, and we were on our way home when all hell broke loose. We heard about the horrendous killings. The previous speaker made reference to former Prime Minister John Howard, who bravely took on the issue and took a big step towards making sure this country a safer place. I believe that had there been a Labor Prime Minister at the time they would have been equally concerned and would have taken the lead accordingly.

I come from a country where there was so much suffering because of all the killing with guns. Unfortunately after nearly 40 years of so-called peace, introduced by the United Nations under the leadership of a very distinguished former foreign minister, Gareth Evans, the killing still continues because there are no laws to control guns and the paramilitary have access to guns and use them indiscriminately just to keep themselves in power. That is another aspect that I should not go into because it does not have much to do with the bill.

The bill makes an amendment to the definition of 'evidence of possession'. In order to more efficiently encapsulate the intentions of the act, this bill broadens the definition to include a person occupying, or being in the care of, control or management of premises, or being in charge of a vehicle where the firearm is found'. The bill makes amendments to the Firearms Act 1996 and the Crimes Act 1958 to enable Victoria Police — who do a sterling job all the time — and other relevant entities to combat the increasing problems relating to firearms.

The bill enables Victoria Police to deal with unregistered firearms primarily found in the possession of persons, on their property or in their vehicles. This will alleviate much of the frustration that our police force has had to deal with, particularly in instances where an unregistered firearm is found in a vehicle or premises and the occupant declares no knowledge of the firearm. This frustration also occurs when firearms are being transported or where there is more than one person in a room. A further frustration occurs where associates or witnesses are unwilling to cooperate with police and further frustrate their investigations. This amendment places the onus on a defendant or accused to prove that they could not reasonably be expected to know that a firearm was in their possession in their vehicle or premises.

Thus it would normally be expected that public transport drivers would not be captured under the amendment as a train, tram or bus driver cannot reasonably be expected to know that an illegal firearm was on board their vehicle. Similarly the amendment is not intended to capture family members who are victims of family violence, and innocent parties to an investigation into illegal firearms. The intention instead is to provide Victoria Police with greater powers to remove illegal and unregistered firearms from the community and help to overcome problems encountered by the police in dealing with illegal firearms and related criminal activity.

The bill amends the act by lowering the threshold for the number of guns to be in possession in order for an offence to amount to trafficking. The current threshold is 10 unregistered firearms. The amendment reduces that number to 3. This number can be spread over 12 months. Previously, the higher number of 10 unregistered firearms being found within 7 days was found to be an easily exploitable condition by offenders.

The bill also amends the penalties associated with the illegal manufacture of firearms, and many honourable members have already touched on this aspect. The penalties will range from 600 penalty units or 5 years imprisonment for the unauthorised manufacture of category A or B longarms to 1200 penalty units or 10 years imprisonment for the unauthorised

manufacture of category C, D or E longarms or handguns. These amendments will bring Victoria into line with similar jurisdictions with similar laws.

Finally, the bill introduces an amendment to the Crimes Act relating to the theft of firearms. The theft of a firearm will carry a heavier penalty than the standard offence of a section 74 theft. This will more appropriately reflect the gravity of the offence, as such thefts contribute to the growing problem of illegal firearm circulation.

The Australian Crime Commission estimated in 2012 that there were 260 000 firearms in the illicit market. We have also seen an increase in the number of news reports of gang-related and other firearm concerns. This is particularly concerning in the north-western and western suburbs, including with teen gangs. I trust that the measures in this bill will go some way to combating the rising concern about firearms in Victoria, and I commend the bill to the house.

Ms COUZENS (Geelong) — I rise to contribute to the debate on the Firearms Amendment (Trafficking and Other Measures) Bill 2015. The bill makes amendments to the Firearms Act 1996 with regard to possession of firearms, firearm manufacturing and trafficking offences and firearm theft. The bill makes the following changes to the Firearms Act. It amends the definition to 'evidence of possession' and shifts the focus away from a person's relationship with a firearm to a relationship between the person and the premises or vehicle where the firearm is found. It strengthens a number of provisions in order to facilitate the successful prosecution of firearm trafficking offences by lowering the threshold number of trafficable quantities of unregistered firearms from 10 within a period of 7 days to 3 within a period of 12 months. It introduces a specific offence for the unlawful manufacture of firearms, being distinctly separate from the offence of carrying on a business of dealing in firearms. It introduces a new offence of 'theft of a firearm' under the Crimes Act 1958.

The changes to the Firearms Act will strengthen the ability of Victoria Police to effectively combat the illegal use of firearms by addressing serious and organised firearm-related criminality and the illegal firearm market in the community.

I share the view of the member for Eltham about guns because they are not my favourite thing either. One of the reasons they are not — and my story is not as ugly as the story the member for Essendon told about shooting a rabbit in the eye — is that they make me think about the sorts of things that can happen. As a kid with my brothers and sisters — there were six of us — I went to visit cousins at their place in the country. One of them happened to come across a gun; I will not say who it was. It ended up being a slug gun. One of my siblings was shot in the chest with this slug gun, and the slug was embedded in his chest.

Often I have thought about the consequences and what would have happened if that had been a real gun. The answer is that he would have been killed. So I do not have a great love of guns. I appreciate the fact that shooters and farmers have a desire to use guns, but they use them in a responsible way. The issue for us is dealing with people who are not using them in a responsible way and who are threatening or harming other people with those guns.

I note that the gun control debate has been ignited again at a federal level. It is of great concern to my electorate that the Abbott government may lift the ban on the Adler A110, a Turkish-made weapon capable of firing seven shots in rapid succession. This may soon be available in Australia in the least restrictive gun category. This is a powerful weapon that fires and reloads quickly.

After the 1996 Port Arthur massacre the Howard government, to its credit, introduced the toughest gun laws in the world. We were admired by many around the world for having those laws put in place. Now some 20 years later we have not seen another massacre. However, the imminent importation of the Adler A110 shotgun has raised significant concerns, not only in my electorate of Geelong but also nationally. We have heard about the lack of gun control in America and the sorts of things that happen there. It appears that almost every week there is some sort of massacre that hits a community there. It is quite frightening. People in my electorate of Geelong do not want to see that happen here in Australia in any shape or form, and it is a Labor government that is introducing this legislation to ensure that it does not.

The focus of serious and organised crime groups in Victoria has expanded from illicit drugs to include illicit firearm activity. The presence of illicit firearms in the community presents a threat to community safety, given the fear in the broader community about violent situations occurring in public places and the risk to potential victims. The Victorian government is committed to ensuring that Victoria Police members are appropriately equipped with the necessary powers in order to stem the flow of illegitimate firearms and prosecute those individuals responsible for engaging in unlawful activities involving firearms.

An article that appeared in the *Geelong Advertiser* says:

> Geelong's guns black market will be targeted by police after they seized a number of illegal and improvised weapons in the city.
>
> Police uncovered a modified cattle prod and taser during a raid on a South Street, Belmont, property on Friday.
>
> Geelong Inspector Gary Bruce said the perpetrator was still on the loose.
>
> 'We haven't caught up with the person yet — no-one was home when the warrant was executed, where police supposedly located what appears to be some sort of cattle prod with a taser attached', he said.
>
> In the past week another illegal weapon was seized when police intercepted a car … to find a shotgun and drugs, leading to the arrest of two people.

There is real concern in the Geelong community about ensuring that people feel safe, and they want the changes in the bill to go through.

This is a necessary amendment to the Firearms Act, as Victoria Police holds serious ongoing concerns about the illegal use of firearms in the community. The proposed amendment places an evidential onus on the accused to provide that they did not know, and could not be reasonably expected to know, that a firearm was on the premises or in the vehicle, or that they believed on reasonable grounds that the firearm was in the possession of another person who was lawfully authorised under the Firearms Act to possess the firearm. The prosecution still retains the legal onus of proving all the elements of the offence to the criminal standard of beyond reasonable doubt. The exceptions in the new provision relate to matters solely within the knowledge of the defendant.

The government is keen to reassure the community that the intention of the new deeming provision is not to inadvertently capture innocent parties, such as victims of family violence. We know the issues around family violence are at times complex. Women and children are often caught up in situations involving guns and police intervention. What we do not want to see is women being charged because their partner is in possession of a gun. From all accounts the police will be on top of and be able to deal with that to ensure that women and children are protected in line with this legislation.

Likewise, the provision is not intended to capture a driver of a public transport vehicle on which a firearm may be found, as the driver will not know or be reasonably expected to know that a firearm has been left within the vehicle. The overarching rationale for this amendment is to remove illegal firearms from the community as well as overcoming problems that are encountered by police dealing with and investigating serious and organised criminal activity, rather than targeting innocent persons, such as terrified victims in a family violence situation.

We know family violence is a serious matter for our community. One of the things we often see is that women have been threatened in their own homes by their partners with guns, and the women have known that the guns are there. The police are very clear that they understand that issue. They are concerned about that matter, and they will take whatever opportunity they have to enforce the provisions and remove those weapons from premises. It is a really important issue for women in domestic violence situations, and we must ensure they are protected at all times. The people of Geelong want these changes. They want to feel safe.

The bill also makes amendments to the Firearms Act 1996 in respect of the unlawful manufacturing of firearms. We have heard in this house today about people putting together bits and pieces to make firearms. An article in the *Geelong Advertiser* talked about the finding of tasers and potential firearms that were made by somebody in Geelong. We need to avoid these sorts of situations. We need to be on top of them. Our community expects us as lawmakers to enact this legislation and to continue to monitor it.

I congratulate the minister on introducing this legislation. I think it is really important, and the Geelong community looks forward to continuing to monitor this legislation to make sure it works for them.

Mr DIMOPOULOS (Oakleigh) — It gives me pleasure to speak on this bill. As we have heard, this bill changes the definition of 'evidence of possession' within the current legislation from a person's relationship with a firearm to their relationship with where the weapon was found. It strengthens provisions to allow the successful prosecution of trafficking offences by lowering the threshold from 10 unregistered firearms within 7 days to 3 within 12 months. The existing legislation is widely regarded as out of date, so this bill seeks to redress that. The bill also introduces a specific offence for the illegal manufacture of firearms as opposed to the current broad definition of 'dealing in firearms'. Further, the bill creates a new offence of theft of a firearm and increase the maximum penalty for such a crime to 15 years imprisonment.

I note, as have others, that firearms legislation national agreements have attracted bipartisan support, especially from proud former Prime Minister John Howard. I recently saw an interview with him. He was asked,

'What was one of your proudest achievements?'. I think he still cites the national gun buyback scheme as one of his proudest achievements. The Victorian Liberals and The Nationals, however, could barely maintain a skeleton crew during this debate. I think they had one speaker, or maybe they had two, but the member for Box Hill unfortunately brought politics into the debate by making a claim that Labor was a bit late in getting to this bill. I think that is an astonishing claim. We have only been in power for eight months, and we have done an enormous amount in that time.

This bill is timely. Those in opposition had four years, but somehow they let a similar bill lapse. I am sure they are keen on firearm reform; however, they are not keen on being a progressive, good government like the Labor government. This agenda item is hotly held by them; they are the ones who want to be known for being tough on crime. They are the ones who want to be known for protecting the community from violent offenders. However, in the last week this progressive Labor government is the one that has introduced legislation in relation to serious sex offenders. It has done that quickly and significantly.

I also note that despite the tough-on-crime rhetoric of the four years of the previous government, there has been an overall crime increase of 12.8 per cent from 2010 until now. The number of commencements in the Magistrates Court has increased by 36 per cent. This is interesting: the prison population has increased by 40 per cent. What is more interesting is that 45 per cent of those discharged in the sample year of 2012–13 returned to prison within two years. That is what a tough-on-crime approach does: not much at all. As a contrast to that, I characterise this bill as being effective on crime. I note that those opposite say they will support this bill, but I think their swipe at us for getting to this legislation late, in their view, is unfortunate, particularly given the history of proud bipartisan support for this issue.

There are incidents in Australia's history that leave an indelible mark on people's consciousness around gun violence. I would have to say, and others have mentioned this, that the 1996 Port Arthur massacre was one of those moments. It was a watershed moment for Australia. Even though before that point we had seen mass murders here in Victoria, including Queen Street, Hoddle Street and others, Port Arthur highlighted — as if we needed any more highlighting — that there was a real problem with access to guns in Australia, in particular certain types of guns. It was incumbent on the Howard federal government at that point to show some leadership, and it did. What that government did was not only right but courageous. Even as someone from the opposite side of politics, I would be the first to say that I commend that government.

The DEPUTY SPEAKER — Order! The time has come for me to interrupt the proceedings of the house. The honourable member will have the call when this matter is next before the house.

Business interrupted under sessional orders.

ADJOURNMENT

The DEPUTY SPEAKER — Order! The question is:

That the house now adjourns.

Officer railway station

Mr BATTIN (Gembrook) — My adjournment matter tonight is for the Minister for Public Transport. I ask her to provide funding for the Officer railway station car park in Officer. The Officer railway station car park is currently unsealed and in poor condition. It is also small and ill-equipped to serve Officer's growing population, which is expected to reach 30 000. At the last election the coalition committed $1.5 million to upgrade the car park. The need for the upgrade is becoming urgent owing to the opening of Officer Secondary College in term 1 of this year. Year 7 students currently attend the school, and next year it will have year 7 and 8 students. The school has a predicted enrolment of over 500 students. Many of those — —

Mr Pakula interjected.

Mr BATTIN — Many of those students do not drive cars, Attorney-General. However, they do catch trains. Around 250 students will be catching the train to Officer and walking across the road to the secondary college. Getting to the school is creating a bit of a safety issue. Next door is a company called Hy Gain. Hy Gain has trucks, semitrailers and B-doubles moving through the car park quite regularly. This is creating a massive issue for the community in Officer.

As the growth happens we need to ensure that the station has CCTV cameras, lighting and new car spots for the future. We also need to get rid of the potholes. The council is calling for this, and I am asking the minister to provide funding for this commitment.

Bulla landfill

Mr J. BULL (Sunbury) — My adjournment matter is for the Minister for Environment, Climate Change and Water, and the action I seek is that she provide an

update for my community on the current situation with the BTQ Bulla landfill in my electorate and the Environment Protection Authority Victoria (EPA). During the election campaign last year, and throughout this year, I received numerous emails and calls and had meetings with local residents who have raised serious concerns about this site. Residents have called on the EPA to do more to monitor the site. They have concerns regarding waste disposal, fire threat and contamination of neighbouring properties.

As the minister will recall, the EPA recently released a statement advising that it:

> … has ordered an independent review into all its landfill asbestos licences following an investigation into community concerns over the BTQ Bulla landfill site.

EPA CEO Nial Finegan ordered the independent review after a recent inspection of the Bulla tip and quarry identified irregularities in the EPA's licence approval processes for the site. Mr Finegan said:

> Our investigations have revealed that the most recent licence amendment to allow BTQ to have a separate asbestos disposal area, issued in 2013, did not follow EPA's usual stringent approval processes that aim to ensure best practice environmental management …

He added:

> This administration error is unacceptable and that is why I am taking these steps to address the matter.
>
> …
>
> EPA will be issuing an amended licence requiring BTQ to immediately cover any asbestos deposited at the site with soil and/or other appropriate waste.
>
> EPA will also be issuing BTQ a second amended licence restricting the deposit of asbestos to other areas on the site after another inspection identified concerns for worker safety.

This is of great concern to me and the residents of Bulla. The action I seek, on behalf of the Bulla and Sunbury community, is that the minister provide an update on this very important matter.

Emergency Medical Response program

Ms RYAN (Euroa) — My adjournment matter tonight is for the Minister for Emergency Services. The action I seek is that she expand the eligibility criteria for the Emergency Medical Response (EMR) program to include all Country Fire Authority (CFA) brigades. The current eligibility criteria for the EMR program is restricted to brigades that are deemed 'integrated' and consist of career and volunteer firefighters. This is yet another example of the Andrews Labor government placing the needs of career firefighters over those of volunteers. This restriction means that rural brigades, such as the brigade at Thoona, are not eligible to apply for the program, even though their members have indicated to CFA district 23 and Volunteer Fire Brigades Victoria their preparedness to commit themselves to providing an EMR service to Thoona and surrounding communities. In fact none of the 951 rural fire brigades across Victoria are eligible for this program.

Whether there are career firefighters at a fire station should not be the criteria for selecting where additional EMR services are provided. Rather, the EMR service should be available to communities where there is demonstrated need. More appropriate criteria for selecting which CFA brigades are eligible to provide EMR services could include locations with an identified ambulance response time issue and brigades, whether they be integrated or solely volunteer, which are committed to providing emergency medical response to their community.

Ambulance response times across the Benalla rural city are worse than the state average, and with just 50 to 60 per cent of calls answered in under 15 minutes, this program has never been more important. The EMR program should be based on community need, not whether a fire station is integrated or volunteer. Simply making stations integrated so that they fit the requirements is not a solution either. The government's decision to hike the fire services levy by an average of 7.2 per cent is a clear broken promise that does not support volunteers but rather undermines them. The additional revenue being ripped out of the pockets of property owners is being used by this government to employ an additional 350 career staff. Volunteers fear that this is simply a Trojan Horse to unionise the CFA and further undermine its important role. Instead of career staff supporting volunteers, this government wants volunteers to support paid firefighters. Volunteers simply want to be valued by this government. They are anxious about the decisions this government is making, and I can understand why.

I therefore urge the minister to show her support for volunteers in my electorate by amending the eligibility criteria for the EMR program to enable brigades such as the Thoona CFA brigade to be included in this program.

Custody officers

Mr McGUIRE (Broadmeadows) — My adjournment matter is for the Minister for Police and concerns the rollout of the custody officers program in my electorate of Broadmeadows. To support the

Andrews government's commitment to transition the management of police cells to new police custody officers, a provision of $148.6 million over four years was made in the 2015–16 state budget. This budget delivered Victoria Police a record $2.5 billion.

The initiative will result in 400 police being deployed back into policing and equates to tens of thousands of shifts of frontline policing a year. Under the previous government many police cells, including those at Broadmeadows and the surrounding electorates of the Hume district, were full and over capacity, with prisoners requiring police officers to monitor the cells rather than be on the beat protecting the community. Under this commitment, custody officers will initially supervise prisoners at 22 police stations throughout Victoria. The initial rollout is set to happen at six locations, including Broadmeadows.

The action I seek from the minister is that he visit my electorate and the others within the Hume district, once this initiative to improve public safety and security has been rolled out, to assess the program's impact and report back to the community.

Methamphetamine control

Mr MORRIS (Mornington) — I raise a matter for the Minister for Mental Health, and the action I seek is that he immediately establish a hard-hitting education program in the style of the US-based Meth Project to educate potential users about the impact methamphetamines can have on their health and their lives. The government's *Ice Action Plan* was presented with much fanfare. Action 04 is titled 'Prevention is better than a cure', and I agree with that because it refers to the importance of education. Unfortunately no dollar amount was attached to that action, and the intention appears to be to go no further than establishing a helpline. We have a major problem, and we need serious action.

We are all aware of the confronting and highly effective Transport Accident Commission (TAC) ads. The Meth Project ads are similarly confronting, and the results appear incredibly effective. Established in Montana in 2005, the Meth Project has sustained a large-scale prevention campaign, spanning TV, radio, billboards, newspapers and internet across eight states, and it has got results. Montana now ranks 39th in the US for use of the drug. When the project started it was fifth. Teen use of the drug is down by 63 per cent and adult use is down by 72 per cent. Crimes related to the drug are down by 52 per cent.

Following the project's success in Montana the model was rolled out in seven additional states. Two of the early adopters were Arizona and Idaho. Those states are seeing similar results to Montana. In Arizona lifetime use of the drug has declined by over 65 per cent amongst teens. Use in the previous 30 days has declined by over 69 per cent amongst teens, and 85 per cent of teens now see risk in trying the drug just once — and that is up substantially.

In Idaho, in the first couple of years between 2007 and 2009 teen use dropped 52 per cent. That was the largest decline in the US and it continues to fall. Idaho teens have come to view the drug as more dangerous and recognise the Idaho Meth Project as a key source of information for them, with 81 per cent reporting the ads made them less likely to try the drug. There are now 65 per cent of teens — which is up 10 points — who see significant risks in taking the drug just once or twice.

Since 2007 the proportion of teens who see great risk in trying the drug has risen on every indicator — tooth decay, lack of hygiene, theft, getting hooked on the drug, losing control of themselves, having sex with someone they do not want to have sex with, and turning into someone they do not want to be. This campaign, just like the TAC ads, is highly confronting, but the results — again, like the TAC ads — are real. I call on the minister to go to cabinet, get the funding and get a campaign underway.

Kingston coastal management plan

Mr RICHARDSON (Mordialloc) — I raise a matter for the Minister for Environment, Climate Change and Water. The action I seek is for the minister to work with Kingston City Council to amend its *Coastal Management Plan 2014* to respond to the concerns about its potential impacts on the Kingston foreshore and wider community. The Kingston foreshore runs for 13 kilometres and is an incredible community resource. It provides a wonderful attraction during the warmer months of the year, but local residents will attest that this incredible foreshore is majestic all year round. Port Phillip Bay is a hive of activity during the warmer months as Victorians flock to the beaches to share moments with family and friends under the warm sun and careful eye of volunteer lifesavers. Importantly Kingston's foreshore is also a major environmental asset that must be protected and preserved for future generations. It is incumbent upon this government and future governments to strongly protect this environmental resource and denounce short-term pursuits that might undermine this central goal.

Recently the City of Kingston put forward its *Coastal Management Plan 2014* for consideration and approval by the minister. The management plan identifies a number of key precincts along the coastline from Carrum to Mentone. The plan illustrates key attributes of the foreshore, the range of legislation that governs its management, the agencies that protect and preserve it and the significance of its environmental benefits. There are some good things about the *Coastal Management Plan 2014*, including the consideration of infrastructure needs balanced against protecting the foreshore. Chapter 3 of the plan is entitled 'Keys to the coast'. Under the heading 'Natural environment and processes' Kingston council acknowledges that:

> The Kingston foreshore has been recognised as having high conservation values …

The plan goes on to say:

> Foreshore vegetation plays an important role in stabilising the dunes, providing habitat and a food source for local and migrating fauna …

However, it is difficult to comprehend a further section of the plan headed 'The impact of foreshore vegetation on private bay views', which is described as a 'hot topic'. One can only conclude that this section is in substantial conflict with the rest of the plan. There is no evidence or justification put forward as to what the effect would be on the environment or how this might exacerbate erosion of the sensitive sand dunes along the foreshore. Council states that:

> Some concerns have arisen as a result of foreshore vegetation blocking the bay views of private properties.

The plan goes on to say:

> Council will cease planting the tree species … to reduce any future impact on private bay views.

I am left wondering whether council has considered the effects of such a drastic approach and how this would impact on our community. Let me put on the record that in the nine months I have been the member for Mordialloc, and during the three years or over 1300 days that I was an adviser to the federal member for Isaacs, I have never, ever received an inquiry about vegetation and its alleged impacts upon bay views. I would strongly reiterate to Kingston City Council that it, along with the Victorian government, is an entrusted custodian of protecting this environmentally significant foreshore. In conclusion, I ask the minister to work with the City of Kingston to amend the *Coastal Management Plan 2014* to respond to the concerns about the impacts it will have on our community.

Blackburn level crossing

Mr CLARK (Box Hill) — The matter I raise is for the attention of the Premier. I ask the Premier to honour the promise he made on radio some months ago and speak to traders and residents in the Blackburn community about the design details of the Blackburn level crossing removal project. This of course is a coalition-funded project currently being undertaken by the Labor government. The concern is that with every week that passes, more and more of the design is becoming locked in and there is less and less opportunity for any modification of the design in light of any feedback that might be received from the community. It was particularly concerning that last week the government held a community information session that was more about telling the community what had been decided would happen, rather than putting options and proposals on the table, receiving the community's feedback and taking that on board in order to finalise the design.

Several key areas of the designs on the table at last week's community information session are concerning, in particular the designs for the Blackburn railway station subway and the new bike path that is going to run alongside the station. There were no proposals in what was exhibited to the community for any substantial improvements to the current subway. To make matters worse, the current plans will force cyclists using the new bike path to ride along the busy footpath right in front of the subway entrance, which is going to create a huge risk to safety.

There should have been discussion of the options for making this station subway wider and for opening up and aligning the subway entrances to provide better visibility and see-through. The issue in Blackburn is that there is a substantial shopping centre on one side, a growing number of residential apartments on the other and a disconnect between the north and south sides. Widening of the subway, creating greater visibility and see-through, would have been a good way of providing a boost to the local community as well as improving access to and from the station, thereby reducing the problems of the current very old subway. There should also have been alternatives on the table for the bike path route past the station. Whitehorse Cyclists and others have proposed that the bike path should run between the footpath and the railway line near the subway and go over the top of the subway entrance, rather than cutting across pedestrians trying to move from the bus stops into the subway, which would be a recipe for disaster.

Other problems that need to be sorted out include the traffic light set-up on Blackburn Road and the intersection with the Cottage Street pedestrian path bridge. The Premier needs to come out to the electorate to address these issues.

Thomastown electorate early childhood education

Ms HALFPENNY (Thomastown) — I raise a matter of early childhood education for the Minister for Families and Children. I ask the minister to visit some of the schools in the Thomastown electorate that provide playgroups as a pathway to kindergarten and early years learning and other local initiatives that encourage participation in early childhood education.

The minister is familiar with the northern suburbs and residents of the Thomastown electorate, as she has visited often. However, the release of *The Education State — Early Childhood Consultation Paper* is an opportunity for her to hear about the great innovation and proactive approach that local education practitioners, parents and other community members are taking on this issue. The consultation paper is a great idea, demonstrating that in government Labor will continue to listen to people and develop policies and programs to make real and positive change to people's lives.

Unfortunately at present in some parts of the Thomastown electorate, schools have found that up to 40 per cent of children starting prep have not attended kindergarten. Research shows that children who miss out on kindergarten are more likely to start at school behind their classmates and to continue to lag behind in later years. This is a sad situation for the child, and it also creates difficulties for the school as additional resources must be found to support those students and divert resources away from other programs rather than making use of existing kindergarten resources.

Playgroups in schools are a response that schools themselves have established to encourage parents to participate and connect with the school. They are run by teachers and encourage parents with children at the school to bring younger siblings into the playgroup. They also invite and welcome new families with young children to make contact with the school. From the playgroup it is a very small step to move into kindergarten enrolment. Residents of the Thomastown electorate are very much looking forward to meeting with Minister Mikakos and sharing their views and ideas on early childhood education. We look forward to her coming in the very near future.

Guide Dogs Victoria

Mr T. SMITH (Kew) — My matter is for the attention of the Minister for Housing, Disability and Ageing. The matter concerns Guide Dogs Victoria and in particular the Fix Our Digs campaign, recently raised in the *Progress Leader* and committed to by the Leader of the Opposition when he visited Kew last week. The Leader of the Opposition has committed to $2.5 million in funding for the Arnold Cook centre in Kew. I simply ask that the minister commit to that level of funding to fix the Arnold Cook centre, a matter that I raised in this place on 19 March.

Guide Dogs Victoria is an obviously critical institution for those with a disability, and it does tremendous work in our community for those who are visually impaired. The key point with guide dogs is to train the dogs in an environment that allows for collaboration with those persons who are visually impaired. That is quite difficult to do — the people have to get used to their dogs, they have to train their dogs and they have to become familiar with their dogs. All that happens at the Arnold Cook centre in Kew. The centre is available for people to spend nights, weeks or even months getting used to and training their guide dogs, but frankly the conditions there are now such that it is very difficult for that familiarisation to be undertaken in a way that trains the dogs in conjunction with visually impaired people. The centre is falling to bits. Guide Dogs Victoria's headquarters was built on its Kew site in the 1960s, but unfortunately the years have not been kind to the buildings there.

I am very pleased to be able to say that the Liberal Party has committed $2.5 million to the centre should we win the next election, and I am simply calling on the government to match that level of funding. It is a worthy cause. I have spoken to the minister previously about it, and I do not wish to make this political in any way, shape or form, because it is something that deserves bipartisan support. I know the minister is interested in the issue, but I am raising it again to say that we are putting this money on the table and to ask whether he would be interested to doing so at the same time.

Ballarat electoral representation review

Ms KNIGHT (Wendouree) — My adjournment matter is for the Minister for Local Government. The action I seek is that the minister update me and my community about the next steps in the electoral representation review of Ballarat City Council, which is currently being conducted by the Victorian Electoral Commission. I note that preliminary submissions

closed last Wednesday, 26 August, and that submissions have been made by Mr Gary Fitzgerald, Mr Peter Berlyn, Mr Grant Tillett, Ms Eileen McGhee, the Buninyong and District Community Association, the Buninyong RSL sub-branch, the Proportional Representation Society of Australia (Victoria-Tasmania) Inc., and the City of Ballarat itself.

A properly functioning council is vital to a regional city like Ballarat. The council is an important economic driver with a forecast revenue of over $200 million for 2015–16, including $23 million of road construction and maintenance, as well as important investments, such as the Ballarat West employment zone. The council is also an important employer for Ballarat, accounting for just over 600 effective full-time positions. I request that the minister provide for me and my community an update about the next steps in the review, how community members can get involved and how this review will help to ensure that the city of Ballarat is delivering for the community.

Responses

Mr NOONAN (Minister for Police) — I am very happy to respond to the member for Broadmeadows, who raised a matter about a very important initiative of this Andrews Labor government, and that is the commitment to recruit 400 custody officers as part of a $148.6 million funding package, which was announced in the 2015–16 state budget. The custody officers will be very important in terms of relieving police who are otherwise used to manage those in their custody. When in discussions with police they have indicated to me a number of priority stations, one of which is Broadmeadows. I certainly look forward, as the rollout of custody officers occurs, to getting out to the member's electorate to visit the hardworking police there and discuss the importance of this particular initiative.

Mr PAKULA (Attorney-General) — I will refer very quickly to the other matters that were raised. The member for Gembrook raised a matter for the Minister for Public Transport about Officer railway station. I will pass that on.

The member for Sunbury raised a matter for the Minister for Environment, Climate Change and Water about the BTQ Bulla landfill. I will pass that on.

The member for Euroa raised a matter for the Minister for Emergency Services about the eligibility criteria for the emergency medical response program, and I will pass that on.

The member for Mornington raised a matter for the Minister for Mental Health about an education program regarding methamphetamines. I will pass that on.

The member for Mordialloc raised a matter for the Minister for Environment, Climate Change and Water about working with Kingston council to amend the coastal management plan. I will pass that on.

The member for Box Hill raised a matter for the Premier with regard to the Blackburn level crossing removal project. I will pass that on.

The member for Thomastown raised a matter for the Minister for Families and Children in regard to playgroups in the Thomastown electorate. I will pass that on.

The member for Kew raised a matter with the Minister for Housing, Disability and Ageing with regard to the Arnold Cook centre and funding for Guide Dogs Victoria. I will pass that on.

The member for Wendouree raised a matter for the Minister for Local Government with regard to the Ballarat City Council electoral representation review, and I will pass that on.

The DEPUTY SPEAKER — Order! The house is now adjourned.

House adjourned 7.26 p.m.