

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT

FIRST SESSION

Wednesday, 7 December 2016

(Extract from book 19)

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HANSARD¹⁵⁰



1866–2016

Following a select committee investigation, Victorian Hansard was conceived when the following amended motion was passed by the Legislative Assembly on 23 June 1865:

That in the opinion of this house, provision should be made to secure a more accurate report of the debates in Parliament, in the form of *Hansard*.

The sessional volume for the first sitting period of the Fifth Parliament, from 12 February to 10 April 1866, contains the following preface dated 11 April:

As a preface to the first volume of “Parliamentary Debates” (new series), it is not inappropriate to state that prior to the Fifth Parliament of Victoria the newspapers of the day virtually supplied the only records of the debates of the Legislature.

With the commencement of the Fifth Parliament, however, an independent report was furnished by a special staff of reporters, and issued in weekly parts.

This volume contains the complete reports of the proceedings of both Houses during the past session.

In 2016 the Hansard Unit of the Department of Parliamentary Services continues the work begun 150 years ago of providing an accurate and complete report of the proceedings of both houses of the Victorian Parliament.

The Governor

The Honourable LINDA DESSAU, AM

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC, QC

The ministry

(to 9 November 2016)

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

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Minister for Planning	The Hon. R. W. Wynne, MP
Cabinet Secretary	Ms M. Thomas, MP

Legislative Council committees

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

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

Legislative Council standing committees

Standing Committee on the Economy and Infrastructure — Mr Bourman, #Ms Dunn, Mr Eideh, Mr Elasmarr, Mr Finn, Ms Hartland, Mr Leane, Mr Morris and Mr Ondarchie.

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

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

participating members

Legislative Council select committees

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

Joint committees

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

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

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

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

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

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

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

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

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

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

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

Heads of parliamentary departments

Assembly — Clerk of the Parliaments and Clerk of the Legislative Assembly: Mr R. W. Purdey

Council — Clerk of the Legislative Council: Mr A. Young

Parliamentary Services — Secretary: Mr P. Lochert

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

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Deputy President:

Mr K. EIDEH

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Deputy Leader of the Government:

The Hon. J. L. PULFORD

Leader of the Opposition:

The Hon. M. WOOLDRIDGE

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The Hon. G. K. RICH-PHILLIPS

Leader of The Nationals:

Mr L. B. O'SULLIVAN

Leader of the Greens:

Mr G. BARBER

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

² Appointed 15 April 2015

³ Resigned 27 May 2016

¹ Resigned 25 February 2015

⁴ Appointed 12 October 2016

PARTY ABBREVIATIONS

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

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Wednesday, 7 December 2016

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

PETITIONS

Domain railway station

To the Legislative Council of Victoria:

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

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

By Ms FITZHERBERT (Southern Metropolitan) (1157 signatures).

Laid on table.

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

Introduction and first reading

Ms PATTEN (Northern Metropolitan) introduced a bill for an act to amend the Drugs, Poisons and Controlled Substances Act 1981 to provide for the pilot of a safe consumption room at a specific location and for the pilot of the testing of specified substances by certain authorised health practitioners at public events and for other purposes.

Read first time.

PAPERS

Laid on table by Clerk:

Auditor-General's Reports on —

Access to Public Dental Services in Victoria, December 2016 (*Ordered to be published*).

Managing the Performance of Rail Franchisees, December 2016 (*Ordered to be published*).

Commission for Children and Young People — Neither seen nor heard: Inquiry into issues of family violence in child deaths, December 2016 (*Ordered to be published*).

Crown Land (Reserves) Act 1978 — Ministerial Order for approval in relation to Treasury Gardens granting a licence, dated 20 November 2016.

Parliamentary Committees Act 2003 — Government response to the Public Accounts and Estimates Committee's Inquiry into the Impact on Victorian Government Service Delivery of Changes to National Partnership Agreements.

MINISTERS STATEMENTS

Mildura Airport

Ms PULFORD (Minister for Regional Development) — I rise today to inform the house of a new investment by the Andrews Labor government to upgrade the Mildura Airport. Last Thursday, 1 December, I was joined by a member for Northern Victoria Region, Jaclyn Symes; the member for Mildura in the Legislative Assembly, Peter Crisp; and my colleague the Treasurer, Tim Pallas, at the Mildura Airport to announce \$5.047 million towards the \$25 million runway extension project to support visitor and freight demand at Victoria's largest and busiest regional airport.

Mildura Airport is Victoria's busiest regional airport, but current infrastructure is inadequate. This project will extend the runway length to the maximum within current boundaries and allow heavy aircraft to operate at heavier weights in warmer weather. The extension will accommodate a large increase in passenger numbers. Over the next 10 years passenger numbers are projected to double, and more than 100 000 visitors are expected to visit Mildura each year by 2030.

The project will also cut transport costs for industry, create jobs and boost the local economy. Construction will add \$5.6 million of value to the local economy, directly employing up to 13 people and creating indirect employment for another 48. Upon completion, the project is set to generate \$20.8 million per annum and create up to 700 direct and indirect jobs in the long term. It is a win for tourism in this region, with improved links to cities like Melbourne and Adelaide. It is also a win for the agricultural supply chain, that will see reduced braking and take-off related costs support national and international market access.

The Victorian government is proud to be supporting this project through its \$500 million Regional Jobs and Infrastructure Fund, which backs initiatives across regional and rural Victoria to build critical

infrastructure, create jobs, help create dynamic communities and support new and emerging industries.

Child protection

Ms MIKAKOS (Minister for Families and Children) — I rise to inform the house of what the Andrews Labor government is doing in respect of children who are victims of family violence. The government's 10-year plan to end family violence squarely places the focus on children as the often invisible victims of family violence, and the plan explicitly defines victim survivors to include children and young people.

As we focus on family violence as part of the 16 Days of Activism for Victorians against family violence, as well as focusing on it all year round, I welcome the tabling today of the Commission for Children and Young People's report *Neither Seen nor Heard*. We need to honour the memory of every child that has died through violence. The tragic death of Luke Batty was a catalyst in the Andrews Labor government's announcement of Australia's first Royal Commission into Family Violence.

The Commission for Children and Young People's report complements the work of the Royal Commission into Family Violence, which has a volume dedicated to the impact of family violence on children. The commission's report examines the circumstances of 20 children aged 2 months to 17 years who died between 2011 and 2015. Each of these children reviewed as part of this inquiry experienced family violence either directly or indirectly, although family violence was the attributable cause of death in only three cases. The commission's report makes the important point that family violence impacts on a child's brain development and causes trauma, therefore having a lifelong impact on that child. The Department of Health and Human Services has accepted all the recommendations in full or in principle, building on its responses to two recent commission inquiries into the safety and wellbeing of Aboriginal children in care.

Much work is already underway to reform our approach to dealing with family violence and violence towards children as a result of both the *Roadmap for Reform* and the family violence royal commission. The commission report makes the point that these systems need to work together more closely. That is why the government is implementing the royal commission recommendation to roll out support and safety hubs. Our family violence plan sets out how these hubs will co-locate Child FIRST and specialist family violence services. This is why we have also implemented the

\$17.5 million family violence child protection partnership program, which has embedded 17 specialist family violence workers in child protection offices and 12 child protection workers in community family violence services to ensure families and children receive an integrated response.

As part of our \$572 million response to the royal commission there are many other initiatives specifically focused on the needs of children, such as more therapeutic interventions, funding for sexual assault counselling, the risk assessment and management panels, updating of the common risk assessment framework and many more.

The Andrews Labor government will continue to work to improve the support that vulnerable children, including victims of family violence, receive from both child protection and the broader social services system, and I look forward to continuing to work with the commission on this.

TAFE funding

Ms TIERNEY (Minister for Training and Skills) — I rise to advise the house that the Andrews Labor government is putting people first with a multimillion-dollar boost to Victoria's TAFEs. Over the past fortnight I have visited TAFEs across the state to announce some of the \$89.4 million boost in funding to ensure that they are ready and fully equipped to hit the ground running for Skills First implementation in 2017. Over the last two years the Andrews government has been making good on its commitment to rebuild and restore our TAFE sector. The former government slashed TAFE funding, resulting in mass redundancies, closed campuses and neglect to basic infrastructure.

For the benefit of all members with an interest in TAFE and training, I am advising that to date I have announced \$61.3 million to assist TAFE not only to recover but to thrive. TAFEs that have shared in this funding include Bendigo Kangan Institute, Chisholm Institute, the Gordon, Melbourne Polytechnic, GOTAFE, SuniTAFE and Wodonga TAFE. Further announcements will be made for Box Hill Institute, Holmesglen Institute, William Angliss Institute, Federation Training and South West TAFE in the coming weeks, ready for term 1.

This government is making sure that local TAFEs have the resources needed to offer first-class training now and into the future. This government understands that it is important for apprentices and trainees to have access to the equipment industry is using now. For example, Wodonga TAFE will fit out the institute's new nursing

simulation laboratory, Bendigo Kangan will buy a new portable emissions measurement system and GOTAFE will get a new fabrication laboratory and a digital radiography suite for veterinary training.

This government is ensuring people have access to real training so they can get a real job. The Andrews government will never apologise for investing in TAFE. We are putting the people of Victoria first and we are making sure that there is access to high-quality, industry-relevant training for every Victorian — no matter where they live.

Recreational fishing

Ms PULFORD (Minister for Agriculture) — I rise today to inform the house of new investments and initiatives in recreational fishing. Summer has arrived, and there has never been a better time to participate in recreational fishing in Victoria. Thanks to a record \$46 million investment by the Andrews Labor government, fishing is booming. Whilst spring has been very wet and reasonably windy, the sun is out and it is time for all of those who love to go fishing to get involved. We recently announced the opening of Victoria's first ever barramundi fishery at Hazelwood that will open this Friday, 9 December. Victorians have leapt at the opportunity to participate in this, and it will not be long before we see amazing photos of leaping barramundi on fishing lines. It is not just Victorians that have leapt at the opportunity to do this; we have had registrations from as far away as Queensland. There have been more than 11 000 registrations, with 6000 in the first 24 hours.

Mr Barber interjected.

Ms PULFORD — Yes, I know. There are people travelling from Queensland to Victoria to catch a barramundi, so good luck to them. It is of course a wonderful thing for the local economy to have such visitor numbers.

Last Friday, 2 December, the Upper Stony Creek reservoirs were officially opened. The Upper Stony Creek reservoirs have been closed since 2003, and now thanks to Barwon Water and Fisheries Victoria they are now open for business, with over 5000 brown and rainbow trout stocked and ready to catch.

It does not of course stop in those locations, with the people in Frankston, in Carrum, in Mordialloc, all over Melbourne and in many, many locations across regional Victoria able to go fishing. It is a great opportunity for people to spend some time with friends

and family over the summer and enjoy the great recreational fishing opportunities that exist in Victoria.

MEMBERS STATEMENTS

Brighton Life Saving Club

Ms PENNICUIK (Southern Metropolitan) — Over the years and especially lately I have spoken out about the loss of heritage buildings and places, as the state government and some local governments propose unnecessary and costly overdevelopments on public land. This morning I raise the issue of the proposed redevelopment of the Brighton Life Saving Club by the Bayside City Council on the Dendy Street foreshore, which, in an unusual circumstance, was vested to the then Brighton City Council by an act of Parliament in 1877.

Everyone agrees that the facilities at the lifesaving club need upgrading, but many people, including me, see the Dendy Street pavilion and master plan, as it is referred to, as going over and above what is needed or is appropriate for the site. It has been proposed to increase the building's area between three and five times that which is prescribed by Life Saving Victoria, and a significant proportion of the new buildings will be for commercial and not lifesaving activities. This is contrary to the Victorian coastal strategy, which precludes non-water-related activities on the foreshore. I would have no objection to modest kiosk facilities, but to build a function centre to cater for hundreds of people on this site is very concerning. It would result in new access paths and roads being built through the existing grassy open space, partial demolition of the heritage seawall and the removal of significant trees and other coastal vegetation from the site.

Bayside council has been proactive in pursuing tree vandals — that is, landowners who cut down coastal vegetation that obstruct their views — and erecting tree vandalism notice signs in their place. To think that the council itself is proposing an overdevelopment that would result in the loss of so much coastal vegetation is concerning. I am also concerned that the default position seems to be to demolish the existing lifesaving club. I am informed that while it is in need of an upgrade it is structurally sound and could easily be refurbished. We are losing this type of built heritage around Victoria and Australia, and it would be regrettable to see this happen on this site too.

Doveton Special Soccer School

Mr LEANE (Eastern Metropolitan) — Last Saturday there was a soccer game: the Pollies versus the Doveton Special Soccer School. The Doveton Special Soccer School is an organisation that gives people with intellectual disabilities an opportunity to enjoy playing soccer, to get some physical activity and to enjoy it with the community and their friends. It is a fantastic organisation.

Despite the Pollies team having Mr Somyurek as a skilful number 10, a couple of speedy wingers in Mr Mulino and Gabrielle Williams from the Legislative Assembly, a few staunch defenders in Mr Edbrooke from the Legislative Assembly and Alan Griffin and an absolute gun keeper — despite all of those skills — the Doveton Special Soccer School came out as victors with a score of 3-0, which is actually not a bad result considering the previous year's result, which was 10-1, so it was a great improvement and there was great goalkeeping. In all seriousness, it is a great organisation in which tens and tens of young people get to enjoy soccer. We wish them well in the future and look forward to giving them a bit of a pummelling next year.

Regional and rural economy

Mr RAMSAY (Western Victoria) — As a member for Western Victoria Region I am constantly advocating for rural and regional communities who feel they have been duded by a state government that refuses to look outside of Melbourne when it comes time to invest. This week the *Age* reported some reliable statistics that help demonstrate exactly how Victoria has become the Australian state with the greatest divide between its regional and capital city economies. While every other state's regional economy went forward in 2015–16, here in Victoria the gross domestic product rate per capita in regional areas has collapsed by 8 per cent since peaking in 2006–07. This decline has now been consistent for a fourth consecutive year, slipping another 1 per cent due to a sharp decline in manufacturing. Without other services filling the gap there has been no way for regional Victoria to rebound from the loss of the manufacturing sector, which has fallen 26 per cent since 2009–10.

The impact of the closures of Ford, Alcoa and the Hazelwood power station is still yet to be truly felt and will only widen the divide between Melbourne and Victorian rural and regional areas, with 81 per cent of economic activity already taking place in the capital city. As disconcerting as this disparity might be, it is no wonder when you look at the city-centric views held by our current Andrews government, which refuses to

significantly invest in regional transport or other infrastructure that would support and encourage economic activity outside of Melbourne. It is not sustainable for 10 per cent of our population growth to occur outside of Melbourne while Victoria continues to be overlooked for infrastructure projects that will help stimulate regional economies.

Why is South Australia getting submarine contracts worth \$50 billion as well as 450 gigalitres of water from the Murray-Darling Basin to float them on? Why are we not getting a fair return on GST? Why are regional centres in New South Wales and Queensland getting so many significant infrastructure projects while Victoria stands alone, falling backwards instead of keeping up with the rest of Australia? As I look at the state of regional economies I believe there must be more the Andrews government can do to work alongside the Turnbull government to stimulate essential growth in these communities.

The continuing destruction of the spirit and intent of the Australian constitution and its competitive federalism objective must come to a stop. Victoria is missing out on its fair share of the federalism pie, and it is up to us to stand up and fight for Victorians, who deserve better.

Small business bus

Ms SHING (Eastern Victoria) — I rise today to congratulate the work of people involved in the small business mentoring bus, which is going to be around the Mallacoota, Cann River and Bairnsdale area this week. In essence the bus brings together local talent to provide insights, information, know-how and knowledge to people in and around East Gippsland, as it has done throughout various parts of the state, to make sure people can get the information, the assistance and the best prospects of success that they need to make their business a success.

Country Fire Authority Mallacoota brigade

Ms SHING — I rise today to congratulate the Mallacoota Country Fire Authority (CFA) and its success at the recent 2016 Fire Awareness Awards, where its project #weworkasone was successful in receiving an award for community safety. The Mallacoota CFA brigade is an intensely close-knit, warm, friendly and inclusive environment. I was there in recent weeks with the Premier, and it was great to see a number of volunteers who have received awards for length of service and to present awards to six or seven people who between them had given over 300 years of service. It is testament to the work that is done in this

remote part of the state to keep residents in the community safe.

Australian Youth Climate Coalition

Ms SHING — It was wonderful to meet with members of the Australian Youth Climate Coalition and to hear their views from a Latrobe Valley perspective on how they would like to see additional sources of energy enterprise and business opportunity come to the valley. It is great to see young people taking an active part in these conversations, and I look forward to continuing to work with them.

Western Victoria Region health services

Mr PURCELL (Western Victoria) — It was my pleasure last week to join Minister Hennessy on a tour of health services in south-west Victoria. I was able to join the minister to acknowledge the great work being done at the South West Healthcare emergency department and theatre plus the construction of and further improvements to primary health services in my home town of Port Fairy. I look forward to the government's continued support of both of these health services.

A highlight of the minister's visit was the official opening of the new cancer care centre, the South West Regional Cancer Centre, and her meeting with Vicki Jellie, our own Victorian Local Hero and the lady responsible for fundraising \$5 million through the community for these essential local services for cancer patients.

Port Fairy Folk Festival

Mr PURCELL — I would also like to congratulate the team of volunteers from the Port Fairy Folk Festival, who received a Premier's Volunteer Champions Award on Sunday for their teamwork in regional and rural Victoria. The festival is a community event, run entirely by the tireless volunteers, which gives all of its money back to the community. In 2016, \$1 million raised through the festival was given back to the community.

This is the 40th year of the festival, and my congratulations go to Bruce Leishman and his amazing team. In particular I would like to recognise two team members, Gayle O'Keefe and Bruce Leishman. Gayle will retire at this year's festival after 22 years, and Bruce will be stepping down as president. Both Bruce and Gayle are local residents who have worked tremendously hard for the two decades that they have been involved in this event.

The PRESIDENT — Order! I remind members that this is 90-second statements, and this morning several of them have gone over. I am feeling a little like Father Christmas.

Felicitations

Mrs PEULICH (South Eastern Metropolitan) — President, I hope you will be Santa with me as well! I take this opportunity to wish all members, their families and their staff, the staff here at Parliament House, including our attendants, and all of the electors of South Eastern Metropolitan Region a very merry Christmas, a very safe holiday and a happy new year. I also wish those in the Jewish community a happy Hanukkah.

Government performance

Mrs PEULICH — Unfortunately the gifts we have received from the Premier, Daniel Andrews, have been most disappointing: loony left-wing ideas, puppy farms, destroying religious freedom and brainwashing our children with left-wing ideology. And recently we heard the announcement that next Monday the Teachers for Refugees group will also be subjecting our children to political indoctrination. It is time that we said, 'Leave our kids alone!'.

In the meantime, we have serious problems being ignored: education standards; utility prices; employment; rising crime, including by young offenders; and proposed reforms to the taxi industry. A number of these issues were outlined very eloquently by former Premier Jeff Kennett, who provided this state with the leadership it needed in dire times. Daniel Andrews instead wants to distract us with divisive social policy rather than addressing the problems that affect people in their daily lives.

Indeed it is disappointing that this government has wasted two years, that it is ignoring serious problems and that it is creating a society more divided and more disillusioned than ever before.

Caulfield multicultural picnic

Ms SPRINGLE (South Eastern Metropolitan) — On Sunday, in such explosive political times, it was a real pleasure and privilege to attend, with my Greens colleague Greg Barber and David Southwick, the member for Caulfield in the other place, a multicultural picnic in Caulfield organised by the Jewish community to celebrate diversity and social cohesion.

This event was organised in direct response to the proposed visit by One Nation senators Pauline Hanson and Malcolm Roberts, who were due to visit Melbourne

to publicly discuss the merits of stopping Muslim immigration to Australia. The common theme that ran through the speeches delivered by a politically and ideologically diverse line-up of speakers was the rejection of all forms of hate and intolerance. Each speaker showed steadfast solidarity with our Muslim brothers and sisters at this time, when they are being targeted just as other minority groups have been targeted throughout history, particularly the Jewish community itself.

Organisations that were in attendance and that supported the action included Hashomer Hatzair, Habonim Dror, Hineni Melbourne, the Jewish Labour Bund and SKIF, Shira Hadasha and the Australian Jewish Democratic Society. I commend Bracha Rafael and Jordy Silverstein for organising such an important and powerful show of unity against the divisive actions of some members of the community.

Western suburbs employment

Mr MELHEM (Western Metropolitan) — Melbourne's western suburbs are booming. Population wise, my electorate is the fastest growing region in Victoria and is experiencing one of the fastest growth rates in Australia. According to population predictions, over the next 40 years Melbourne's west will come to accommodate more than 40 per cent of the city of Melbourne's metropolitan population growth.

Such a level of population growth, however, must be balanced with jobs growth. That is where the *Melbourne's West — Future Workforce* report comes in. The report, which was prepared by Western Melbourne Regional Development Australia (WMRDA), the Victorian and federal governments and LeadWest, has come to the conclusion that without government intervention the west is not likely to generate the jobs needed for its growth in population. The report highlighted that a greater link needs to be made between training and employment in order to meet a shortage in specialist jobs. It is recommended that a new economic development strategy be prepared in order to set a long-term plan for jobs growth.

The Minister for Industry and Employment has announced \$80 000 to fund the new economic strategy, which will be used to underpin job creation in emerging industries. The West of Melbourne Economic Development Alliance (WOMEDA) will oversee the new strategy by investigating new avenues to boost existing industries, such as transport, logistics and construction, and by attracting new digital and e-commerce investment. WOMEDA, chaired by former Premier Steve Bracks, is supported by

WMRDA. I am very pleased the minister is providing funding for the west and making sure it continues to thrive.

Felicitations

Mr MELHEM — I want to take the opportunity to wish everyone in the house and all the staff a merry, merry Christmas and a happy and safe new year. A special thankyou to our staff, including Hansard, the attendants and everyone who works in the building. I hope we all have a safe and prosperous 2017.

Young offenders

Ms CROZIER (Southern Metropolitan) — Two years of the Andrews Labor government has seen Victoria named the crime capital of Australia, with crime spiralling out of control. So in a panicked and catch-up announcement Daniel Andrews this week announced the recruitment of 2700 police, but they will not be on the street until well into 2018. But it is not just about more police. This announcement made no mention of the sentencing reforms or weakened bail laws which the government in its first few months undertook, giving the green light for young offenders to disregard the law and think there are no consequences for their actions. What is the point in having bail if when bail is breached nothing happens? What message does that send?

Meanwhile we have a minister in charge of youth justice who has overseen an absolute debacle. Despite the warnings, the riots continue, and there has been an escalation in violence, damage and destruction that has cost Victorians millions of dollars and left youth justice staff fearing for their safety. When legitimate questions are asked in this place, this minister arrogantly dismisses them and refuses to provide the facts and the real figures. What is more, now we have a policy that exempts one group of offenders over another.

Who is actually calling the shots? It certainly is not the government and this minister. That was demonstrated with the removal of three Indigenous offenders from Barwon Prison. What message does it send when Indigenous offenders get special exemption? Now the government is in court fighting new challenges against the remaining offenders — who Daniel Andrews made absolutely no apology about sending there only just last week — being kept there. It should never have got to this. This is a mess.

This is a government that can only blame itself for the absolute debacle in youth crime, with youth crime spiralling out of control and a youth justice system in

disarray. It is no wonder that Victorians have no faith in this government bringing this crisis under control and are now living in fear for their own safety. Daniel Andrews might talk tough, but just like on so many other occasions his rhetoric does not match his actions.

Anatolian Alevi Festival

Mr EIDEH (Western Metropolitan) — I was delighted to attend the annual Anatolian Alevi Festival, now in its 23rd year, on Sunday, 20 November, at Coburg Lake Reserve. In attendance were representatives of Alevi community organisations as well as many of my parliamentary colleagues, including Fiona Patten, Senator Kim Carr and the federal member for Wills, Peter Khalil.

The Anatolian Alevi Festival honours Abdal Musa, an Alevi saint who promoted the values of unity, compassion and tolerance and spread these values of goodwill among the Alevi people of Anatolia. Abdal Musa was one of the most significant saints in the Alevi tradition, and his philosophy was to love one another, share the wonders of the world and help those less fortunate than themselves. This belief system is something that should be recognised and held up as an example of how to live in our multicultural society.

The Anatolian culture has a rich heritage, with customs and traditions that underpin those of modern Turkey. Festivals such as the Anatolian Alevi Festival enrich citizens and help them to reconnect with their heritage, language and traditions. Victoria's diversity makes us unique and binds us together. It is a source of unity, and it is the cornerstone of being a successfully multicultural state. I thank the Alevi Community Council of Australia and all who worked hard to put on this wonderful festival to bring the local community together.

Wilmot Road Primary School

Ms LOVELL (Northern Victoria) — It was fantastic to attend and speak at the Wilmot Road Primary School scholarship ceremony and also to hear from each of the recipients about what the scholarship will help them to achieve in their education. Congratulations to all students who were recipients of a scholarship: Simone Kaka, for enhancing educational transition; Amina Lashkari, the female leadership and junior ambassadorship award; Alper Ozturk, for male leadership; Ellen Best, for business and science studies; Farzana Khademi, for civic leadership; Jasmyn Davis, for trades and technology studies; Zabihullah Haidari, for educational aspirations; Marwan Ahmed, for environmental studies; Stephen Atkinson, the Wanmirr

ambassadorship; and a special congratulations to Jess Trevaskis, who received the scholarship I sponsored for community leadership.

Thank you to all the other sponsors who make these scholarships possible: McGuire College, the DC and LC Hart Family Trust, the Good Guys, Dawes & Vary Riordan, the Apprenticeship Factory, Bendigo Bank, Goulburn Broken Catchment Management Authority, M+S Group Accounting and the La Trobe University Shepparton campus.

Northern Victoria Region roads

Ms LOVELL — How bad can our roads get before the Andrews Labor government invests in fixing them? I have been campaigning for the government to fix many roads across my electorate that are in varying states of poor condition. The government's only answer to addressing the problems on many of these roads has been to erect a few witch's hats and reduce the speed limit from 80 kilometres per hour to 60 kilometres per hour, from 100 kilometres per hour to 60 kilometres per hour or, in the case of the Goulburn Valley Highway, from 110 kilometres per hour to 40 kilometres per hour.

Over the past week I have had many constituents report that VicRoads has asked the local police to monitor the areas where speed restrictions have been imposed. I hope this is only in the interests of safety, but many of my constituents have suggested that this is how the government plans to raise the revenue to fix our country roads.

CORRECTIONS AMENDMENT (PAROLE) BILL 2016

Statement of compatibility

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

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 ('charter act'), I make this statement of compatibility with respect to the Corrections Amendment (Parole) Bill 2016.

In my opinion, the Corrections Amendment (Parole) Bill 2016 (the bill) as introduced to the Legislative Council, is compatible with the charter act. I base my opinion on the reasons outlined in this statement.

Overview of bill

The bill will amend the Corrections Act 1986 to limit the circumstances in which the adult parole board may order the release on parole of Craig Minogue.

Craig Minogue, a prisoner sentenced in 1988 to life imprisonment with a non-parole period of 28 years, was convicted of murder for his involvement in the Russell Street bombing in March 1986 which resulted in the subsequent death of Victoria Police Constable Angela Taylor and injury to over 20 other people.

Justice Vincent said in sentencing that ‘this event involved the commission of one of the most serious criminal actions ever to take place in this community’ and ‘it is clear that in your hatred and contempt for this society and its institutions, you, Mr Taylor, and you, Mr Minogue, participated in behaviour recognised in so many other parts of the world as an act of war’.

Craig Minogue recently became eligible to apply for parole.

This bill seeks to vary the conditions to be met by Craig Minogue before he can be released on parole.

Under the bill, the adult parole board can only grant a parole order for the prisoner Craig Minogue if the board is satisfied, on the basis of a report prepared by the Secretary to the Department of Justice and Regulation, that the prisoner is in imminent danger of dying, or is seriously incapacitated, and as a result he no longer has the physical ability to do harm to any person; the prisoner has demonstrated that he does not pose a risk to the community; and the board is further satisfied that the making of the order is justified.

The bill will provide that the charter act does not apply to the bill’s provisions for making a parole order for Craig Minogue.

To provide further legal certainty, the bill provides that the charter act does not apply to the new section 74AAC which sets conditions for the granting of a parole order for Craig Minogue.

This provision is intended to serve as the override declaration envisaged by section 31(1) of the charter act but goes further to make clear that the charter act does not apply to section 74AAC at all and that the override and non-application of the charter act do not expire after five years under section 31(7) of the charter act.

Charter rights potentially relevant to the bill

Section 21 — Right to liberty

Section 21(1) of the charter act provides that every person has the right to liberty.

Section 21(2) provides that a person must not be subject to arbitrary detention.

Section 21(3) provides that a person must not be deprived of his or her liberty except on grounds and in accordance with procedures established by law.

It is well established that the right to liberty of the person in section 21(1) is reasonably and justifiably limited where the person is deprived of their liberty under sentence of imprisonment after conviction for a criminal offence by an independent court after a fair hearing.

The liberty of Craig Minogue, as was that of Julian Knight in 2014, has been limited by the court’s sentence of life imprisonment.

This bill does not alter the head sentence of imprisonment imposed by the Supreme Court under which Craig Minogue is detained.

It alters the conditions on which the adult parole board may grant a parole order for Craig Minogue.

A prisoner has no right or entitlement to release on parole, nor to the continuation of a particular legislative scheme for release on parole throughout their sentence. In *Crump v. New South Wales* [2012] 286 ALR 658 at 670, French C. J. of the High Court stated that ‘The power of the executive government of a state to order a prisoner’s release on licence or parole or in the exercise of the prerogative may be broadened or constrained or even abolished by the legislature of the state’.

The changes to the parole scheme effected by this bill do not change the position that Craig Minogue has been deprived of his liberty and lawfully detained for the duration of the head sentences imposed by the Supreme Court after conviction of serious offences in a fair hearing. In those circumstances, in my view, the bill does not limit the rights in section 21 of the charter.

Section 12 — Freedom of movement

The right to freedom of movement is reasonably and justifiably limited where the person is deprived of their liberty under sentence of imprisonment after conviction for a criminal offence. This bill does not add to that limitation arising from the sentence.

Section 8(3) — Equality before the law

Section 8(3) provides that every person is equal before the law and is entitled to equal and effective protection against discrimination. Discrimination under the charter act is limited to discrimination on the basis of an attribute set out in section 6 of the Equal Opportunity Act 2010, such as age, disability or sex. The bill does not give rise to any discrimination based on a relevant attribute and hence does not limit the right in section 8(3) of the charter act to equal protection of the law without discrimination.

Section 10 — Cruel, inhuman and degrading punishment

Section 10(b) of the charter provides that a person must not be treated or punished in a cruel, inhuman or degrading way. In my opinion, the bill’s imposition of restrictive conditions on the making of a parole order in relation to Craig Minogue does not limit the right in section 10(b).

I consider that if there are any limitations of charter rights, those limitations would be reasonable and demonstrably justified pursuant to section 7(2) of the charter act.

Applicability of charter

I note that in relation to the charter rights, in this exceptional case, the charter act will be overridden because of the need to protect the community.

Further, the Governor in Council in 2013 declared that the adult parole board was not subject to the charter act.

I therefore conclude that the bill is compatible with the charter act.

Edward O’Donohue
Member for Eastern Victoria Region

Second reading

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

That the bill be now read a second time.

The Corrections Amendment (Parole) Bill 2016 gives effect to an important commitment of the Victorian opposition in relation to community safety to ensure the protection of the community from police killer, Craig Minogue, by keeping him in jail until he can no longer pose a threat to the community.

Specifically, the proposed amendments to the Corrections Act 1986 in this bill will ensure that police killer, Craig Minogue, sentenced to life imprisonment for murder following his involvement in the Russell Street bombing in 1986, which resulted in the subsequent death of Victoria Police Constable Angela Taylor and injury to over 20 other people, will remain in jail and denied parole, unless he is in imminent danger of death or is so incapacitated that he no longer has the physical ability to do harm to anyone.

Justice Vincent said in sentencing that 'this event involved the commission of one of the most serious criminal actions ever to take place in this community' and 'it is clear that in your hatred and contempt for this society and its institutions, you, Mr Taylor, and you, Mr Minogue, participated in behaviour recognised in so many other parts of the world as an act of war'.

Craig Minogue was also convicted of the murder of prisoner Alex Tsakmakis while in custody at Melbourne's Pentridge Prison in 1988.

This bill does not vary the original head sentence of life imprisonment but rather creates new conditions to be met before a parole order can be granted.

The legislative amendments contained in this bill are modelled on the amending provisions of the Corrections Amendment (Parole) Bill 2014, introduced by the previous coalition government to protect the Victorian community by keeping Julian Knight in jail.

Craig Minogue recently became eligible to apply for parole.

There is strong support from members of Victoria Police and the wider Victorian community for keeping Craig Minogue in jail due to the continuing danger or threat posed to the community if he were to be released from prison.

As was the case with the Julian Knight legislation in 2014, the new test created in the bill is that Craig Minogue should not be considered for parole unless the

following preconditions are met: the adult parole board must be satisfied on the basis of a report prepared by the Secretary of the Department of Justice and Regulation that he is in imminent danger of dying, or is seriously incapacitated, and as a result no longer has the physical ability to do harm to any person; and that he has demonstrated that he does not pose a risk to the community; and the adult parole board is further satisfied that, because of those circumstances, the making of the order is justified.

The bill's provisions will mirror those established for Julian Knight and follow the test established by the High Court of Australia in the Crump case, which confirmed that the conditions surrounding the granting of a parole order are a function of executive government (*Crump v. New South Wales* (2012) 247 CLR 1).

The bill also includes a provision making it clear that the Charter of Human Rights and Responsibilities Act 2006 does not apply to the new section 74AAC, and that this override provision is ongoing.

In this exceptional case, the charter act is being overridden and its application excluded to ensure that the life sentence imposed by the Supreme Court for one of the 'most serious criminal actions ever to take place in this community' (Justice Vincent) is fully or almost fully served and to protect the community from the ongoing risk of serious harm presented by Craig Minogue.

This provision is intended to serve as the override declaration envisaged by section 31(1) of the charter act but goes further to make clear that the charter act does not apply to section 74AAC at all and that the override and non-application of the charter act do not expire after five years under section 31(7) of the charter act.

This bill builds on the previous coalition government's achievements to reform and toughen the Victorian parole system by protecting the Victorian community from Craig Minogue, and as it did in 2014 with Julian Knight.

Craig Minogue committed one of the most shocking crimes in the history of Victoria by directly attacking Victoria Police in what today would be described as a 'terror attack' and subsequently resulting in the tragic death of Constable Angela Taylor.

Victorians quite rightly expect that they will be protected from Craig Minogue and that he should never be released from prison until it is clear that he can do no further harm.

Craig Minogue gave up his right to live in the community the day he bombed the Russell Street police complex in 1986 and became a police killer.

On behalf of the opposition and in memory of Constable Angela Rose Taylor, I commend the bill to the house.

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

Debate adjourned until next day.

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

Statement of compatibility

Ms CROZIER (Southern Metropolitan) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (charter act), I make this statement of compatibility with respect to the Children, Youth and Families Amendment (Youth Offenders) Bill 2016.

In my opinion, the Children, Youth and Families Amendment (Youth Offenders) Bill 2016 as introduced to the Legislative Council is compatible with the human rights protected by the charter act. I base my opinion on the reasons outlined in this statement.

Overview of bill

The purpose of the bill is to amend the Children, Youth and Families Amendment (Youth Offenders) Bill 2016 to provide that for the Youth Parole Board, the safety and protection of the community is the paramount consideration in determining whether a person is granted parole or to revoke a parole order; and to require the Youth Parole Board to include in its annual report the number of persons who have committed serious offences while released on parole.

Human rights issues

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

Right to privacy — disclosure of the number of persons convicted during the period of a serious offence committed while released on parole by the Youth Parole Board.

Section 13(a) of the charter act provides that a person has the right not to have his or her privacy unlawfully or arbitrarily interfered with.

The information that will be disclosed in the Youth Parole Board annual report in relation to the number of offences committed by individuals subject to a parole order issued by the Youth Parole Board will be statistical only and won't disclose the names of individuals. Therefore, in my view, clause 3 of the bill does not limit the right to privacy as it does

not amount to an interference with privacy that is either unlawful or arbitrary.

Clause 4 of the bill will make the safety and protecting of the community the paramount consideration for the Youth Parole Board in determining whether to grant or revoke a parole order. In my opinion, this clause does not engage the rights set out in the charter act.

Section 17 of the charter act provides that ensure that children are able to be protected — this right is not engaged as the intention of the bill is to increase the safety of the broader community, of which children form a significant cohort. Moreover, for those children applying for parole, their ability to be granted parole will remain, with the added legislative direction that this bill contains.

I consider that if there are limitations of charter rights, those limitations would be reasonable and demonstrably justified pursuant to section 7(2) of the charter act.

Ms Georgie Crozier
Member for Southern Metropolitan Region

Second reading

Ms CROZIER (Southern Metropolitan) — I move:

That the bill be now read a second time.

This bill amends the Children, Youth and Families Act 2005 to implement legislative reforms to strengthen the youth justice system.

The opposition is taking action while the Andrews government dithers in the face of a youth justice crisis.

The bill will require the Youth Parole Board to make community safety the paramount consideration in parole-making decisions.

Daniel Andrews and the Labor government have lost control with skyrocketing crime rates. Riots within youth justice centres have been occurring on a regular basis under Daniel Andrews. The Melbourne youth justice facility in Parkville has been trashed by a hardened cohort of young offenders who have no regard for the law, who do not fear any consequence for their actions, nor do they have any regard for community safety.

Crime statistics agency data shows that there is a significant problem with youth recidivist offenders in Victoria and community safety is at risk.

There were 2380 offenders aged between 10 and 24 who committed 6–10 incidents for a total of 17 798 offender incidents in 2015–16, an average of 7 incidents per offender. The most extreme group of repeat offenders, 1695 young offenders aged 10–24, are those who committed 11 or more offender incidents during the year. These recidivist offenders were

responsible for 32 592 incidents last year, a shocking average of 19 incidents per offender.

There are many consequences of this youth crime wave, including the victims who have to live with the psychological and physical trauma of these crimes.

Whilst the youth crime wave continues the Andrews Labor government has no plan to address this crisis.

The bill will enshrine community safety as the paramount consideration in Youth Parole Board decisions.

As well, the transparency of the Youth Parole Board will be increased with the requirement for it to report annually on the number of convictions for serious offences by offenders on parole.

I commend the bill to the house.

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

Debate adjourned until next day.

SUMMARY OFFENCES AMENDMENT (BEGGING OR GATHERING ALMS) BILL 2016

Statement of compatibility

Ms PENNICUIK (Southern Metropolitan) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (the charter), I make this statement of compatibility with respect to the Summary Offences Amendment (Begging or Gathering Alms) Bill 2016 (the bill).

In my opinion, the Summary Offences Amendment (Begging or Gathering Alms) Bill 2016 is compatible with the human rights set out in the charter. I base my opinion on the reasons outlined in this statement.

Overview of the bill

The purpose of the bill is to amend the Summary Offences Act 1966 to provide that begging is no longer an offence in Victoria.

In doing so, the bill replaces the current section 49A of the principal act with a new section 49A that removes the offence of begging and gathering alms, and reinstates the current offence to cause, procure or encourage a child to beg or gather alms, as it is in the interests of child welfare to retain this offence.

Human rights issues

Right to equality before the law under section 8

Section 8 of the charter provides that every person has the right to enjoy their human rights without discrimination, is equal before the law, is entitled to the equal protection of the law without discrimination, and has the right to equal and effective protection against discrimination.

By repealing section 49A(1) of the Summary Offences Act 1966 the bill promotes section 8 of the charter. Laws which make begging a criminal offence do not uphold equality before the law since they discriminate against the very poor and those who are homeless who beg in order to survive. In contrast people who are in a more fortunate socio-economic position will not need to resort to begging or gathering alms to live and are therefore not at risk of breaching such laws.

Sometimes equality before the law is misunderstood to mean exactly the same treatment for everyone in all situations. The former Chief Justice of the Supreme Court of New South Wales, the Honourable James Jacob Spigelman, AC, highlighted this misunderstanding in the New South Wales Judicial Commission's *Equality Before the Law Bench Book* (2006) when referring to the view that equality of the law was shown where it forbade the rich, as well as the poor, to beg in the streets and sleep under bridges. Chief Justice Spigelman stated:

Over recent decades, legal systems throughout the world have come to recognise that both access to, and the delivery of, justice requires understanding of and sensitivity to the special requirements and disabilities of particular sections of the community.¹

The poor and the homeless clearly face less favourable treatment under laws which penalise them for begging. True justice means difference should not lead to disadvantage; however, laws against begging criminalise the poor and the homeless.

Right to freedom of expression under section 15

Under section 15 of the charter, every person has the right to freedom of expression, which includes the freedom to seek, receive and impart information and ideas of all kinds, although this right may be subject to 'lawful restrictions reasonably necessary to respect the rights and reputation of other persons; or for the protection of national security, public order, public health or public morality'.

The bill promotes this right by repealing the law against begging, since begging can be seen as an attempt to communicate the predicament that people are in because they are poor and/or homeless to other people. It is a statement of financial plight, alienation, and the effects of an inadequate social safety net.² It imparts a message to the rest of society that the level of support provided by the government to the poor is insufficient for the most basic of necessities. The view that begging conveys a social or political message is also supported by United States and Canadian law.³ Some legal commentators have also asserted that in conveying this social or political message, those who beg are assisting the public to be informed about the effectiveness of government policy.

Furthermore, the law against begging is not reasonably necessary for the protection of public safety or order since most people who beg are not a threat to public safety. Where

there is aggressive behaviour, there are laws to deal with this such as the offences of obscene or threatening language or behaviour, and common assault under sections 17 and 23 of the Summary Offences Act 1966 respectively. In addition the laws against begging do not reduce the numbers of people who beg since they do not address the underlying causes of begging.

It also cannot be argued that the criminal offence of begging is necessary for preserving public order and safety as there is an alternative and less restrictive means to reduce begging which is to invest in public housing and support services.

Right to liberty and security of person under section 21

Under section 21 of the charter, every person has the right to liberty and security of the person. The bill promotes this right by repealing the law against begging since this law undermines the right to liberty for the poor and the homeless, particularly where a conviction may result in imprisonment. In the Queensland case of *Parry v. Denman*⁴, Judge White adopted the view of the English Court of Appeal that:

the courts are not dustbins into which difficult members of the public may be swept, but if the courts become disposers of the socially inconvenient, the road ahead will surely lead to the destruction of liberty.⁵

Laws against begging engage the right to security of the person. In most cases begging is used as a last resort to supplement inadequate income and so denying the right to beg engages the right to security of the person. Furthermore, laws against begging undermine the efforts of the poor and the homeless to not be involved in hazardous activities in order to survive.

I therefore consider the bill to be compatible with the charter.

Ms Sue Pennicuik, MLC
Southern Metropolitan Region

¹ Judicial Commission of New South Wales, *Equality before the Law Bench Book* (2006) iii, available at: www.judcom.nsw.gov.au/publications/benchbks/equality (accessed 14 July 2009).

² See generally Herschkoff and Cohen, 'Begging to Differ: The First Amendment and the Right to Beg' (1991) 104 *Harvard Law Review* 896.

³ In the 1993 case of *Loper v. New York City Police Department*, the US Court of Appeals of the Second Circuit found that both begging and the solicitation of funds by charities may be considered as conveying a 'social or political message'.

⁴ *Parry v. Denman* (Unreported, District Court, Queensland (Cairns), Appeal No. 11 of 1997, 23 May 1997).

⁵ *Clark v. R* [1971] Crim LR.

Second reading

Ms PENNICUIK (Southern Metropolitan) — I move:

That the bill be now read a second time.

The Greens are committed to a fair and just society where the human rights of everyone are respected and social inclusion is a priority. Laws that criminalise begging are contrary to fundamental human rights.

The offence of 'begging or gathering alms' in the Summary Offences Act 1966, discriminates against people who are poor or experiencing homelessness.

The offence of begging originated from vagrancy laws which Australia inherited from the UK model under the Vagrancy Act 1824 (UK). In 2005, the Vagrancy Act 1966 (Vic.) was repealed and the offence of 'begging or gathering alms' was re-enacted under section 49A(1) of the Summary Offences Act 1966.

It carries the maximum penalty of 12 months imprisonment.

NSW decriminalised begging in 1979. The then Attorney-General, Frank Walker, said:

The offence of begging or gathering alms contained in section 26 is objectionable. To send a person to prison or penalise him financially for being destitute, which will usually be the case when someone is begging, is a totally unacceptable way of dealing with what is basically a social problem.⁶

In Western Australia, criminal laws against begging were repealed in 2004, and it is only penalised under the Public Transport Authority Regulations 2003.

Begging remains an offence in Tasmania; however, the Greens have introduced a private members bill, the Police Offences Amendment (Begging) Bill 2016, to repeal the offence of begging in that state.

In the United States, anti-begging provisions have been struck down as constitutionally invalid and incompatible with international human rights law. Begging is not illegal in Sweden nor in Finland.

With this bill Victoria has the opportunity to be amongst the leading jurisdictions in repealing anti-begging laws.

The connection between begging, poverty and homelessness

Evidence and research by organisations such as Hanover Welfare Services (now Launch Housing) and PILCH (now Justice Connect) over a 15-year period has consistently shown that most people who beg will also be experiencing homelessness, mental illness, substance dependence, family violence, trauma and poverty.

A recent two-year study by Homeless Law found that of 30 people who begged or have begged, 77 per cent were experiencing homelessness, 87 per cent had a mental illness, 33 per cent had experienced family

violence, 37 per cent reported childhood trauma or abuse, 77 per cent were experiencing drug or alcohol dependence, and 80 per cent had been unemployed for 12 months or more.

Every homeless shelter in Victoria is at full capacity, and almost 100 people a day are being turned away from Victorian homeless agencies according to the Council to Homeless Persons.

There are more than 33 000 applicants on the public housing waiting list.

The research clearly shows that the majority of people who beg do so as a last resort because they have little or no income, and often so that they need not engage in more hazardous alternatives such as prostitution, drug dealing or theft. In addition, most people who beg feel ashamed and humiliated, and have reported that begging puts them at risk of violence from members of the public and/or other people who beg.

It is not the easy or lazy option that some people may think or claim.

Research also shows that public fears about people who beg are not well founded as aggressive behaviour is extremely rare. People tend to sit in a place with a sign, or hold a cup or ask for money from passers-by.

Where there is aggressive behaviour there are laws to deal with this, such as the offences of obscene or threatening language or behaviour and common assault under the Summary Offences Act 1966.

Furthermore, simply being annoyed by people asking for money is not sufficient grounds to make it a crime.

Enforcement of the law against begging

We know that the police are enforcing the current offence of ‘begging or gathering alms’. According to Homeless Law at Justice Connect, in the last five years more than 800 charges have been laid against people for begging. In 2016 alone, 26 people were charged and referred to the ‘begging list’ at the Melbourne Magistrates Court.

While some people who have been charged with begging are diverted to assistance programs, there are others who end up with fines that they cannot pay and criminal records or arrest warrants for failing to appear.

Examples include one homeless man who was charged with the offence of begging when in his cap was only 15 cents. After his court appearance he was placed on a diversion program for three months, but after

completing the program he was still unable to find accommodation.

A homeless woman who fled from family violence now has a conviction for begging, when prior to this she had no criminal record. As she stated to the media. ‘This is going to make life difficult’. Clearly her life is already extremely difficult.

It is the experience of Homeless Law, and that of other experts in the field, that through using the justice system to respond to begging, we:

1. impose a significant burden on police and the courts;
2. cause highly vulnerable people to be caught up in the justice system as a result of homelessness and poverty; and
3. fail to reduce the number of people who beg.

Conclusion

The Greens are of the view that begging should not be treated as a crime but as a social problem that requires more investment in public housing and support services. It requires a compassionate response rather than one which entrenches injustice and creates more suffering for those who are already marginalised.

Asking for help should not be a crime.

I commend the bill to the house.

⁶ Quilter, Julia; McNamara, Luke — ‘Long May the Buskers Carry On Busking: Street Music and the Law in Melbourne and Sydney’ [2015] *MelbULawRw* 29; (2015) 39(2) *Melbourne University Law Review* 539

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

Debate adjourned until next day.

PRODUCTION OF DOCUMENTS

Ms WOOLDRIDGE (Eastern Metropolitan) — It gives me pleasure to move:

That, in accordance with standing order 11.01, the Leader of the Government table in the Council by 12 noon on Monday, 6 February 2017 —

- (1) a copy of the Minister for Small Business, Innovation and Trade’s post-holiday evaluation into each of the 2015 and 2016 grand final eve public holidays and related departmental briefs, documents or submissions;
- (2) correspondence, departmental briefs, documents or submissions to or from Department of Economic Development, Jobs, Transport and Resources or

Department of Premier and Cabinet relating to Christmas Day 2016 being declared a public holiday;

- (3) briefs, documents or correspondence to or from the Department of Health and Human Services which detail the actual or estimated additional cost to Victorian health services of the 2015 grand final eve, 2016 grand final eve and 2016 Christmas Day public holiday;
- (4) specific details of the calculation of the 2015–16 and 2016–17 weighted inlier equivalent separation (WIES) funding model, and how the impact of the additional public holiday has been taken into account;

and any response from the Leader of the Government should conform with standing orders 11.02(3) and 11.03(1)(a).

It is very interesting to hear the ongoing rhetoric of those opposite. Claims of increased accountability and increased transparency we hear again and again, but what we have seen time and time again on a range of issues, but particularly on these issues in relation to public holidays, is the failure of the Andrews Labor government to provide even the most basic information, the most basic costing figures and the most basic answers as to what the costs of these holidays are, and this is I think what the community is looking for.

Victoria has had four small business ministers in only two years, and what we have seen from each one of them is avoiding, ducking, weaving and basically refusing to provide information on the cost of their election commitment to introduce a new public holiday to the state of Victoria. This is why this production of documents motion is so important. It is about actually holding the Andrews Labor government to account for an election commitment that it made, one which all non-government members of this house are expected to adhere to obviously and one on which we seek further information.

When we look at the history of this issue in the chamber it certainly has been very interesting. I have got to say the coalition has been relentless in seeking the economic impact and the cost to the Victorian budget, to Victorian small businesses and to the wider community of this commitment that the government has made. Small Business Victoria noted in information that we received under FOI that a note to Dimity Paul, the chief of staff to former Minister Somyurek, dated 14 January 2015 says, and I quote:

The government's financial statement for the 2014 election included costs to government of approximately \$22 million to \$24 million per year for the Grand Final Friday public holiday, and \$11 million to \$12 million per year for the Easter Sunday public holiday.

Furthermore Small Business Victoria's note includes, and I quote:

The RIS process will consult with government agencies, in particular the essential services portfolios including public health workforces, custodial officers and human services frontline staff.

We have a regulatory impact statement (RIS) process, which involves a whole-of-government approach and seeks exact figures for costs, especially from health providers, but what do we get repeatedly from ministers and the government in this chamber? It is, 'No, it's not my responsibility. That work wasn't done'. That is inexcusable from former ministers to current ministers opposite. The whole-of-government work was undertaken by the minister's department.

The government has the information and is consistently refusing to make it public.

On 10 February 2015, when questioned on the exact cost, former Minister Somyurek said these now infamous words:

If the member bothers to look it up, he will see there are figures. He should get onto Google and put his question in and he will see Labor's financial statements. He will find the set of figures there.

When informed the following day that his preferred search engine, Google, showed the cost impact to Victorian businesses of the AFL Grand Final eve public holiday was \$800 million, the minister was unable to confirm that detail. When asked about *Labor's Financial Statement*, which details a cost to the budget over the forward estimates of \$91.51 million for the grand final eve public holiday and what specifically these funds were being spent on, the minister responded:

Obviously those funds are for the loadings on the wages and salaries of people who work for the government on those days.

But when asked by the coalition, 'Will there be supplementation, or does the government expect agencies to suck it up and cut services?', the minister responded:

These are matters for the Treasurer, and these matters should be addressed to the Treasurer of Victoria, Mr Tim Pallas.

There was a pattern of behaviour from the Andrews Labor government to deliberately withhold vital information on the cost of the public holidays. They were referred to the Treasurer, who was unable to provide any answers. They were referred to the Minister for Health, who blatantly refused to provide any details, and they were referred to *Labor's Financial*

Statement, which even the Leader of the Government in this place has said is a flawed document.

In the committee stage of the state budget — —

An honourable member interjected.

Ms WOOLDRIDGE — Yes, and I will give you the exact details of when he said it.

In the committee stage of the state budget legislation in 2015, when asked why the grand final eve and Easter Sunday public holidays were individual line items in Labor's opposition documents, and the Labor Party was prepared to cost them in detail and articulate them on a year-by-year basis and separately between the two public holidays, yet when in government the government was clearly not prepared to acquit its election commitments against the cost delivery, the Leader of the Government, Mr Jennings, conceded:

I think the simplest way for me to understand and accept what is a criticism is that it is suggested to me that *Labor's Financial Statement* was not as complete as it might have been. If that is the criticism, I might accept it.

He went on to say:

I am not conceding that the budget form is inappropriate, but I recognise Ms Wooldridge's critique that the line items that were costed in *Labor's Financial Statement* in 2014 are different from their treatment in the current budget. I am acknowledging that discrepancy.

While the Premier has made a commitment to deliver each and every election promise, on this particular issue we are seeing an absolute lack of transparency and a lack of detail in terms of the cost of acquitting that election commitment.

What the Andrews government made public was in the RIS, which stated:

The lost production (or economic cost) from the new public holidays is estimated to be between \$717 million and \$898 million annually.

However, once again the Andrews Labor government has never released any of the specific cost implications for the state. The additional costs for our health networks such as Monash Health and Melbourne Health, the cost of the public holidays to some of our public agencies like Parks Victoria or Zoos Victoria and even the cost to the minister's own economic development department remain secret under this Labor government.

FOI documents obtained by the coalition detail more than 300 pages of briefings, documents and facts and figures from the Secretary of the Department of

Treasury and Finance's now recent Public Accounts and Estimates Committee (PAEC) hearing. It was 300 pages, and every one was released. The only page which was redacted was the cost of the two new Victorian public holidays, which had a breakdown department by department. These broken down figures, despite Small Business Victoria clearly telling Dimity Paul back in January 2015 that they would be leading a whole-of-government approach, have never been made public. Figures that were obtained from every government department and agency to formulate the cost for the RIS remain a state secret.

This leads us to the evaluation and a new minister, with Minister Dalidakis telling this Parliament that he would undertake a post-public holiday evaluation himself with no departmental assistance. It would be his review and his review alone. Perhaps he misspoke, something that has occurred quite a lot lately amongst the government frontbenchers, but he gave a rock-solid commitment that an evaluation would be undertaken, that costings would be forthcoming and that it would all be laid out clear and simple. Well, the only evaluation we got was a media release and a tweet from the minister, and from the City of Melbourne we got pedestrian maps which showed Melbourne's CBD to be a ghost town.

Victoria has now had two grand final eve public holidays, and we are still not aware if a comprehensive evaluation, with costings, has been undertaken. We are fairly confident that Minister Dalidakis has been briefed on the costs to the whole of government. Documents have been produced, and small businesses have even sent their own invoices to the minister. However, once again these remain under lock and key.

Let us turn to Christmas Day. What an insult by the Andrews government to introduce a grand final eve public holiday and then ignore Christmas Day. Minister Dalidakis even ruled it out, saying there would be a replacement public holiday but that 25 December would be public holiday-free. On 8 February this year Minister Dalidakis announced via media release:

Following the Andrews Labor government commitment to review the current Christmas Day public holiday arrangements, Minister for Small Business, Innovation and Trade Philip Dalidakis has today confirmed that existing arrangements for the holiday will remain in place.

Despite mentioning that the Andrews Labor government undertook a review into the Christmas Day public holiday, no review has ever been released. Despite attempts to seek information via FOI and via parliamentary processes, the minister has refused to detail who the review sought and received submissions from, what the recommendations were, what the cost

implications were for the state and, back in February, what specific advice the minister used to make his judgement call and have a substitute public holiday. Victoria witnessed a Trades Hall campaign, calling the minister the Grinch of Christmas, a campaign by the Shop, Distributive and Allied Employees Association and even interference and commentary from the federal Labor leader, Bill Shorten, and all of a sudden miraculously the minister takes an overseas trip, admits his mistake and reverses his decision.

While we are in the dark about the original decision made in February and the basis for Minister Dalidakis's decision, we remain equally as confused about what new evidence came before the minister that caused him to reverse his decision. That is why full publication of the Christmas Day public holiday review and associated briefings, documents and submissions are important — for the Victorian community to understand the decision-making processes of the minister.

We have had a very similar set of circumstances in relation to briefings to understand the cost implications for Victorian health services. Advice provided to us in 2014 made it very clear that over 75 per cent of the public sector cost to our public hospitals was for additional public holidays. It is really important to understand the impact of these additional holidays in terms of the costs and what funding and supplementation has been provided to health services to cover these additional costs imposed on them by the Andrews Labor government.

We have consistently sought through every possible mechanism and forum to determine what these costs are. There have been questions without notice to the Minister for Families and Children representing the Minister for Health, starting as early as February 2015. There were questions to Minister Hennessy at PAEC in May 2015 and May 2016. There were a series of questions to Gavin Jennings, the Leader of the Government, during the appropriation debate in the Legislative Council in 2015. Many of those questions have still not been comprehensively answered. There have been multiple questions on notice put to the Minister for Families and Children for the Minister for Health that once again were answered, reinstated by the President and subsequently ignored.

One of the things that is quite amazing is that questions from nearly 18 months ago, which the minister answered in quite a glib and non-factual way and which were reinstated by the President, have been raised repeatedly in this house — again and again. There have been emails directly to the minister and questions raised

in this chamber. Minister Mikakos constantly says, 'Well, I'll go and see what the Minister for Health is actually doing in relation to that', but there is no answer. She is just blatantly ignoring the requests of the Council for an answer to these questions.

In fact the President was moved to say back in September last year:

The opposition has been pursuing the costs associated with public holidays, and in particular this public holiday, for some time, and there is a certain disinclination on the part of the government to provide those costs. I am of the view that in a fair-minded position the cost of running any public holiday ought to be a fairly easily accessible estimate.

So the President made it very clear that he was of the view too that this information should be available. What we have seen from the regulatory impact statement, from the information provided and from the detail that has been redacted in documents provided is that the government clearly does have this information. The government, though, consistently refuses to provide information to this house and to the Victorian public of the cost implications of its election commitment and the policy that has been implemented.

Turning to the last point, in relation to how the costs are actually calculated, the minister has been repeatedly asked through PAEC about the costs. I quote from 2015, but there are similar quotes and responses in 2016 as well. This is from Mr O'Brien:

I take it that there was no specific line item. My supplementary question, Minister, is for this year's budget, 2015–16, what is the cost of the new AFL Grand Final eve public holiday to the health portfolio?

Minister Hennessy responded:

Mr O'Brien, all of our labour costs and public holiday costs are allocated in the base funding. I do not have them disaggregated. We fund hospitals for activity and we fund them via WIES, and within that WIES labour is one of the inputs, as are things like laundry and meals and the like.

So the minister's response has repeatedly been that this is incorporated in a broader funding figure. What we are seeking is the answer that has been repeatedly asked for but refused to be delivered — that is, specifically within the weighted inlier equivalent separation (WIES) calculation, given the multimillion-dollar cost to our health services, what has been allowed within WIES and what is the value of that to allow for this additional public holiday, and similarly for the Christmas Day holiday that is coming in just a few weeks?

This has been a constant campaign from the government — to hide. I do not know whether it is embarrassment at the blowout of the cost or whether

there has been a failure to provide the funding that actually supplements that cost to allow for what this year are 14 public holidays, the most public holidays of any state in this country. The coalition is looking for answers. We want to understand the evaluation that has been done. We want to understand the process of the decision-making of the minister to declare Christmas Day a public holiday. We want to understand the costs to our health services of these additional public holidays, and specifically we seek in relation to health services how that public holiday supplementation has been delivered through WIES.

These are a reasonable set of questions, asking the government to account for an election commitment that they made and subsequent decisions they have made in relation to additional public holidays. We think it is straightforward and it is valid. These have been pursued through multiple mechanisms, with repeated blockage and refusal from the government. We are seeking what we think is a very straightforward set of documents to be provided, and I commend this motion to the house.

Mr BARBER (Northern Metropolitan) — The Greens will support this motion. We appreciate that the opposition has been pursuing these issues for some time, I believe through a number of different mechanisms of the house. Documents motions are an appropriate way for the house to obtain information from the government, and that is after all one of the main purposes of this house existing. In addition to dealing with laws we are also to hold the government to account on a day-to-day basis. It is very hard to do that without some basic information, and at least on the face of it the documents here are described in such a way that the government ought to know what they are and whether they are able to deliver them in a timely fashion.

I note, though, just in relation to point (3), about the estimated additional costs to the Victorian health services, that this has shades of the great Liberal inquiry that they set up when they themselves were in government to try and find out the impact of the carbon tax on hospitals.

Mr Dalidakis — Who was the minister?

Mr BARBER — The Minister for Health himself. You are probably all familiar with *Yes Minister*, and you would know that famous quote, ‘Never have an inquiry unless you know the result’. But in a different episode, less famously, he actually said, ‘Never have an inquiry’ — full stop — because everything is connected to everything, okay?

It is good that the Liberal Party are seeking information on this. Our information, though, is that the Christmas Day public holiday, although not currently in law as a gazetted holiday, is in any case built into many of the enterprise agreements that health sector workers already have. If the government have any information on that, they might like to provide it now for the interest of the house. But, as I said, we will support this motion, and I look forward to the government providing some additional information on this matter, because transparency can only be a good thing. The government has the ability to release whatever information it wants whenever it wants. They had the ability to tell their side of the story, so they should not be afraid of the opposition coming in here and moving a motion asking for certain documents. If the government believes those documents do not paint the whole picture, the government has the ability to release any information it wants at any time or place it wants. As I said, the Greens will support this motion.

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — It is my pleasure to respond to the motion before us. The government will not be opposing Ms Wooldridge’s motion. I am not going to stand here and speak for a long period of time, but I do wish to make a number of points in response. Ms Wooldridge took some liberties in her contribution. She skewed quite a way from the motion before this house. She attempted to impugn the government for secrecy, which I find somewhat astonishing.

In fact the Andrews government has responded to 15 of the 17 orders for documents made so far by the Legislative Council. We have in fact released 552 documents in part or full and withheld 75 documents for reasons of cabinet confidentiality or being commercial in confidence. In the case of some documents I recall that we have refused to release contracts that the coalition signed when they were in government that are yet to be executed by the other party. There are a multitude of reasons why some documents cannot be released, and Ms Wooldridge, having been a cabinet minister alongside the Honourable Gordon Rich-Phillips, would well understand that there are documents that cannot be released.

Ms Wooldridge — Oh, so he’s honourable and I’m not? Typical sexism.

Mr DALIDAKIS — No, you are both honourable, absolutely, and I am happy to correct *Hansard* to reflect that Ms Wooldridge is very honourable — with her title, anyway, but not with her contribution, because her contribution implied that there was secrecy in relation

to these documents, which is an absolute falsehood. It is a fallacy. In fact I would hope that in future contributions the Honourable Ms Wooldridge would bear in mind that point in its entirety.

I am saddened that she is leaving the chamber in the middle of my contribution, because Ms Wooldridge — the Honourable Ms Wooldridge, as she would like to be known — made commentary that I again wish to refute and rebut. Most certainly in relation to the motion before this house Ms Wooldridge — the Honourable Ms Wooldridge, which she has requested to be called and which is again to be reflected in *Hansard* — has implied that there is a variety of information that is either being withheld or otherwise. In fact that is not the case at all. There is an existing FOI request that my department is working through, and it is dealing with two of the three matters that this motion is dealing with: the Easter Sunday and Grand Final Friday public holidays. The reason that the FOI is not dealing with the issue of the Christmas Day public holiday of course is that that is one that we have recently announced.

Mr Finn interjected.

Mr DALIDAKIS — Acting President, it is unruly to respond to interjection, but I do wish *Hansard* to note that Mr Finn is opposing the creation of the Christmas Day public holiday, despite his protestations of his Christian faith. He wants people to have to work on Christmas Day and not be afforded the right of being appropriately remunerated.

On that point I wish to point out very clearly that in each and every press conference and public utterance on this matter I have said I got it wrong. I said that I did not have the wisdom of Solomon in making my original decision. I have put my hand up and said I got it wrong. Apparently Bernie Finn gets everything right — except for his support of the Richmond Football Club, of course, but we hope for his sake that in the next 20 years of his life Richmond gets it right at some point as well. It is important to reflect on the fact that I am a huge fan and supporter of the St Kilda Football Club, the Saints. Of course given that we are talking about a holy day, Christmas Day, it is important to state that I hope my beloved St Kilda Football Club also does well before the Richmond Football Club. Let *Hansard* reflect that.

Coming back to the motion, though, the FOI request by the opposition that is currently before my department is being assessed accordingly. It is very important to reflect that FOI under the Andrews government is not some abused instrument of a regime that wishes to put out any information that it wants. It is absolutely run at

arm's length from my ministerial office for reasons of public policy and for reasons of public interest as well. In fact I am not sure where the FOI request is at. I have not been made aware of which documents the department assesses as being able to be provided to that FOI applicant, so it seems a little bit absurd, and it is a good use of the word 'absurd', that the Honourable Ms Wooldridge — again, as she would like to be called — has requested —

Mr Ramsay — What's that supposed to mean?

Mr DALIDAKIS — Ms Wooldridge asked to be called 'Honourable', Mr Ramsay. Unfortunately you were not here for that exchange, but that is why I am referring to the Honourable Ms Wooldridge as 'Honourable'.

Coming back from the interjection by Mr Ramsay, on the FOI application I do not know what documents they are assessing, but for the Honourable Ms Wooldridge to make the claim that we are somehow trying to interfere with transparency and we are trying to run away from the ability to provide more documents, not less, and to suggest that we are somehow in a secret police state I find offensive. We will continue with the FOI process and we will continue to look at the documents motion before this house.

Let me reflect on my opening remarks. In my opening remarks I said categorically that the Andrews government had responded to 15 out of 17 orders for documents. We had released 552 documents in part or in full and we had withheld only 75 documents for the reason that those documents were either cabinet commercial in confidence or requests by third parties. We will treat this documents motion no differently. Where we are able to release documents, we will do so. Acting President Melhem, I know that you are a strong proponent of transparency and of providing greater access, not less.

I wish to stress again to those opposite who are listening that the government will release any and all documents that we are able to release. We are committed to that. We are committed to a regime of greater, not less, transparency — just as we are committed to a regime of greater equality and inclusiveness, not less. Yet those opposite decided to shut that door firmly in the face of people who needed that equality and that sense of inclusiveness. Yesterday the opposition were found wanting. Despite the grand statements by Matthew Guy in the other place about how they wanted to be an inclusive bunch to the LGBTIQ community, when the rubber hit the road and the opportunity came for them to stand up and be

champions of change in the LGBTIQ community, they were found wanting. They left the premises. They voted against inclusiveness and equality, just like each and every time they vote against transparency and openness. Each and every time the opposition get a chance in government to walk the walk instead of talk the talk, they are found missing. In the last Parliament, when that lot over there were on this side of the house, they actually refused to provide documents.

An example of what they do is what they did about the grand prix contract. They continued to call for its full release, that would have put in jeopardy the grand prix, one of the major events in our tourism portfolio. It is one of the major events that this state continues to use to advertise and promote the depth and breadth of what Victoria has to offer — not just Melbourne but Victoria, from Ballarat and the gold mines that Mr Morris pretends to represent to the Great Ocean Road that Mr Ramsay pretends to represent. We have a wonderful tourism offering in the north, south, east and west of Victoria, and of course the Australian Formula One Grand Prix is a great advertisement for that, as we are able to show wonderful views and vistas right around Victoria.

It is not enough for those opposite to be on Team Victoria; they need to be on Team Liberal. Team Liberal, for those who are unaware, are at the pathetic little office block at 104 Exhibition Street and put themselves first and Victorians second. We have seen that in the way that they have refused to support the Victorian government's calls for a greater investment in infrastructure here in Victoria. In fact Victoria has 25 per cent of the Australian population and yet we receive less than 10 per cent of infrastructure funds. But you will not see a media release from the Honourable Gordon Rich-Phillips and you will not see a release from the Honourable Mary Wooldridge calling on their federal counterparts to open the coffers and give us some more dollars in Victoria. You will not see that because they are Team Liberals first and Victorians not even second, sadly. Daylight is second and Team Victoria for the Liberal Party is a distant third. I will go so far as to say that Team Greens here, led by Mr Barber, has a pro-Victorian stance greater than that of the opposition right now.

It is important to note that we on this side of the house will continue to push for greater inclusiveness, greater equality and greater openness and transparency. These are fundamental tenets of what the Labor Party stands for in a modern Victoria. Just as we have committed ourselves previously to releasing as many as we can of the documents requested in the motions that those opposite continue to put forward, we continue to do that

with FOI, and I will continue to do that as the minister with responsibility for public holidays.

Before summing up, I wish to make one thing very clear. The issue of the Christmas Day public holiday was one on which I had undertaken an internal review in government. I had put out a release back in February of this year. Then just a number of weeks ago — two weeks ago on Friday of this week, so essentially 12 days ago, if you want to be precise — I stood up and I said that I had made a blue, a mistake. I was prepared to put my hand up and say that those people who have to work on Christmas Day deserve to be recompensed for that and that I had got it wrong.

In calling for that I believe the Honourable Ms Wooldridge got her language a little bit incorrect, but that is okay; I will not hold it against her. In fact we had had a substitute public holiday previously. What that meant was that when Christmas Day fell on a weekend people working would receive penalty rates according to the rates for that day, Saturday or Sunday. Then a day in the following Monday to Friday that corresponded to the next available working day would be the substitute public holiday. When Christmas Day falls on a Sunday, as is the case this year, then that would fall on the Tuesday, because Monday of course is the Boxing Day public holiday. What you can see is that in fact we have moved from a substitute public holiday to what is deemed an additional public holiday.

The reason it is important to get this language right is because those opposite, those fine purveyors of public policy purity — except when it does not suit them, which is 98 per cent of the time — do not understand that we have simply brought ourselves into line with the rest of the country. That is exactly what we have done. We have not done anything other than ensure that Victoria is the same as every other state and jurisdiction in the country, with the exception of the Northern Territory. The Northern Territory had the reverse issue that we had here in Victoria. They have now, as I understand it, gazetted it to also fall into line with the rest of the country.

I am happy to provide this house with an update to show that Victoria is absolutely in line with the way that Christmas Day is to be treated on the day itself and as an additional holiday, and it is exactly the same in every other state and territory around this nation. That is a good thing, despite Mr Finn's complaints earlier, which surprised me greatly. I would have thought a man of such faith as Mr Finn, and I respect his faith deeply, would have actually supported the government and the inclusiveness of this decision. I would have thought that he and those who have to work, as well as

those practising Christians right around this country — the millions of Christians in this country and the hundreds of millions around the world — would have supported this decision to recompense people who unfortunately have to work on such a holy day.

Again I say that I got it wrong. In saying and admitting that I got it wrong, I made it right. That is why we have now a Christmas Day public holiday this year, which will not happen again, by the way, until 2022. No doubt Mr Finn will still be in this place railing against the creation of the public holiday on Christmas Day. I will be happy to have the fight with him in the lead-up to 2022, because I will be defending Christmas Day as a public holiday in the 2022 year as that day comes closer, should I still be in this place. Of course there is never any guarantee of that. There are guarantees of course of birth, life and death, but there are no guarantees about being able to serve the public in a way that I have the honour of doing so now.

Finally, coming to the crux of the motion, we on this side do not oppose the motion, although we do oppose the way that the coalition continues to say one thing and then do another, just as it did, by the way, with the east–west link. It would not release those contracts. It only suits them to call for transparency and release documents sometimes. Where I want to end up with this is that of course we will do what we have always done with documents motions. We will provide them as best as we can at each and every step of the way.

I have got a question that I know you are very interested in, Acting President Melhem, a question that probably keeps you and your constituents in Western Metropolitan Region awake at night. That is, exactly what public holidays are those opposite going to rip away from mums and dads, from working men and women and from people right across the state who use those opportunities to meet with their friends, families and loved ones? Which public holidays will those opposite take away? I may have been called a Grinch before acknowledging my mistake with the Christmas public holiday, but there are so many worse names that will be attributed to those in opposition as soon as they actually reveal their true colours.

This year's Grand Final Friday has proven to be the most successful public holiday in terms of the pure numbers of attendance at the grand final parade. We had people attending from rural and regional Victoria who were quoted in the media by journalists — not by us — as saying that in 20 years they had never been able to attend a grand final parade because they had always been working, but now because of the public holiday they had been able to come down to

Melbourne, view it and witness it with their children for the first time. But we also saw the opposite occur. We saw people from Melbourne flock to the regions on the grand final public holiday. They flocked to the regions, and we saw regional-based tourism increase significantly. Wonderful outcomes have resulted from the public holiday — wonderful outcomes for small businesses right across the state and wonderful opportunities for our tourism operators and for our inward-bound tourism operators, which is of course vital to our rural and regional economies.

Ultimately what Victorians have a reputation for around the world is working very, very hard. I am very proud to be a Victorian. We have a great reputation both in Australia and around the world for being people who work to live, not people who live to work. What that means is that we work very hard when we are at work, but we also like to enjoy life and spend time with our loved ones, friends and family. Hopefully our friends and family are also our loved ones, although in the case of some of those opposite I know that that is questionable, but far be it for me to point out which ones.

My point is that we want to know, not just those on this side of chamber but the Victorian people want to know, which public holidays are they prepared to kill and prepared to steal away. The last Premier that did it was the Honourable Jeff Kennett, and I use the title of 'Honourable' in respect of the requirement and the request by the Honourable Mary Wooldridge. Jeffrey Gibb Kennett stole away the public holiday for Show Day. Where were The Nationals in that decision? What was Show Day all about? It was all about rural and regional Victoria's showcase to Melbourne. That is what Show Day was all about — showcasing the very best of rural and regional Victoria. And what did Jeffrey Kennett do? He took the day away and said, 'I'll have that and you'll never get it back'. That is what he did. He ripped it away, which meant millions of Victorians lost an opportunity to spend time with their friends, family and loved ones, and our rural and regional Victorians lost an opportunity to be able to exhibit, demonstrate and showcase the very best that rural and regional Victoria has to offer and of which we are so proud. Having been a chief executive in a rural and regional industry — an industry that has provided billions of dollars to our economy and employed tens of thousands — I remain committed to all industries in rural and regional Victoria and am very proud to have represented such a fine industry as the timber industry.

The opposition, with their country cousin party, The Nationals, and their city party, the Liberals, did not care about that back in the 1990s. They stole away a public

holiday — and guess what? Matthew Guy is getting ready to try and do the same. They want to do it under the cloak of darkness. This motion is all about transparency, but there is no transparency from that side — none whatsoever. All that side is wanting to do is to try and fly low under the radar. That is what they are trying to do. They are flying low under the radar and trying not to be held accountable for their position. I tell you what: that will not work. When millions of Victorians vote at the 2018 election they will want to know what the position of the coalition is in relation to public holidays. Which public holidays are they going to strike out? Which public holidays will they cut as they put a knife into the bosom of every family in Victoria and steal away family time so that people cannot spend it with their friends, families and loved ones.

That is why we are committed to so much transparency on this side — because it is such a contrast with those opposite. It is like night and day. The Labor Party and government is day; the opposition is night. We like to provide documents wherever possible. We like to be inclusive wherever possible, which is in stark contrast to those opposite. We will work within the motion as best we can. We will provide the documents in keeping with the spirit of how we have provided documents previously. We will continue to be an inclusive government, a transparent government and a government that supports all Victorians, not just a limited few like those opposite.

Motion agreed to.

GOVERNMENT PERFORMANCE

Debate resumed from 23 November; motion of Ms WOOLDRIDGE (Eastern Metropolitan):

That this house notes —

- (1) the two-year anniversary of the Andrews Labor government has been categorised by two years of divisive government;
- (2) that ordinary Victorians have been left behind and ignored by the Andrews Labor government at the expense of union mates, Labor Party figures and a Socialist Left agenda; and
- (3) that in only two years, the Andrews government has, amongst many failures, lost three ministers, as well as delivered increased crime, economic vandalism and budget deficits, public service wage blowouts, desalination disasters, water bill increases, planning and heritage mismanagement, cuts to frontline police, chaos in prisons, a loss of Victorian major events, cuts to cancer beds and operating theatres, and ambulance response time blowouts; paid \$1.2 billion not to build Melbourne's most required road; had young kids

exposed to cage fighting; had public transport strikes and chaos; had a decline in TAFE enrolments; punished Victorian small businesses; doublecrossed Victorian industry; increased traffic congestion; and chauffeured dogs.

Mr RAMSAY (Western Victoria) — I am sorry to see the minister for waffle leave the chamber, because that is all he did in his contribution for the last 45 minutes.

What a disaster it has been for the two years of the Andrews government! In summary, we have got crime out of control; we have got a government scrambling to respond to the escalation and total breakdown in law and order; and we have got an energy crisis across Victoria, which is being compounded by the closure of Hazelwood and the stupid 50 per cent renewable energy target that the Andrews government is going to inflict on communities right across Victoria, thinking that their energy needs can be provided by solar panels and wind turbines when we know they are not going to — and we know it is going to come at a cost to every Victorian.

We have got regional Victoria currently in freefall, as I indicated this morning, with statistics just released in relation to the impact on the Victorian regional economy from back in 2009. There was a slight improvement in 2010, 2011 and 2012. But now it is in freefall since the Andrews government has taken power. We have got our firefighter services in disarray, with no enterprise bargaining agreement. We have got one of the most dangerous fire seasons looming, and just this morning the lower house did not even support a private members bill moved by Brad Battin to support our volunteers under the charter. It is an absolute disgrace that they are running around supporting Peter Marshall and his union thugs and not supporting our Country Fire Authority volunteers right across Victoria, particularly with the threat of a very dangerous fire season looming.

We have got union factions within the Andrews government controlling the government at the moment. We have got the Greens running the social agenda. We saw that yesterday with two bills that, I assume, were written by the Greens and the Socialist Left factional warlords of the Andrews government. They tried to bring them into this house to be passed, but — thank God — common sense prevailed, and those two bills found their way to the scrapheap where they belong. The only legislation that has created so much debate in this house is about when we are going to have more holidays. The minister for waffle and holidays, Philip Dalidakis, has spent some time this morning trying to

provide a defence for his flip-flopping in relation to the Christmas Day holiday — —

The ACTING PRESIDENT (Mr Elasmr) — Order! Thank you, Mr Ramsay. Your time is up.

Mr FINN (Western Metropolitan) — It was a little over two years ago that I made the observation that if this current Labor Party was elected to government, it would not be too long before we were looking back at the Cain-Kirner governments as the good old days. I do not think I have ever been so right in my life.

Mr Barber interjected.

Mr FINN — Compared to this crowd, yes, they certainly are. Compared to what this mob is like — this Andrews Socialist Left government — yes, the Cain-Kirner governments were indeed the good old days. You almost wish for a time when we can have the Melbourne international tram festival return to our streets. Who will ever forget that magnificent sight, as we stood on the steps of Parliament looking down Bourke Street and saw trams as far as the eye could see?

Mr Rich-Phillips interjected.

Mr FINN — They were welded to the rails, Mr Rich-Phillips. You have got to wonder if that is too far away again, because there are certainly some strange things going on around here at the moment. It is very odd indeed. In fact you would almost be tempted to say that the people who were running Brimbank City Council a few years ago are now running the government. You will recall a bloke called Hakki Suleyman. He was a factional warlord out in the western suburbs and indeed still is a factional warlord in the western suburbs. In fact the reason that he carries so much weight in the western suburbs in the Labor Party and that they are so scared of him is that he knows where the bodies are buried. They are so afraid of him that they gave his daughter a safe seat. They said to Hakki, 'What do you want?'. He said, 'I'd like my daughter in Parliament, please'. They said, 'Which seat would you like?'. He said, 'St Albans would be very nice, thank you very much'. That is what we have come to expect. The sort of political corruption and the sort of slysterism on a grand scale that we witnessed in Brimbank has become a part of the way of life for this government. It is a natural progression.

Of course it all started about two years ago when the Premier fulfilled his pre-election promise to rip up the contract on the east-west link. Members opposite in particular will remember that that election promise was made without consulting a single living, breathing soul.

The then opposition leader — Dictator Dan as he is now known — just got up one morning and made the announcement that if he were elected, he would rip up the contract for the east-west link. Everybody thought he was joking. Everybody thought he was having a lend of us. Indeed even members of the Labor Party thought he could not possibly be serious, given that everybody knows, and still knows, how important the east-west link is to the future livability — —

Ms Crozier — Did he lie?

Mr FINN — I will get to that in a minute. Everyone knows how important the east-west link is to the future livability of our great city, but no, the Dodge got up there and said that if he were elected, he would rip up the contract, and not only would he rip up the contract, but — guess what? — it would not cost us a single cent to do that. He was right; it does not happen often, but he was right. It did not cost us one cent; it cost us \$1.2 billion.

Mr Ramsay interjected.

Mr FINN — I do not know how many cents that is. My mathematics in that regard, Mr Ramsay, is probably not as flash as yours, but it is a fair whack; \$1.2 billion is a good deal of money. That is what it cost to destroy a much-needed piece of infrastructure for Melbourne. It was not just for Melbourne, but it was also for people in Geelong, people in Ballarat and people down in the Latrobe Valley, although it seems that the government does not particularly care about people in the Latrobe Valley. People around the state were depending on the construction of the east-west link, but the Premier, for reasons best known to himself, did the people of Victoria a grave disservice. One can only assume it had something to do with keeping some sort of faction happy, even if it were only the extreme Socialist Left faction of the Labor Party, known as the Greens.

I can only hope that in the future we will have a situation where we will not have people sitting on the West Gate Freeway for hours at a time because there has been a slight prang ahead. That is just an intolerable and unsustainable situation, but it is happening. It is happening all the time; it is happening every day. After two years of this government, you can only come to the conclusion that it could not care less. It just could not care less about the people out in the suburbs who are sitting in their cars, spending hours in their cars every day, some days even giving up and going home. We have heard stories from people who have sat on the West Gate and who, at the first opportunity they get, turn around and go home because they just give up.

Honourable members interjecting.

Mr FINN — I notice that certain backbench members of the government find that highly amusing. I suppose they are thinking about the day when they can get a ministerial office and when they can put their dogs in their cars and send them up to their holiday retreat. But even dogs get stuck in traffic, so I ask members opposite to take that into consideration when thinking about which route their chauffeur should take in order to transport their dogs to their country compound.

As we know, the traffic problem in Melbourne is a total, unmitigated debacle on a daily basis, but this government has not got any interest in that at all. It does not care. Every day it says to the people of Victoria, ‘Get stuffed, the lot of you!’. That is what they say to the people — —

Ms Crozier interjected.

Mr FINN — We could turn to sky rail, and indeed we just might. But in the meantime I want the people of Victoria — the people who are sitting in traffic on the West Gate, the people who are sitting in traffic on the Tullamarine Freeway, the people who are sitting in traffic on the Calder, on the Monash and on the Eastern — to know that instead of the government solving their problems, such as wasting half their life sitting in their car waiting to try to get somewhere, it has put solutions forward such as while you are waiting in your car you could think about applying to get your gender changed on your birth certificate. That is a good way to spend some time, a very useful way to spend some time. That is the message that we hear from the dodgy dictator himself. Or perhaps, according to this government, we could put forward some legislation that restricts freedom of religion. That is going to do a lot to help people as they crawl to work every day.

This government is a circus. It really is a circus. I do not know whether it is a three-ring circus; I do not think it could even do that properly. But it is most assuredly a circus.

Mr Ramsay — A wandering circus.

Mr FINN — Wandering — I am wondering a lot! I tell you what, Mr Ramsay, it has got me wondering. It has got me wondering how the government ever got there, it has got me wondering how it has managed to stay there and it has got me wondering how on God’s earth it thinks it is going to be re-elected in 2018, because the people of Victoria have just about had enough.

Despite the announcements and the public relations campaigns of the government this week on police numbers, the fact of the matter is that over the last two years Victoria’s crime rate has gone through the roof. Not only has the crime rate gone through the roof; we are seeing crimes in the state that we have never seen before. We are seeing carjackings. We are seeing home invasions and aggravated burglaries. We are seeing people who are not safe at home in their own beds. You would think the safest place you could ever be would be in your own home, in bed asleep. Even I would have some trouble getting into difficulty at home asleep in my own bed. But here in Victoria we have a situation where increasing numbers of people are attacked whilst in their homes in their own beds. They are attacked by people who have no respect for the law and have no respect for other people. These lunatics constantly get the message from this government that they can get away with it, and to this point they have.

You can talk about the judiciary, and I could talk about the judiciary in this state for quite a long time, but you have to remember that the vast majority of members of the judiciary in the state were appointed by a bloke called Rob Hulls.

Ms Crozier interjected.

Mr FINN — What a shocker! I notice he had something to say in defence of himself in the *Herald Sun* on Monday, but as you say, Ms Crozier, he has an enormous amount to answer for. When you see criminals going into courts, getting a slap on the wrist and being released back on the street to do exactly what they had done all over again, we can thank Rob Hulls and his mates in the former Labor government for that.

We have seen over the past two years a government that has closed its ears and closed its eyes to the crime tsunami, as it has become known, that has swept over our state. They have had a lot of public relations this week, and they have obviously spent up big on that. But the fact of the matter is that even they have to admit, if they were perfectly honest — and that is a pretty rare occurrence — that with these police that they are talking about now, the first will not even start to begin training until late next year, so we are 12 months away from even beginning the process. You have got to wonder about who this government is trying to con. It is clear who this government is trying to con: this government is trying to con the people of Victoria, because conning people is what this government does best. I am sorry; I tell a lie. They do one thing better than being con artists, and that is they stuff things up.

We have seen the debacle over the Country Fire Authority (CFA) over the last two years, and I think that could well be one of the great stuff-ups of modern politics. You have got to wonder what possesses somebody who is a holder of high political office, Premier of this state, to go about attacking volunteer firefighters in Victoria, one of the most fire prone places on earth. The Premier of this state gets up and gets out his machete and goes after volunteer firefighters. Did anybody ever think that would happen? Did anybody ever see that coming? It is just amazing, and it was all at the behest of his union boss, Peter Marshall, one of the great thugs of the trade union movement. The Premier does whatever Mr Marshall wants him to do. I do not know what happened at that meeting that they had.

Mr Ramsay — Mr Leane does.

Mr FINN — Well, Mr Leane may well know. He might like to tell us what happened at that meeting earlier this year. But what has happened to the CFA since that meeting is a disgrace to this government and is a fair indication of just how badly this Socialist Left government has fallen.

Mr O'SULLIVAN (Northern Victoria) — I wish to make a contribution to this motion in relation to the first two years of the Andrews Labor government. Mr Finn has very eloquently put many of the points in relation to the performance of this government. I would certainly like to add to that, because I think I have got a few other points that I can put in there that Mr Finn did not have enough time to get to. I am sure he would have if he had had the time, so hopefully I will cover a few of those as part of my contribution.

What we see with this government, and we are seeing it all over the place, is that for two years this has been a government that is about creating winners on one hand and creating losers on the other. Its whole philosophy in terms of the way it governs is saying, 'Okay, who are the friends that we need to look after? What commitments, what promises, have we made to our friends to get to where we are? Okay, we need to reward those people. We need to look after those people who we've done deals with. As a result of that, don't worry about the people who become losers as a part of doing those deals'.

This is a Premier that we heard say very clearly before the election, and we have heard him say it many times after the election, that he would govern for all.

Mr Finn — For all his mates.

Mr O'SULLIVAN — Well, that may be the case, but he did say 'all', so I will take that in terms of what 'all' actually means. That means everyone. But as we have seen, and we have seen it very clearly so many times in the first two years of this government, when they say they are going to govern for all, they mean they are going to govern for their friends — 'all their friends', I guess you could say, Mr Finn. They are going to govern for all their friends, and bad luck to anyone else, because they do not really matter — 'We need to repay those debts that we said that we would make to get elected in the first instance'.

From my point of view the biggest issue, and one I wish to make a comment on, is the Country Fire Authority (CFA). The CFA is one of those organisations whose only desire is to protect us Victorians. They will protect all Victorians. We are approaching the fire season. If there is a fire around the corner, you want the CFA to come and help you at all costs to help protect your family, your loved ones, your property, your neighbours and your community. I think that is a fair proposition and one that we all agree with. The CFA should look after us.

To win office the Andrews government made some sort of deal with the United Firefighters Union (UFU) — with Peter Marshall — to get all the UFU people to turn out in their fake uniforms on polling day and advocate for the Labor Party. For that to occur there must have been some arrangement beforehand so that UFU members would turn out in force and with vigour to support the Labor Party. I spent an hour on a polling booth up in Yan Yean where I actually saw with my own eyes how much the UFU was pushing at the polling booth. There is no doubt that there was some sort of arrangement in place which brought about some sort of quid pro quo deal in return for that support.

In the last couple of weeks we have seen an email from UFU secretary Peter Marshall go around to all the Labor members of Parliament reminding them that all agreements must be honoured.

We on this side of the chamber would like to know what some of those agreements are, and I am sure people in the community would like to know what those agreements are. Whatever those agreements are, they are pretty significant because of what we are seeing happen to the CFA. As a consequence the CFA has become a loser in this scenario, and obviously Peter Marshall and the UFU are going to be the winners in this dispute. We are seeing that very clearly already in terms of the way that has played out.

This deal and the detail of it must be pretty significant, because there are a whole lot of people who have paid a pretty hefty price along the way for the damage that has been done as part of this arrangement. We have seen former Minister for Emergency Services Jane Garrett decide that it was too much for her. She could not be a part of that arrangement. She decided that she did not want to be in that position and either chose to resign or was forced to resign. I am not sure which one it is.

Lucinda Nolan, former CEO of the CFA, had to resign as well. Joe Buffone, the next CEO of the CFA, had to resign. Peter Rau, former chief officer, had to resign. David Youssef, former deputy chief officer, resigned. There are a whole range of senior people within the CFA organisation, the primary firefighting organisation in this state, who have had to resign as a result of this dispute.

I could speak for much longer on the CFA, but I must move on to other issues because there are plenty of other things that have been an absolute disgrace during the first two years of this government. We have seen the announcement of the closure of Hazelwood power station. This is not an accidental closure. The Labor Party had a policy back in 2010 to close Hazelwood. You think, 'Why would you close Hazelwood?'. I will tell you why you would not close it: 1000 jobs are associated with that coalmine. About 600 or 700 jobs are directly involved, and then there are all the flow-on jobs around them.

Hazelwood will close, those jobs will go and the government say, 'We're going to put a bit of money back into the community, which will make everything okay'. They put up an amount of \$266 million, but what they do not tell you is that in the last budget they taxed the industry \$252 million, which I think was probably a contributor to Hazelwood's having to close. Again we have winners and losers: give them \$266 million, take away \$252 million. Really there is only \$14 million left, which I think is an absolute disgrace. The closure of Hazelwood is going to come with a whole range of problems in terms of energy security into the future. We have already seen what has happened in South Australia a couple of times in the last few months in terms of their energy security.

If we look at crime around the state — and that is something that we hope will not impact any of us or anyone in the community, but unfortunately it will — we can see that crime rates have increased by 14 per cent in the last 12 months alone. We have seen carjackings go up, along with home invasions and violence against persons. These are issues of real concern to everyone when people do not feel safe in

their own home or when they are driving their own car. Last weekend I actually got out the instruction book for the car I drive to work out how the car could automatically lock itself once the engine had been started and the doors had closed. That way my car might be a little bit safer from being carjacked. Even I am starting to think about that within my own environment, and I am sure many other people are as well.

Roads are a real problem in country Victoria. They are falling apart. They are absolutely crumbling, and this government cut the country roads and bridges program, which provided \$1 million of discretionary funding to each of the regional councils so they could fix their roads as they wanted to. There has been a lack of investment in roads right around country Victoria. What did this government do? It brought in the Stronger Country Bridges program. On the surface that sounds like a reasonable thing to do, but what was revealed when the government finally introduced it? One in five of the projects went into the Premier's electorate of Mulgrave, which, at my latest check, is very much a suburban electorate. The program is called Stronger Country Bridges. It is not the stronger suburban bridges program; it is the Stronger Country Bridges program. But this government decides that the losers will be the people in regional Victoria and the winners will be the people of Daniel Andrews's electorate of Mulgrave. But that is what we have come to expect.

I think it was last year that the Minister for Water decided that she was not quite happy with the way the water boards were structured, so she sacked all of them. She sacked every water board and every director of a water board around the state and reappointed them with her Labor mates, essentially. All the water boards have now been reappointed. It took a fair while for them to be reappointed, which meant that the whole water industry stagnated for a period of time while the water boards eventually got up to speed.

What I am hearing in the water industry now is that the boards are really just there to tick the box of whatever the department wants. The boards are not in a position where they can make their own decisions. The first thing that they do is they ring up the Department of Environment, Land, Water and Planning and find out from the department what they should do in terms of the water industry. Certainly I think we are going to see some serious consequences as a result of the dominance of the department in the water industry.

From a personal point of view, what happened to the Peter Mac cancer hospital was an absolute tragedy,

where the floor that was going to be dedicated to private patients was scrapped by this government because it does not believe in anything being private — everything should be public, in its view — and as a result of that a whole range of funding that would have gone into the Peter Mac hospital will not go there now through the private donations of people who have had some sort of involvement with Peter Mac. I think that is really tragic because my father was at Peter Mac for a while before he passed away, so I understand the importance of a place like Peter Mac for families in the last days of someone's life. But there are also occasions where people do recover from cancer at Peter Mac. Peter Mac does some great work, so the more support we can have for a place like Peter Mac the better, but unfortunately that will not be the decision of this government.

Something that is very dear to my heart is the agriculture industry. Off a farm, I understand the importance of agriculture in this state. Victoria bats well above its average, well above all the other states, in terms of what we contribute particularly through exports of all the food and fibre that we have. The former Minister for Agriculture and Food Security, Peter Walsh in the other place, was a fine agriculture minister and very supportive of the industry. We saw some really great gains in export through that time when Peter Walsh was the minister for agriculture. All the sectors were growing very quickly. We had record exports overseas, particularly into China, but unfortunately we have seen in the last 12 months that there has been a drop in the exports from the agricultural sector of about \$200 million, which I find very disappointing.

Victoria once dominated Australia in terms of agricultural exports. We were up to 30 per cent of the whole of Australia's food exports, but now we have dropped back to 26 per cent, so we are losing ground to the other states in terms of our exports. I was particularly disappointed to see that the main drivers of our agricultural economy in terms of red meat, grain and dairy have all taken a hit and dropped in terms of their exports, so that is less money in the pockets of farmers, and that is always disappointing. I think we should be striving at all costs to make sure there is more money in the pockets of farmers, not less money. It is disappointing to see that there has been a reduction in agricultural exports.

What we are seeing here is that this government is very clearly a government that is centred on Melbourne. In terms of the winners and losers that I started my contribution with, Melbourne is the winner, country Victoria and regional Victoria are the losers. We have

seen that in so many areas. This government is very city centric. It does not believe that anyone beyond the tramlines should really be looked after. It just wants to look after the inner-city suburbs because it is fighting the Greens; the Greens are making a real impact in those inner-city suburbs and Labor is very worried about that.

Mr Barber — We are making an impact in your seat too, you might have noticed.

Mr O'SULLIVAN — Well, you are winning seats in the inner suburbs, Mr Barber. You have not got any members out in the regions at this point in the lower house, but we will continue to see where that goes. This government is very much about looking after the city. It does not really care about regional Victoria. We have seen that over and over again.

Population is a very interesting aspect. There are about 100 000 new people coming into Victoria each year, but unfortunately about 91 per cent of those people come and live in Melbourne. Melbourne is over-congested now — it is crowded now. The transport system is that chock-a-block you can hardly get on a tram or a train in the morning. Our roads are very congested. This government paid \$1.2 billion not to build the east–west link. The solution is we need to get that population out into regional Victoria, which will create economic stimulus in the regions. The regions need more people. Melbourne needs less people, not more people. We cannot sustain what we have got now, let alone when we are going to double Melbourne's population by about 2031 or something in that area.

What we see with this government is winners and losers. They look after their mates and they look after their friends, and anyone that they do not owe favours to, whether it is the unions or whoever it is, misses out. They miss out completely. You are pretty much on your own, and you have got to fend for yourself because this government just wants to look after its mates. The people of regional Victoria, when it comes to the next election, will not forget that, and they will certainly be voting with their feet.

Mr LEANE (Eastern Metropolitan) — I find these motions a bit tedious, and I do not think that anyone out in the real world really cares. I do not think they care, and there is no impact.

Honourable members interjecting.

Mr LEANE — I take up Mr O'Sullivan's interjection. Mr O'Sullivan talked about governing for mates. Mr O'Sullivan was the architect of — what was

it? — the Office of Living Victoria, or the office of living off the taxpayer, where for you as the architect and your Nat mates, and it was all documented, the trough was hardly big enough for all of you to be able to get in there. There were some expensive tastes there, Mr O'Sullivan — very expensive tastes — that applied there. If you want to get up and talk about governments looking after their mates, I think you want to be careful in the future because you were the architect of that one, and it was well documented, the snouts in the trough that were involved in that, so I think you want to be careful in the future.

Ms Crozier interjected.

Mr LEANE — The office of living it up on the Victorian taxpayer — that is what it got to be known as after it was set up when you were in government, Ms Crozier, set up by Mr O'Sullivan, in concert with his buddy who was the minister at the time, Peter Walsh. It was an amazing arrogance and an amazing attitude and a disgraceful attitude towards taxpayers money, probably not seen for a long time.

These motions really amuse me when the opposition says everything is bad about the current government, it is governing for friends and so on. With the standard that was set by the previous government I wonder why the opposition bothers even trying to debate on this angle. The motion talks about change in government personnel. The previous government changed its Premier, and no-one really knows why. If the opposition wants to talk about change of personnel — —

Ms Crozier interjected.

Mr LEANE — If Ms Crozier is going to give a contribution — —

Ms Crozier — I am. I'm up next.

Mr LEANE — I would really appreciate it. I think Victorians would appreciate her explaining why the coalition changed its Premier, because no-one really explained it. One moment he was there — he was Big Ted, he was all cuddly and everyone loved him — and the next thing he was not there. The real plan was to replace him with Matthew Guy, but for some reason that did not happen and he got replaced by Denis Napthine. I remember at the time there were MPs from the Liberal Party in this chamber who were in shock. They did not know what had happened. They thought Matthew Guy was about to roll Ted, but it actually ended up being Denis Napthine. Obviously that was a complete failure.

The previous one-term government was a historic government. It only lasted one term. It was 50 years since we had a government as bad as that, but somehow it managed it. The difference between the previous government and this government is that this government is actually delivering on what it said it was going to do. Some of the things it said it was going to do might not make the people across the chamber happy, but it actually has delivered on what it said it was going to do, unlike the previous government, which promised there would be 800 new hospital beds and so on.

The now Leader of the Opposition in this place, Ms Wooldridge, said there would be a train line to Doncaster — remember that announcement with Premier Baillieu? — and it was going to be planned, they were going to get the funding and they were going to build it. They were going to build a tram line to Doncaster. They were going to build a train line between Geelong and Ballarat.

Ms Tierney interjected.

Mr LEANE — Do you remember that one? They were going to build this, and they were going to build that. What about the teachers that were going to be the highest paid in the land? There were the teachers and the nurses.

Ms Shing — The mystical big cats.

Mr LEANE — They said, 'We're going to go out and we're going to find the big cat. We're going to give this job to the office of living it up on the taxpayer and tell them, "You go and find that cat". We promise we're going to find that cat. And do you know how we're going to find that cat? We're going to find that cat with all the cows that we put in the national parks. The cows will stampede, the cat will come out the other end and we'll find that cat. We're determined to find that big cat. That is how it's going to work'. But actually I should not call them cows; they were called something else.

Ms Tierney interjected.

Mr LEANE — No, removal units. I cannot remember the exact term, but they were not called cows. They were cows, but they were called foliage management units or something. They did not call them cows. So we were going to get the foliage management units and we were going to get George, the bloke that was photographed with the whip, to come down and crack his whip. The cows would go through the forest and — bang — the big cat was going to pop out the other end. The office of living it up on the taxpayer

would be there to catch it and say, 'We've found the cat'. Well, the previous government could not even find a cat. It promised the world, and it could not even find a cat.

If the opposition wanted to compare its former government with the current government, if it wanted to bring in these sorts of motions, I would have thought it would be able to stand on its own track record, but its track record is awful. As I said, a government that had had not been seen for 50 years. That is a long time, and to change — —

Mr O'Donohue — On a point of order, Acting President, Mr Leane has been speaking now for many minutes about the term of the previous government. I note the motion before the house is actually about the current government and its two-year anniversary. I ask you to bring the member back to the debate.

Ms Shing — Further to the point of order, Acting President, the motion refers in its wording to the allegation that ordinary Victorians have been left behind, and I think in responding to this particular part of the motion Mr Leane is identifying the very low starting point that we had when coming to office in 2014.

The ACTING PRESIDENT (Ms Dunn) — Order! There is no point of order. Given that the motion is fairly broad in what it contemplates, I would suggest that reference to past governments is reasonable. However, I would remind Mr Leane to come back to the motion in his contribution.

Mr LEANE — Thank you, Acting President. That is a good ruling. Getting back to the motion, I will address some of the issues that were brought up and points that were made by the opposition in support of its motion. Mr Finn brought up an issue in his contribution. I have to say that with Mr Finn it is like being at a bad Rodney Rude concert. It is the same tired jokes. You know what is coming. You know that trick that he does with his big pants and all of that is going to come. It is just getting tedious.

Mr Finn brought up the issue around the east–west link being scrapped and the cost to Victorian taxpayers.

Ms Crozier — Why?

Mr LEANE — Ms Crozier says, 'Why?'. When that commitment was made this government did not realise that the Treasurer from the previous government had signed this dodgy side letter that was a sour grapes document. It was made from crushed sour grapes. He

said, 'Boohoo! If we lose, everyone will pay'. It was the most disgusting action ever.

Mr O'Donohue — On a point of order, Acting President, I again draw your attention to the member's references to and discussion about the previous government. I note your ruling on the previous point of order, but your guidance for the member was to return to the motion, which he has failed to do.

Ms Shing — On the point of order, Acting President, Mr Leane was in fact responding to a door which Mr Finn did not just throw open but almost ripped off its hinges in his eagerness to proceed with an argument around the east–west link. So on that basis there is in fact a square relevance to the point that Mr Leane is making.

The ACTING PRESIDENT (Ms Dunn) — Order! Mr O'Donohue, there is no point of order. I do believe the commentary around the east–west link was in relation to an interjection and not in fact the motion before us, so I would ask Mr Leane to draw his attention to the motion.

Mr LEANE — I will move on. This motion talks about planning. Let us have a comparison about planning — Phillip Island, Ventnor. The planning minister at the time catches up across the kitchen table with a couple of people that he appears to know or is introduced to by the local MP, then — bang! — Ventnor is rezoned. That was the process back then, so I think we prefer the process that we have now.

The motion talks about TAFE, and I cannot believe that. If the opposition is going to come into the chamber and think they are going to have some success around these particular motions, they should not come in bowling full tosses, because we will hit them over the fence every time. Greensborough, Lilydale — I think about half a dozen TAFE campuses were closed by the previous government. That was their commitment to TAFE, and now they have concerns with TAFE. I think if they were concerned about TAFE, they should have shown it at the time instead of closing TAFEs. The community was outraged. The community was absolutely outraged, and it was interesting the way that people voted around this issue because they want to see — especially young people — an opportunity to be able to do TAFE courses which will afford them the opportunity to gain employment. So I find that unreasonable.

We have 'cuts to frontline police'. I do not know how that is being justified either. As we know, the only funded extra police in the last 15 years have been

funded by Labor governments. Zero funded — nothing, none, not one funded. Absolutely zero.

Honourable members interjecting.

Mr LEANE — I am not too sure how much weight the greater populace puts on the opposition's opinion of this government. I know how much weight the government puts on the opinions of the opposition about this government, because we are just getting on with it. We are removing level crossings. We have an enormous school building program which will really kick into play next year. If it kept going the way of the previous Liberal government, there would have been children who would not have been able to attend their school because there was inaction for four years while the Baillieu-Napthine governments had a bit of a four-year nap. They had a bit of a nap, just sort of mucked around, hung around their offices living on the taxpayer, had a bit of a kip, put their feet up, entertained Geoff Shaw and brought themselves to a historic loss.

The ACTING PRESIDENT (Ms Dunn) — Order! Mr Leane, that is time.

Ms CROZIER (Southern Metropolitan) — I am absolutely delighted to be able to rise and speak to the motion that we are debating this morning. Can I just say that Mr Leane's contribution was an absolute joke.

Mr O'Donohue — A disgrace.

Ms CROZIER — And a disgrace. He went on for 15 minutes talking about the previous government and did not even acknowledge his own government. But let me tell you, the litany of failures of this government and the divisive nature of this government just demonstrate how much regard he has for his own Premier and his colleagues, because he went on a rant.

Mr Leane interjected.

Ms CROZIER — I am not going to waste my time talking about you. I want to speak to this motion and what is important to Victorians, because you said no-one was listening. You said, 'Why are we bothering with this motion?'. We are bothering with this motion because it is absolutely critical for the future of Victorians.

Let us just start with so many issues that are at hand. The scrapping of the east-west link and the wasting of \$1.2 billion — what a disgrace. Money flushed down the drain — what a disgrace. That is an issue that Victorians have not forgotten about, Mr Leane, and they care about it. When they get stuck in traffic, they know that you have wasted that money that could have

been put into more police, more nurses and more child protection workers. You have wasted it, flushed it down the drain.

But let us look at it in our own communities right around the state, and all of us will speak to this. In my area of Southern Metropolitan Region, which Mr Davis and Ms Fitzherbert know only too well, there is disregard for local communities on so many decisions — decisions such as sky rail. Sky rail — a decision that was not taken to the Victorian community prior to 2014.

Mr O'Donohue — What a disgrace.

Ms CROZIER — Another disgrace, Mr O'Donohue. No-one voted for sky rail. They rammed it through, and this government is full-on ramming things through and dividing communities. There is no doubt about that.

The sky tower in my area of Ormond — again there has been no community consultation on so many issues. We have businesses down in that area that have absolutely gone to the wall. People have lost their jobs over the decisions that your government has made, and they are going to be losing their jobs more when Hazelwood closes down in a few months time.

But there are other decisions in the Southern Metropolitan Region that I want to go to. There is the metro rail tunnel. Look at that. There has been no regard for the needs of South Yarra station patrons, which could easily be included in that plan. The government is disregarding so many of the concerns of the community in relation to the St Kilda Road boulevard, which is well renowned around the world as an iconic boulevard. What are you going to do? Your government is going to destroy it by having no regard for these matters, just because they are doing it on the cheap. They are ramming this decision through.

Business interrupted pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

Abortion services

Ms PATTEN (Northern Metropolitan) — My question is for the minister representing the Minister for Health, Minister Mikakos. Publicly funded abortion services are deteriorating across the state, causing women to travel long distances for private care that costs hundreds of dollars. Leading women's health researchers are urging the government to make abortion services mandatory at some regional hospitals in response to concerns about reduced access to surgical

abortion raised by doctors, nurses and clinic managers. How is the government addressing this issue, which is placing women's health and wellbeing at risk?

Ms MIKAKOS (Minister for Families and Children) — I thank Ms Patten for her question. Whilst this is a matter that the Minister for Health is responsible for, I can advise Ms Patten that work is currently underway to develop a statewide sexual and reproductive health strategy to improve Victorian women's access to reproductive health services. This work is supported by a \$6.6 million investment in this year's budget. Our government has also established Victoria's first ever safe access zones; I am sure the member would be very well aware of that. This is designed to ensure that women can safely and confidentially access abortion services without being subject to verbal and psychological abuse.

But I will refer the member's question to the Minister for Health, and if she has anything further to add by way of information for the member, I am sure she will be more than happy to provide that.

Supplementary question

Ms PATTEN (Northern Metropolitan) — Thank you, Minister, for that response, and I look forward to a further response from the Minister for Health. RU486 is available in many countries and plays an important role in women's health internationally. It is widely used in China, New Zealand, the United States, Canada, the UK, Vietnam and most European countries, but Australia is being viewed as lagging behind in this area. In responding to this deterioration of available services, will the minister's strategy include an expansion of training and support for GPs to administer RU486 to Victorian women?

Ms MIKAKOS (Minister for Families and Children) — I thank Ms Patten for her supplementary question. I will refer the supplementary question to the Minister for Health for a written response, and obviously that will be provided to the member within the required time frame.

Firearms

Mr BOURMAN (Eastern Victoria) — My question today is for Minister Tierney, representing the Minister for Police in the other place. This Friday sees a Council of Australian Governments (COAG) meeting, and apparently, despite there being no supporting evidence or factual basis, we will see the five-shot Adler moved to category B and the seven-shot moved to category D. Category D is the same as semiautomatic centre-fire

rifles. The basis for this move to category D is that apparently terrorists will ditch their AK-47s, real machine guns, for a lever-action shotgun with the technology available at the time Queen Victoria was the reigning monarch! It is laughable, yet here we are. Bearing in mind there is already a federal government prohibition on the seven-shot Adler from entering the country, my question to the minister is: how many seven-shot Adlers are registered in Victoria?

Ms TIERNEY (Minister for Training and Skills) — I thank the member for his question. While Victoria Police does register different classifications of firearms, I do not have the actual number of particular brands of firearms. But having said that, Mr Bourman, I know that you have a very keen interest in this whole issue, particularly leading up to the COAG matter, and I do understand that the Minister for Police is keen to actually provide a briefing to you.

Supplementary question

Mr BOURMAN (Eastern Victoria) — I thank the minister for her answer, and I look forward to the briefing. I might point out that Dr Samara McPhedran has put a pretty good paper together about how ridiculous this situation is, but my supplementary question is: how does the government propose to enforce the movement to category D of those seven-shot Adlers, given, as I suspect, there will be none?

Ms TIERNEY (Minister for Training and Skills) — I thank the member for his supplementary question. I suggest that that is a question that could easily and readily be asked when he has the briefing with the minister.

Youth justice centres

Ms SPRINGLE (South Eastern Metropolitan) — My question is for the Minister for Families and Children. I refer to the minister's answer in this chamber on 24 November in relation to the use of 20-hour lockdowns in Barwon Prison, and I quote:

The standard management of young people at the temporary youth justice facility at Barwon does not involve 20 hours of lockdown per day, and essentially the operating model that is in place at Grevillea is similar to what is in place at both Parkville and Malmsbury.

Since then there have been additional reports that considerable lockdowns are indeed occurring, including a damning op-ed in yesterday's *Age* by eminent human rights lawyer Ruth Barson. There are also reports emerging that children currently held at the Malmsbury and Parkville youth detention centres are also being

held in solitary confinement for extended periods of time. Does the minister remain categorical in her stance that lockdowns and solitary confinement are not being used at Barwon Prison or the Malmsbury or Parkville youth detention centres?

Ms MIKAKOS (Minister for Families and Children) — I thank Ms Springle for her question. In the question that she has posed to me she has paraphrased the words that I did use on 24 November, and I stand by the statements that I have made to the house on previous occasions. What I did explain to the house yesterday is that there is now a matter that has been set down for hearing next week in the Supreme Court, and I think, given that that particular court will be considering evidence and will be examining this issue, amongst others, it would be inappropriate for me to be pre-empting that court process.

I made it very clear to the house yesterday that for those reasons I would not be proposing to go into these details during the course of this week. Post the Supreme Court matter I will be very happy to take further detailed questions on these matters, but I think it would be inappropriate at this time as it could well mean that I would be in contempt of court, given that I am in fact a party to the proceedings.

Supplementary question

Ms SPRINGLE (South Eastern Metropolitan) — I will soldier on with my questions regardless, because I do not believe that you did say that yesterday. You did not use the upcoming court case as a reason not to answer questions.

Mr Dalidakis interjected.

Ms SPRINGLE — Have you finished?

Mr Dalidakis — Yes.

Ms SPRINGLE — Great. Ruth Barson stated in her op-ed published in the *Age* yesterday on visiting a client in Barwon Prison last week, ‘He is being held in solitary confinement; pacing his cell, uncertain when he will be let out. He hasn’t seen the sky since Thursday’. Is it the minister’s position that this is an appropriate or reasonable level of lockdown?

The PRESIDENT — Brilliant showmanship.

Ms MIKAKOS (Minister for Families and Children) — I thank Ms Springle for her supplementary question in this matter. Ms Barson and others will have an opportunity to present evidence to the court in relation to these matters. I refer the member to the

explanation I gave in response to the substantive question.

Questions interrupted.

DISTINGUISHED VISITORS

The PRESIDENT — Order! I take this opportunity to acknowledge that we have a former member of the house in the gallery today in Mr Andrew Ronalds from Eastern Victoria Region. Welcome.

QUESTIONS WITHOUT NOTICE

Questions resumed.

Barwon Prison

Ms SPRINGLE (South Eastern Metropolitan) — My question is for the Minister for Families and Children. You have said that you will override the commissioner for Aboriginal children and young people if he advises against sending a child to Barwon Prison in the future. Is that true?

Ms MIKAKOS (Minister for Families and Children) — Unfortunately Ms Springle is again paraphrasing what I have said publicly in relation to these matters. What I did say was that in relation to the settlement that was reached with VALS — the Victorian Aboriginal Legal Service — there was going to be an additional check put in place. By the way, I think the clock is wrong, President, because it has only been counting down for 1 minute rather than 4. Start the clock again; thank you.

Can I just make it clear that what was agreed to in the settlement was that an additional check would be put into the process whereby the commissioner for Aboriginal children and young people would be consulted as to whether he had the view that a particular transfer was in the best interests of that particular young person and that if the commissioner came to the view that that was not the case the department had the ability to still go back to the court in respect of a specific transfer. I personally do not override any decisions. Transfers are operational decisions made by my department — —

Ms Crozier — You are the minister.

Ms MIKAKOS — We have Ms Crozier over here piping in, who has absolutely no idea when it comes to ministerial responsibility. She thinks that ministers don their riot gear and personally go in — they get an incident report, they go in in their riot gear and they take charge of the situation. We have got Ms Crozier

coming in here day after day peddling mistruths about what is going on in our youth justice system.

But what I can say to Ms Springle is that she is in fact paraphrasing what I did say in the house just yesterday in explanation of what did occur through the settlement with VALS. It does not preclude the department from sending any particular group of young people to the Grevillea unit of Barwon Prison; it is just an additional check and balance in the system as it relates to Aboriginal young offenders.

Supplementary question

Ms SPRINGLE (South Eastern Metropolitan) — I would point out to the minister that I am not actually paraphrasing anything. My quotes have come from *Hansard*, and I did go through your interviews on 3AW and the ABC, so I am actually just repeating back to you your words. I also remind the minister that as Minister for Families and Children she has a responsibility to advocate for vulnerable children, not to posture about law and order.

My question really is: are you saying that if the commissioner says a transfer is not in the best interests of the child then you or the department would override that by going back to court?

Ms MIKAKOS (Minister for Families and Children) — I thank Ms Springle for her further question. As I explained yesterday and as I explained in answer to the substantive question, the department has the option of going back to court in relation to a specific transfer. So I think it is very clear that despite the rhetoric that has been put out by some lawyers, if they actually look at the terms of the settlement it is very clear that there is an additional check and balance in the process, but the department does have the option to go back to court in relation to a specific transfer. I have spoken at some length about the other checks and balances, the oversights that are in the process, as they relate to the Grevillea unit, and I refer the member back to previous statements I have made in relation to these matters. And I have got Ms Crozier over there talking about Don Dale — —

The PRESIDENT — Order! Minister, Ms Crozier did not pose the question.

Ms MIKAKOS — She is interjecting.

The PRESIDENT — Order! I do not think she actually interjected at that stage. The fact is that you are debating, and I do not want to hear the debate. Minister, 4 seconds — without mentioning Ms Crozier once.

Ms MIKAKOS — The opposition are yet to say if they support us sending anyone to Barwon Prison. They are yet to say what their position is.

The PRESIDENT — Order! Thank you, Minister.

Child protection

Ms WOOLDRIDGE (Eastern Metropolitan) — My question is to the Minister for Families and Children. Minister, today's *Herald Sun* details the case of a male with a history of sexual offence convictions planning to open a childcare centre in Victoria. As the minister responsible for approval, regulation, quality and compliance in child care, can you detail what steps you and your department take when considering an application to get a licence to open a childcare centre?

Ms MIKAKOS (Minister for Families and Children) — I am grateful that Ms Wooldridge has given me the opportunity to clear this issue up, because in fact the *Herald Sun* did not seek any advice about this matter from my department before publishing this story. What the matter relates to — —

Honourable members interjecting.

Ms MIKAKOS — If the opposition would just listen up for a minute to hear the answer to the question that they have posed, what the story did relate to was someone who had applied to the Department of Justice and Regulation for a working with children check. It was about a working with children check; it was not about an application to the Department of Education and Training to operate a childcare business at all. It was someone seeking a working with children check, which was denied by the department of justice, and that person then appealed the matter to the Victorian Civil and Administrative Tribunal (VCAT). Because that matter was overturned by VCAT I have been advised that the Secretary of the Department of Justice and Regulation is seeking leave to appeal the decision to the Supreme Court, and for this reason it would be inappropriate to comment on the issue around the working with children check matter any further.

But in general terms what I can say is that there is of course a rigorous screening process that goes on by the Department of Education and Training for anyone wishing to operate a registered early years service in Victoria. These matters not only go to working with children checks but they also consider whether someone is a fit and proper person, and there is regard given to someone's criminal history in relation to these issues as well as other matters.

I think the member has jumped the gun there and drawn certain conclusions from that particular story, but what the story that was published in the paper does relate to is a working with children check that sits with the department of justice. Working with children check legislation is actually the responsibility of the Attorney-General. As I have explained, this matter is going to be appealed, and therefore it would be inappropriate to comment on the matter any further.

Supplementary question

Ms WOOLDRIDGE (Eastern Metropolitan) — I thank the minister for her response. The question was very clearly about the process within the department of education and her responsibilities as minister. Minister, can you assure the house and indeed all Victorians that an individual convicted of wilfully and obscenely exposing himself on five separate occasions will not be granted a licence to operate a childcare centre in Victoria?

Ms Mikakos — On a point of order, President, as I have just explained, this specific issue relates to a working with children check application that has gone through a legal process. It actually does not relate to a specific application in relation to operating a childcare business, so the member is effectively posing a hypothetical question that does not relate to the substantive issue that was raised in the initial question and my response to that substantive question.

Ms Wooldridge — On the point of order, President — a very extended point of order — the supplementary question is directly relevant to the question and a very clear and specific question that the minister can answer within the realms of her portfolio.

The PRESIDENT — Order! I must say that whilst the minister has clarified the current circumstances in regard to this individual and the VCAT hearing that was reported and she has provided accurate information to the house on the status of perhaps his intentions to establish a business, the fact is that the regulation of that business also does fall within the minister's responsibilities. Whilst the minister has certainly clarified the current position, the question is entitled to explore the other aspect of the regulation of child care and whether or not an individual would be granted an application and how that would be dealt with in these circumstances. It is fairly clear that the working with children permit is related to a proposed application for the establishment of a business, so therefore I believe that the supplementary question is in order.

Ms MIKAKOS (Minister for Families and Children) — In fact what I made clear in response to the substantive question is that the matter that was highlighted in the media report today did relate to a working with children check application — it did not relate to an application to my department — so the question that the member has posed is in fact a hypothetical one about a hypothetical application by a person who may have a range of criminal histories.

What I did make clear to the member in response to the substantive question is that any application to the Department of Education and Training does examine whether an applicant is a fit and proper person before they would be allowed to open an education and care service in this state, and there is a rigorous process that would be followed that would involve verifying that they have a current working with children check, as well as a review of their current criminal record, interviewing the applicant and subjecting them to a range of other checks as well. Obviously they would be subject to that rigorous screening process.

The PRESIDENT — Order! Thanks, Minister. Time!

Vocational education and training

Ms FITZHERBERT (Southern Metropolitan) — My question is to the Minister for Training and Skills. How many times since 1 January 2015 has the Victorian Registration and Qualifications Authority (VRQA) or the Department of Education and Training faced legal challenges as a result of disputes regarding Victorian training guarantee contracts?

Ms TIERNEY (Minister for Training and Skills) — I am so tempted to talk about those opposite propping up dodgy providers, but I will be consistent and I will not provide answers to those opposite or the Greens until the leader of this house is reinstated to this house. I will provide an answer in due course within the prescribed time lines.

The PRESIDENT — Order! I take it we will get an answer tomorrow.

Supplementary question

Ms FITZHERBERT (Southern Metropolitan) — How many cases have the VRQA or the department been forced to settle as a result of the Andrews government's botched handling of contracts, and what is the total value of these settlements?

Ms TIERNEY (Minister for Training and Skills) — My response is the same as to the substantive question: I will provide an answer in writing in the prescribed time lines. And I cannot help it, but you did set this all up.

Ms Mikakos — Ask us about the providers in Brighton.

The PRESIDENT — Order! Can I say that I really do not appreciate the reference to Brighton. I have consistently over six years kept party affairs and the impacts of those deliberations of parties on individual members out of this chamber, and I intend to continue to do so.

Aviation training

Ms BATH (Eastern Victoria) — My question is to the Minister for Training and Skills. Sixteen-year-old Will Page is in high school in Sale. Will hopes that when he graduates he will be able to obtain a job in the local aviation industry, but this year the school has been forced to drop certificate II in aeroskills as part of its vocational education and training offering because the Andrews government has axed subsidies for the program. Minister, on what grounds did the Andrews government make the decision to axe aviation courses like certificate II in aeroskills?

Ms TIERNEY (Minister for Training and Skills) — This matter has been previously raised, as I understand. In the written response that you will receive I think there will be some good news for you, Ms Bath.

Supplementary question

Ms BATH (Eastern Victoria) — I look forward to the minister's response. Given the Minister for Industry and Employment and the Minister for Regional Development were at the West Sale aerodrome, just across the back paddock from Fulham campus, several weeks ago for a defence force pilot training exercise, will you immediately reverse the Andrews government's decision to axe funding for this program, which is so critical for young people in regional Victoria to get jobs in the defence industry?

Ms TIERNEY (Minister for Training and Skills) — Again, Ms Bath, the response will be contained in the written response that you will be provided with in the prescribed time line.

Barwon Prison

Mr O'DONOHUE (Eastern Victoria) — My question is to the Minister for Corrections. Minister, with almost daily assaults of Department of Health and Human Services (DHHS) workers in the Grevillea unit at Barwon, why are the two Corrections Victoria prison officers stationed to the unit not responding by intervening to stop these assaults?

Ms TIERNEY (Minister for Corrections) — I thank the member for his question. The fact is that that is an operational matter, and that will be dealt with by the appropriate people.

Supplementary question

Mr O'DONOHUE (Eastern Victoria) — I am disappointed that the minister, while answering the question, refused to answer the substance of the question. I ask by way of supplementary: Minister, why are the CCTV cameras in the Grevillea unit no longer accessible from the Barwon camera control room, making it even less safe for the DHHS and Corrections Victoria staff working there?

Ms TIERNEY (Minister for Corrections) — I refute the basis of the question entirely. Again that is totally an operational matter, and you know that, Mr O'Donohue.

Malmsbury Youth Justice Centre

Ms CROZIER (Southern Metropolitan) — My question is to the Minister for Families and Children. Minister, can you confirm that because of violent threats against staff there has been a change in government procedure at the Malmsbury Youth Justice Centre, with medication now being handed through slots of cells and no observation of whether young offenders are actually taking their medication?

Ms MIKAKOS (Minister for Families and Children) — Just yesterday the member asserted that someone had had their head split open when in fact that was not the case, and the Leader of the Opposition made assertions yesterday that the department provided advice to me, which was not the case. We have had time and time again the opposition coming into this place in a post-Trump, post-truth world where they effectively just make things up and hope that some of it is going to be believed. They are just coming in here in this post-Trump, post-truth world asserting things and hoping that somehow they are going to be believed.

What I can say to the member is that I will provide a written answer to the member because what we have seen time and time again is the member coming in here and just making things up. We, in contrast to those opposite, do take the security of both our young offenders and the staff in the youth justice system seriously. This is why we have put in place rolling recruitment of staff that will see more than 60 staff recruited by the end of the year. This is why we have now funded an additional 41 positions for custodial youth justice staff. In addition to this, we are also bringing in mental health clinicians to work with the young people to support those young people who do have mental health issues. So we have put in place a number of measures to improve the safety of those who work in there.

What we have established recently is that despite the fact that Ms Wooldridge had a master plan developed for the Parkville redevelopment, she ditched it. It got put in the bottom drawer because they did not think it was worth spending the money to ensure the safety of either the staff or the young offenders in our youth justice system. But we are taking action to fix these — —

The PRESIDENT — Order! Minister, I have heard that line quite a few times and I do not understand the connection between what you are now saying as a matter of what I consider debate and the actual question, which was very specific about medications. Indeed you have undertaken to provide a written response to that, which I appreciate, but there is no need to cover other ground in terms of debating the question. Minister, is there anything further on the specific question?

Ms MIKAKOS — On a point of order, President, just in light of the comment that you have made in which you are effectively directing me in how to respond to the question, the member's question did go to staff procedures, and I am wishing to outline to the house the improvements that we are putting in place as a government around staffing issues. These do go directly to staff recruitment and training issues and infrastructure issues, because they all do impact on staff procedures. Whilst you may not see the direct link, I can assure you that these issues are all interconnected, and that is why we have a multifaceted response to the issue around the safety and security of our youth justice system.

Ms Crozier — On the point of order, President, the question was quite specific about Malmsbury. It had nothing to do with the business case at Parkville.

The PRESIDENT — Order! In terms of the point of order, Ms Mikakos, you are on fair ground when you indicate that to some extent you are entitled to discuss procedures and the changes that you have made in procedures, because clearly this issue, whilst it was specific about one procedure, perhaps does give you some leeway there. But reflections back on the previous government — that line is fairly tired at this stage of proceedings, does represent debate and also goes into that area of criticising the opposition, which is, as we understand it in terms of our practice, not acceptable under the standing orders. So yes, I did not pull you up earlier, because in fact when you talked about the recruitment of extra staff and some of those procedures that you have run with I thought, yes, that was fair territory. When you started to debate about what the opposition had or had not done, that was no longer fair territory. Minister, do you wish to complete your answer?

Ms MIKAKOS — Thank you, President. I just also wanted to add that we have put in place a number of reforms. We are implementing recommendations that have come out of independent reviews — ones that have been criticised by those opposite. Some of these recommendations do go to issues around staff training, and those are in fact changes that are being implemented with the input of the relevant union and with input from the affected workforce. We are obviously looking at continuous improvement in terms of the procedures that are in place in our youth justice system.

Supplementary question

Ms CROZIER (Southern Metropolitan) — Minister, weekend checks at Malmsbury found stockpiles of pharmaceutical medication, which were confiscated from young offenders' cells. The duty of care for all young offenders falls to you, as well as the duty of care for staff, who would have been placed at risk by young offenders high on substances or potentially overdosing. What action did you immediately take upon being notified about the seizure of the stockpiles to overturn your previous and potentially deadly order for medication to be put through slots of cells?

Ms MIKAKOS (Minister for Families and Children) — I do not know where to start, President. I have only got 1 minute. I reject the assertions made by the member in the preamble to that rant that she just gave us. I will provide the member with a written response to her question. But for her to come in here and assert that I personally have made a directive around the distribution of medications just indicates to

the house again that Ms Crozier just does not understand that operational decisions sit with the management of our youth justice system. She can come in here day after day and just put out mistruths and misinformation, and I will come in here and correct the record.

Ms Crozier — On a point of order, President, the minister has on a number of occasions said that I have been misleading, and I think that is untruthful and is a reflection on me. I would ask her to withdraw.

The PRESIDENT — Order! In terms of the request for a withdrawal, I will not insist on the minister withdrawing. The terms that the minister has used are not unparliamentary in this context. She has previously withdrawn another remark that I considered was unparliamentary, but on this occasion I do not uphold the point of order. I would point out that clearly there is an opportunity for the minister's answers and the minister's assertions to be debated. I must say that a number of members in this place are probably as perplexed as I am at the great variance between what Ms Crozier has put to the house and what the minister has put to the house in terms of the circumstances surrounding these facilities and the issues that relate to them. I am quite perplexed about that, as is everybody else, and perhaps fulsome debate at some time might actually clarify that.

Written responses

The PRESIDENT — Order! In the context of today we have got almost a full scoreboard. Ms Patten's questions to Ms Mikakos, both the substantive and supplementary questions, require written answers, and that is two days. Mr Bourman's questions to Ms Tierney, both the substantive and supplementary questions, that is two days; Ms Springle's first question to Ms Mikakos, both the substantive and supplementary questions, that is one day; Ms Springle's second question to Ms Mikakos, just the substantive question, that is one day; Ms Wooldridge to Ms Mikakos, the substantive and supplementary questions, that is one day; Ms Fitzherbert's question to Ms Tierney, both the substantive and supplementary questions, that is one day; Ms Bath's question to Ms Tierney, the substantive and supplementary questions, that is one day; Mr O'Donohue's question to Ms Tierney, the substantive question, that is one day; and Ms Crozier's question to Ms Mikakos, the substantive and supplementary questions, that is one day.

I must say that I am not enthusiastic about having to require so many written responses because answers have not been able to be provided in the house. Some of

them are obviously quite specific, like Mr Bourman's about the number of registrations. I mean, it is impossible to expect the minister to have any idea or to be able to provide an accurate answer to that, and of course I understand the ones that involve ministers in the other place, but I am not keen to keep insisting on written answers simply because we are not actually having the answers during question time.

Ms Mikakos — On a point of order, President, just in relation to that ruling, and in particular the answer that I gave to Ms Wooldridge, I believe that I did respond fully to that question, because I made it very clear that essentially her question was premised on a misunderstanding of a media story. I then made very clear what that issue did relate to and what the response was from the Department of Justice and Regulation. I do believe that I did in fact discharge a response to that particular set of questions.

The PRESIDENT — Order! On this occasion I have actually asked for the question, and I have been given the courtesy of receiving that question. Whilst I think that the minister provided some very valuable information to the house, and I accept that, the question actually asked for quite different information. It was a question that was relevant in the circumstances, and I think when the minister actually peruses that question, or her staff peruse that question, later this day, they will accept that there are other matters that ought to be addressed in their answer.

CONSTITUENCY QUESTIONS

Western Metropolitan Region

Mr EIDEH (Western Metropolitan) — My constituency question is for the Minister for Health in the other place, the Honourable Jill Hennessy. Constituents in the western suburbs are concerned that the federal Turnbull government has still not renewed the national partnership agreement on treating more public dental patients. This agreement arranged the funding for public dental services between federal and state governments and is of vital importance in ensuring that the constituents in my electorate have access to public dental care. With the agreement due to expire at the end of this year, people are anxious that the Turnbull government's inability to renew this partnership will have an adverse effect on their access to dental care. If this agreement is not renewed, what effect will this have on my constituents in the western suburbs and what action is the Andrews Labor government taking to get the federal government to pay its fair share?

Northern Metropolitan Region

Mr ONDARCHIE (Northern Metropolitan) — My constituency question today is for the Minister for Planning, Richard Wynne, who happens to be the local member for Richmond. The area that I am concerned with is Ryans Reserve in Richmond. The Department of Education and Training (DET) has decided to declare Ryans Reserve at 510 Swan Street, Richmond, which is the site of four netball courts, surplus to its needs in order to facilitate a land swap with the Department of Health and Human Services to deliver the new Richmond High School.

Ryans Reserve has been a reserve for over 100 years and actively used for netball and tennis for 25 years and 20 years respectively. It currently is a vibrant sporting precinct, with over 1300 netballers using that facility every week. Significant growth in the population of Richmond means that the reserve should be retained, and the locals feel aggrieved that in order to deliver a school — and a cash windfall for the DET — the community is set to lose a valuable and highly used recreational facility. I ask the minister if he can advise me of the future and the status of the Swan Street, Richmond, Ryans Reserve.

Southern Metropolitan Region

Ms PENNICUIK (Southern Metropolitan) — My question is for the Minister for Roads and Road Safety and refers to the pedestrian crossing on Booran Road, Caulfield East, outside Glen Eira College. The school campus is split in two across Booran Road, and the pedestrian crossing with traffic lights allows students to cross. This is dangerous as students are crossing this busy road throughout the whole day for lessons in the gym and the English language centre, as well as to use the recreational space at recess and lunchtime. Parents and staff are very worried as there have been some near misses at this crossing, with cars not stopping in time or not stopping at all in some cases. This is despite teacher supervision of the crossing during the day and the presence of a crossing supervisor before and after school. There have been calls to extend the 40-kilometre-an-hour zone and put in place an electronic sign, but VicRoads says there is a 5 to 10-year wait for the school to receive that. It occurs to me that a pedestrian bridge might in fact be the answer at this particular site. In any case, my question to the minister is: will this crossing be made safe as soon as possible and certainly before the commencement of the 2017 school year?

South Eastern Metropolitan Region

Mrs PEULICH (South Eastern Metropolitan) — My question is for the Special Minister of State and, in his absence, Ms Pulford. Following serious IT breaches at Kingston City Council which saw the personal details of thousands of residents, including the details of mothers and babies, improperly released by the City of Kingston, coincidentally followed by the advertising of a function by the federal member for Hotham, Ms Clare O'Neil, targeting the same demographic, namely mothers and babies, as well as a separate incident involving the same MP, who is now shadow minister for justice, which consisted of the collaborative organisation of a function assisted by Kingston council officers and also attended by Kingston council officers, including the improper use of the private information of senior citizens and seniors organisations collected by Kingston City Council to boost attendance at that MP's function, I ask the Special Minister of State to call in the Auditor-General and the Ombudsman to investigate the management of IT risks and any possible political factors which may be influencing the Kingston City Council's IT breaches which have come to public attention.

Eastern Victoria Region

Ms BATH (Eastern Victoria) — My question is to the Treasurer. In the June 2016 budget the Andrew's Labor government tripled the coal royalties tax. An amount of \$252 million in coal royalties was to be borne by four power stations over four years. However, with Hazelwood closing in March 2017, only three companies will be left to pay this budgeted cash grab. Latrobe Valley constituents are concerned that the government may increase the burden on the remaining three companies, which would add a significant and potentially crushing blow and lead to further job losses. Prior to the 2016 budget, EnergyAustralia in Yallourn and AGL in Loy Yang were both paying \$10 million and will now be paying \$30 million per year. Loy Yang B and Hazelwood were paying collectively \$18 million and are now paying \$54 million per year. Can the Treasurer rule out increasing the rate of the royalties again in next year's budget so that the remaining three stations will not be hit with an even higher tax bill to make up for lost revenue from Hazelwood?

Western Victoria Region

Mr MORRIS (Western Victoria) — My constituency question is directed to the Minister for Emergency Services, and it relates to the skycrane that the government seems to be hell-bent on removing

from Ballarat. I note that the Bushfire and Natural Hazards Cooperative Research Centre have recently released an updated hazard note about the upcoming bushfire season, and I note that we see a lot more red in Victoria indicating that we are going to experience above-normal bushfire risk. A lot of this area is in western Victoria, the exact area that the minister is intending to remove our skycrane from. The question I would like to ask is: in light of this new hazard note from the Bushfire and Natural Hazards Cooperative Research Centre, will the minister commit to ensuring that the skycrane does remain in Ballarat?

Western Victoria Region

Mr RAMSAY (Western Victoria) — My constituency question is for the Minister for Emergency Services, the Honourable James Merlino, and comes from Mr Peter Fisher, a constituent in Edenhope, who is also a member of the local Country Fire Authority (CFA) brigade. He has asked me to raise questions on his behalf with the minister in relation to the fire restrictions which will be enforced in Victoria come 12 December and the fact that there is still no enterprise bargaining agreement (EBA) in place to ensure our CFA volunteers are going to be treated and represented fairly. With the militant United Firefighters Union (UFU) now delaying the vote until possibly next year for fear of it being rejected, there is an uncertainty over the role of volunteers, their relationship with members of the UFU and their future with the CFA over the coming fire season.

Regional communities need to know who will be protecting the protectors this fire season. Many expect it to be one of the worst seasons on record, due to the high grass growth resulting from recent flooding. We must be prepared. Given there has been no resolution with the EBA and the government has not been able to meet preventative burning targets, I ask the minister on my constituent's behalf: what impact will this unresolved dispute have on CFA volunteers in his brigade this summer?

Western Metropolitan Region

Mr FINN (Western Metropolitan) — My constituency question is to the Minister for Public Transport. The management of Melbourne Airport has warned of the dire consequences of continuing to ignore the need for a rail link to the airport. With visitor numbers to the airport predicted to explode and with continuing housing development in the north-western suburbs of Melbourne, the need for alternative motor vehicle access to Tullamarine airport is growing on a daily basis. Will the minister reverse her decision to

scrap the previous government's plan to build a rail link to Melbourne Airport?

Northern Victoria Region

Ms LOVELL (Northern Victoria) — My constituency question is for the Minister for Roads and Road Safety, and it regards the impact on motorcyclists of northern Victoria's extremely poor road conditions. I was recently contacted by a Gisborne-based constituent who rides his motorbike across much of northern Victoria. He advised me at length of the poor road conditions across northern Victoria and the dangers they present specifically for motorcyclists. He told me that while poor road surfaces are dangerous enough for drivers of larger vehicles, they pose a significantly increased safety threat to motorcyclists and can easily cause major accidents that result in serious injury or death. Hitting corrugations or potholes can affect the front wheel of a motorbike in such a way that the handlebars wobble so much that they hit the petrol tank, or even worse the handlebar can be wrenched from the rider's control. My question to the minister is: what steps is he taking to improve road safety conditions for motorcyclists using roads in northern Victoria?

GOVERNMENT PERFORMANCE

Debate resumed.

Ms CROZIER (Southern Metropolitan) — As I was saying before the interruption for questions without notice, in relation to this important motion on the Andrews Labor government's two years in office and the failure of Daniel Andrews in providing for the Victorian community, there is a litany of issues that are of concern to the wider Victorian community. Just before the interruption I was speaking about the impacts of the government's decision to build the metro rail tunnel, including the decimation of St Kilda Road boulevard and the destruction of hundreds of trees, which will occur because this government is so pig-headed and will not go deeper in its construction to prevent those trees from being ripped out or chopped down. That is going to commence very, very soon.

Only this morning Ms Fitzherbert tabled in the Parliament a petition of over 1000 signatures from members of the community expressing their concern about this decision. They want the tunnelling to go deeper so that we can prevent these trees from being chopped down or removed. It would be absolutely dreadful to have that magnificent boulevard decimated, which is what the Andrews government plans to do. I think Ms Fitzherbert said that over 1000 people have signed her petition in relation to this, and I know that

there are many, many other Victorians concerned about it. I am not sure that many Victorians actually know about the government's plans, because as we know they keep them fairly secretive. As I said earlier, the community were not made aware of the sky rail or the sky tower before construction on them commenced. The government is just ramming through these decisions.

I turn to the level crossing removal program at North Road, Ormond, which was actually budgeted for and funded by the previous government, I might add. This government undertook the removal of that level crossing, but they did so in a way that did not bring the community along with them. They said they would do one thing, but then they brought their plans forward by six months. Businesses in the area that had planned for closures in the middle of the year were suddenly forced to close their businesses, and this had a massive impact on them. I have been speaking with representatives of some of these businesses, and they tell me that they nearly went to the wall. Some have gone to the wall, and there have been significant job losses. It has been said to me that the economic impact of this has been the loss of millions of dollars. As we know, the government could not care less. They rammed their decision through just so they could snip that ribbon and get that photo opportunity, rather than trying to really understand the impacts of their actions on the local community.

That is not the only decision where the government has had total disregard for the community. They are hell-bent on their ideological direction. We saw that in their Peter Mac decision. What a disgraceful decision that was; it is having massive implications for those patients that are to be treated for cancer in this state. There has been so much lost opportunity just because of the ideological bent of the Premier and his union mates.

Talking of unions, as other members have covered off on, there is the Country Fire Authority (CFA) dispute. It is absolutely unprecedented to have a government and a Premier going to war with tens of thousands of volunteers. The Premier can spin it any way he likes. He might say that he cares for volunteers and that they do a great job, but the proof is in the pudding. He constantly talks about working for all Victorians. Well, we do not see that. There are winners and losers with this guy. We have seen that with the CFA. It is the CFA versus the United Firefighters Union (UFU). The CFA volunteers are the losers, and the government's UFU mates are the winners.

We have seen it in the Premier's own ranks. He has effectively sidelined women. He talks about equality; well, he bullied out Jane Garrett, and he bullied out Lucinda Nolan. Fiona Richardson has been sidelined. She is the Minister for the Prevention of Family Violence, and all she has responsibility for are 7 of the 227 recommendations of the Royal Commission into Family Violence. That has gone all over the place. Actually, I do not really know where it is going, despite the implementation of the recommendations being a priority of this government. One does not really know. They do talk a lot about it, and everybody in this state wants to see a reduction in violence, but I think the Premier is using this for political purposes, because he certainly does not always show the bipartisan approach he speaks about. Again, his rhetoric does not match his actions.

Three ministers have gone. The Premier was going to be greater on transparency and form a government with greater accountability to the Victorian public. Well, three ministers have gone: one because he was allegedly bullying someone; Jane Garrett because she was bullied out by the Premier; and then the former Minister for Corrections, who resigned following the poochgate affair. Really, the standards of this government are absolutely disgraceful. That is what Victorians have noticed, and that is what they care about.

Let us just have a look at the decision in relation to the Hazelwood power station. It is to be shut down in just a few months time. That will have an enormous impact on businesses right across the state.

Mr Barber interjected.

Ms CROZIER — It is going to be enormous, because when you shut down a large facility that is responsible for power production in this state, no matter how many wind turbines you build between now and April, they will not put the same amount of power back into the grid. Mr Barber knows that. This is not about forward planning.

I am not going to waste my time debating with Mr Barber on this issue, because I want to go to a very important issue that directly relates to my portfolio, and that is law and order. As I have said a number of times in this place, under this government the crime rate is out of control; we have a spiralling crisis. We have seen home invasions and carjackings — offences that we had not even heard about until a couple of months ago and that are now occurring on a regular basis and are seriously putting the community at risk. People in our community do have fears about this.

You just hear of new offences all the time. A couple of weeks ago it was kicking in doors. So they are not just home invading, they are kicking in doors.

What about those victims that are subjected to these offences, these violent crimes, where they are threatened by baseball bats, knives, machetes or guns in their faces? I have seen this throughout my own area of Southern Metropolitan Region, whether it was those poor Chinese students in Ormond who were threatened with the most hideous and heinous crimes by those young offenders or whether it was the Imp Jewellery store, that was taken over by three offenders with machetes and guns. The brazen disregard for community safety that has been happening is absolutely extraordinary. It is no wonder that the community is fearing for its safety; it is absolutely no wonder at all.

Of course we have the weakened bail laws that this government has undertaken in the area of youth justice. The coalition bail laws that were imposed under the former government gave a penalty for those aged under 18 who had breached their bail. This government has repealed those laws, and since 2 May this year children cannot be charged with breaches of bail. So they have weakened the bail laws. There is no regard for the consequences of their actions, as I have said to the house on a number of occasions.

We have seen that in the youth justice crisis that is gripping the state. For months and months and months there has been riot after riot, and all the minister can do is have a review. She keeps talking about reviews, but clearly her strategy is not working, because the consequences of the actions of these kids are still ongoing, with millions of dollars worth of damage that the taxpayer has to foot. There is no accountability or responsibility taken by this minister. It is absolutely disgraceful and shameful that she gets away with it. She comes in here with the most arrogant manner and refuses to disclose what is actually happening. In fact I do not think she actually knows what is going on, which is evident from her answers in question time and the answers she continually supplies for questions on notice and the written answers that have to be given following her inability to give answers in question time.

This crisis that we have includes overcrowding in Malmsbury in some of the units that do not even have their facilities catered for. We have this debacle of a situation where young offenders were sent to Barwon Prison. Some were let out. So some have been exempt from the government's own rulings and their big, tough talk about 'I make no apology for sending these young offenders to Barwon Prison'. Well, they have excluded some; they have made special exemptions for some. How does that look for those other offenders that are in there? Of course that set a precedent and of course there

are going to be challenges. Now we have the government in court. Well, they are in court on a number of issues. It is not only youth justice but it is the rorting, it is the Country Fire Authority and goodness knows what else that they are in court for. They spend more time in court than in the community, it seems to me. They are an absolute mess. The list goes on.

That is why I think that the government and the Premier, Daniel Andrews, have got more trouble internally, worrying about the internal factional warfare that is going on. The Premier is actually not thinking about Victoria's future in relation to the community's concerns and needs. When we have 100 000 people or thereabouts coming to Victoria each year, he has no answers. He is just going to jam them into local areas. He is going to disregard any planning laws that might be applicable and just allow development to be put in inappropriate places. This is not good for Melbourne. It is certainly not good for Victoria. It will essentially drive away investment and economic returns in the medium to long term, because he is just focused on short-term political gains.

We saw that in the lead-up to the 2014 election, with the disgraceful behaviour by the unions that helped him get into government by just a handful of votes. I really think that was just an appalling abuse of public property when slogans were written on ambulances. The government talks about Wicked Campers and banning those messages. I am all for that if that is what they do, but the way they abused public property and put absolutely disgraceful messages on those ambulances through the election campaign just demonstrated that they are more in bed with the unions than considering the long-term benefits for Victorians as a whole.

We are two years into this government, and some would say it is the worst government this state has ever seen. It is the worst government because of the decisions it has made in relation to the wasteful spending of money. If they did not have the port sale and if they did not have those billions of dollars coming in because of the port sale, goodness knows where this state would be. It would be really looking down the barrel. But they are very fortunate because they have had that windfall. It is not because of good management by the government; it is absolutely in contrast to that. I think we are going to see more issues in the next two years, and the community will be rightly questioning Daniel Andrews and his team.

Sitting suspended 1.03 p.m. until 2.08 p.m.

Debate adjourned on motion of Mr ONDARCHIE (Northern Metropolitan).

Debate adjourned until later this day.

GREAT FOREST NATIONAL PARK

Mr YOUNG (Northern Victoria) — I move:

That this house calls on the government to impose a moratorium for a period of five years on the establishment of the great forest national park or any other national park in the Central Highlands of Victoria to allow for investigations to —

- (1) determine the additional resourcing (and source of funds) required by Parks Victoria to manage a park of this type and size, noting that the inadequate management of existing national parks and public land has been a concern in regional Victoria;
- (2) provide an assurance that the proposal for the great forest national park will not negatively impact access or use of land by any existing user group or stakeholder;
- (3) demonstrate that adequate fire management can still take place in these areas and will not be negatively impacted by any change in land tenure; and
- (4) demonstrate that adequate management of invasive species can still take place in these areas and will not be negatively impacted by any change in land tenure.

The motion goes further to a couple of detailed points and establishes a couple of reasons why we are proposing a moratorium on the establishment of a great forest national park as per the proposal of the activist group that has come up with this idea. The Shooters, Fishers and Farmers Party are very, very keen to put on the record that we are absolutely opposed to these types of parks just popping up as items of an activist agenda and being pushed through without any sort of regard to fact, any detailed look at the implications or any sort of research into how they are going to impact people from those areas. Too often these types of ideas spring up from trendy inner-city groups, and they have really big impacts on regional areas. My colleague Mr Bourman and I represent two regional areas that have felt the pinch of these kinds of movements all too often. We are here to do something about that.

This motion sets out several items that need to be investigated, in our eyes. They are very important items because they not only have an impact on the area that this park is proposed to take over but they also are items that have probably been overlooked in many ways in existing national parks. There are issues with national parks as they are. Parks Victoria are struggling with many of the issues listed in this motion and how to overcome the way management is done now. There is a vast range of reasons for that.

Firstly, the ability to actually manage these kinds of parks comes down to Parks Victoria's budget. I truly

believe that if we are going to have these big, huge parks — and some of them are there for good reason — we need to be able to maintain them and actually manage what is going on in them, because they do not look after themselves. Parks Victoria's budget has been stripped quite significantly in recent years. It has gone down 37 per cent in the three years between 2011–12 and 2014–15. That is quite a significant drop. We are talking about a budget of \$122 million in 2011–12 going down to \$76 million in 2014–15.

That kind of restriction of the budget of a department or organisation has severe implications for how they manage things, for the workforce available to manage those things and also for the items that are put forward to be managed. It has been a struggle. It was reported earlier this year that Parks Victoria staff are struggling with the situation and becoming depressed. At one stage 50 per cent of Parks Victoria staff indicated to the media that they were thinking about leaving the organisation. When we have that kind of thing happening, it is really an indictment of the way that organisation is managing what they are tasked with doing. If they are not managing what they are tasked with doing, we have to look into the organisation and how we can better manage it.

The answer is not to increase the burden on that organisation by way of a 355 000-hectare national park. We need to have a serious look at what Parks Victoria are doing in the parks they have now and how we can get them up to scratch with all of the things that are putting pressure on the people who work for them before we start expanding their responsibilities and what they have to undertake as part of their job. People who work for those kinds of organisations are very dedicated to managing our parks, and if they do not have the ability or the support of government to do that, it makes it very hard. We need to investigate first the implications that the establishment of a great forest national park is going to have for our government in terms of financing it, because the last thing I want to see is a park set up that is unable to be run and, because of budget restrictions, all of these other items, such as fire, coming into play.

Fire prevention is mentioned specifically in the motion. It is a very important topic and one about which we have recently had quite a bit of debate in this house. There has been a large amount of debate in here, but there has also been significant talk about it as far as parliamentary inquiries go. There is an ongoing parliamentary inquiry into our fire preparedness, which I have the privilege of taking part in. It has been a very insightful look into how we are managing our ability to

protect people in the community through the fire season.

It has been indicated that we are looking towards one of the hottest, driest fire seasons we have had for a while. Whether you buy into those predictions or not, we do have to take them seriously. We have to ensure that we can manage fires when they start and that we have the ability to protect people in regional Victoria specifically.

Fires are important in the context of this park, and the proposal set out by the great forest national park people, whoever they are, has gone into great detail and contains many maps that show fires over time and their impact on the Central Highlands area. It is very evident on those maps that fire actually has no change in pattern, no movement, and that it does not discriminate based on land tenure. Those maps show national parks, state forests, state parks and a whole range of other types of public land, but fire simply does not care.

Fire does not get to the border of a national park and stop, so every place has to be managed in the same way, whether it is a state forest or a national park. The implications of a national park may create some severe difficulties for our Country Fire Authority and our paid firefighters to be able to, firstly, take preventive measures to stop those fires from getting into national parks, spreading and creating such a serious problem, and secondly, to have the actual ability to fight them when they do happen. We have seen time and again that national parks and the way they are managed has made it very difficult to actually gain access to some areas. That is very evident in the experience that I have had with recreational users, but the same applies to our services that need to access those areas for the purposes of fighting fires, and other services such as park managers just getting in there.

The next point specifically mentioned in the motion is about pest management. We have a serious problem in this state with a lot of different pest species, and again it is a problem that has become so significant that the government has decided that we need to have a parliamentary inquiry into it. That inquiry is also ongoing and, fortunately for me, I sit on that committee as well so I have been able to have an insight into that issue. It has been such a large, wideranging issue that I think the evidence that has been brought to it so far has far exceeded the limitations of the inquiry's terms of reference. The issue has been identified as being such a huge problem. It has been great for me to sit on this inquiry and to see the issues come through, but it has been a longstanding issue for the last two years that I have been in this place with constant complaints and

issues raised about pest management in national parks and a lot of public land. There seems to be a pattern that has developed where the type or tenure of a piece of public land actually does have a significant effect on the amount of pest species that are in there and the impact they are having on our natives.

Unlike a fire, which does not discriminate by boundaries, our management of pests does when that management is taken in far different ways simply based on the type or the name of the piece of public land because those lands have certain rules and restrictions around them. We in the hunting community are very aware of this. We have large swathes of land that are absolutely overrun with deer. It is a common thing with hunting that you go where the animal is. The point of hunting is for you to chase the animal. We put hunting pressure on certain areas, and when there are less numbers and less opportunity to hunt there, we move to other areas. That in itself is an indication that the pressure put on certain areas by hunting is actually having an impact on the pests that are in those areas.

What is stopping that now, though, is the opportunity for hunters to move into other areas. We are allowed to hunt in state forests, and the deer numbers there are significantly lower than in other areas that are protected, for no reason other than the tenure of the land, and that tends to be national parks in most cases. National parks have this really big problem with deer in particular, but there are also a whole range of other pest species that are restricted in the way that you hunt them and whether you actually can hunt them. State forests allow for you to hunt a wide range of other species such as dogs, foxes, cats and things like that; other types of land tenure also allow for that, but national parks simply do not.

We do have certain examples of areas of national parks where hunting is allowed. It has been a bit of a trial basis so far, but it is proving to be an effective method. The restrictions on the tenure of the land are simply confusing. Quite literally, if you are in an area of national park hunting for deer and are unsuccessful and you come across a pack of wild dogs, which is also another significant issue facing regional Victoria, you are not allowed to remove them. You are not allowed to shoot them; you have to let them go. The rules that surround particular pieces of public land are confusing. It does not make sense that you can be in there for a particular activity but you cannot conduct the same activity on another species of pest. These are things that need to be addressed. These matters need to be addressed before we look at increasing the area of national parks that we have. We have issues and we need to fix those issues before we make them bigger.

It seems that this particular issue has taken a funny journey insofar as the Labor Party's policies are concerned. I remember prior to the last election that the Labor Party was very open to the idea of new parks and very much under pressure from environmentalists who were in favour of parks, and its policies reflected that, but Labor took a very dramatic turn away from that just before and during the election. We have now gone down the path of establishing the Forest Industry Taskforce. The task force was set up a little while ago to look at the forestry industry, as the name would suggest. The government brought in a heap of people from unions that represented forestry workers, the industry itself, overarching bodies that were representative of many companies, specialist people to represent companies doing haulage and other aspects of the industry along with environmental groups like the Australian Conservation Foundation, MyEnvironment and the Wilderness Society. They put them all into a room and gave them terms of reference to look at this huge area of land that the industry works in and said, 'We want you to come up with something that is going to be accepted by everyone'. I do not think that is going to happen, and that is something I have concluded simply because of the fact we have been so delayed in hearing from that task force. It took the task force a very long time — it was well before 9 September this year — before they actually released their statement of intent, which I think is an indictment of the way the task force is actually working.

The statement of intent goes further than looking into the industry, which I would imagine a Forest Industry Taskforce should be focused on — the industry and how it works, the mechanisms of the industry, its practices and where it operates — but it goes much further than that. The statement of intent mentions numerous times that the Forest Industry Taskforce is going to look further than just the industry. It is actually going to look into land that is not being used by the industry. It is going to look into the use of land if the industry hypothetically withdraws from a certain area. I think that is an overreach. It is very fair to have an industry task force look at the practices that are being used in the industry and the impact that is having. I am not going to stand here and say there are no issues. There will always be issues, but we need to work through them quite carefully, and the Forest Industry Taskforce could have done that very well. It could have been a great opportunity, but it is becoming clear that there is an environmental element of these groups that are so deadset on this great forest national park that they are pushing that so hard that we will never get agreement on anything.

It really goes to show how unreasonable these people are in pursuing their ideology. That is why we have this push for a great forest national park. It is all about a lockup of land for a certain few, and pushing that ideology so hard through an industry task force, which they really should not have any insight into, is not a good way to go. There is a lack of transparency in the agenda of the industry task force, and it really confuses everyone who is involved with it.

What is more, if we are going to go down the path of an industry task force looking into areas outside of what the industry does — and this one does actually look at areas that are not being used by the industry — it needs to be a lot more representative, but representation is what we do not have. The Shooters and Fishers party, right from the outset of the establishment of the Forest Industry Taskforce, has attempted to ensure there is wider input into that industry task force, and not only recreational but also community representation because there are a lot of communities from those areas that will be vastly affected. They may not recreationally use the particular piece of public land we are talking about, but the proposal will have a significant impact on their livelihoods through loss of tourism, as it is driven from those recreational activities.

We took the matter to the minister quite a while ago and attempted to establish some broader representation. It was made very clear to us that that was not going to happen. The reason was — and we were given an assurance — that the Forest Industry Taskforce was not looking into new national parks. This was before 9 September, when the Forest Industry Taskforce released its statement of intent, which very clearly says the task force is going to look into new national parks.

We were quite upset by that. We had been misled, and now we are looking to have the Forest Industry Taskforce pull back on that because there is a process to follow. There is a different process for new national parks, and this is not it. This seems to be a roundabout way of trying to get a step ahead of the process, trying to get in front of it and trying to have some sort of evidence to support a particular agenda. It is not the proper process that we should be going through. The process needs to involve everyone right from the start. This is simply playing shadow games.

I firmly believe the industry task force could have been a good thing. It could have looked at the industry, and it could have made a heap of changes that some people have been screaming for, but the process has been abused and, because of that, the significance of the task force is going to be lost.

I would have been very accepting of anything that came out of that task force if it was a fair, open and transparent process. If the industries were taken into account and the way it would impact on them and workers in regional areas, we would have been right onside with it. But, as it stands, in regard to any hypothetical recommendations that come out of that process to move the industry from one place to another, to withdraw or to change practices, that is where the industry task force discussions should end. The task force is not representative of a collective group of people who use those areas, and it should not be making recommendations about the further use of land beyond what the industry does and what the industry task force is looking into. These are all the areas of land that we are talking about for the great forest national park proposal and the Central Highlands area.

It is very easy for people to be caught up because this proposal is just massive. This area of land is just huge. But we were not the only ones who were confused by the way the industry went. It has been brought up a few times in different spaces. Just recently as part of an inquiry into pest animal management the Mansfield Shire Council came to give evidence and the subject of the great forest national park was brought up. That was quite interesting, and it provoked a bit of discussion on pest management. The CEO of the Mansfield shire was happy to say that even he was confused about the intent of the Forest Industry Taskforce. Even though the Shooters and Fishers party has been given assurances that this task force is not looking into national parks and the establishment of new parks, the CEOs of shires are under the impression that it is specifically looking into the establishment of the great forest national park. That really does not sit well with me.

This whole proposal has been pushed by ideology — the whole thing. The way we have seen groups in later stages go about pushing it is quite disturbing. We have had several polls done recently which have come up with some very interesting results. They are probably results that I would expect because the polls are only conducted in the inner city. There was recently a *Herald Sun* article — which was a late attempt, I suppose, to gain some momentum for the subject matter of the debate that we are having today and put pressure on the government — about the issue of three particular inner-city seats that may be in trouble because people will base their votes simply on the great forest national park. Some overwhelming results came out of that, as you would expect from those areas, where there is very much support for the Greens party.

It is very obvious that we have a situation where this whole concept and idea has been pushed from the inner

city. It is going to impact many people in the regional areas, and we are simply not getting a say. We are not involved in the discussions. We do not have a seat at the table, but we are being dictated to in the media and we are being subjected to scare tactics, and an attempt to influence the government by saying they are going to lose three seats at the next election is a really obvious attempt at that.

In the last week there has also been a lot of push back in the arguments and debates we have been having. We have been having many discussions with communities, groups and industry about this motion and the way we were going to deal with the great forest national park proposal. It has been suggested to me, which I find quite hilarious, that I need to get out of this debate because I am not from the area — that I am not from the region. That was interesting to me because I had a look at the positions of some of the parties that are involved in this debate. The Shooters and Fishers party holds two seats in regional areas, and they happen to be two seats that are on either side of the area proposed for the great forest national park; they encompass all of the land that the great forest national park will take up. We literally hold two seats for that region, yet I am being told that I cannot be involved in this discussion because I am not from the region.

On the other hand, the main ally of the great forest national park movement is the Greens party, which has several members — five in this place and two in the Assembly — and all seven of their members are from inner-city seats.

Ms Dunn interjected.

Mr YOUNG — Not one of them is from the area, and no-one from the area where this park is proposed has voted for a Greens member that is sitting here. I find it bizarre that the same people accusing me of not being from the region and arguing that therefore I should not be allowed to be involved in this debate are standing side by side with the Greens, who come from the inner city. If anyone has no right to be involved in dictating what happens in regional areas, it is them.

The message that we are getting out of the great forest national park proposal at the moment is jobs and growth, jobs and growth, jobs and growth. I have heard it all before many, many times. It seems to be the buzz term that people have latched onto for this debate in recent times — jobs and growth. But a proposal has been put forward with all of these ideological ideas that we are going to promote jobs and growth, and yet there is actually no market for the proposal.

There is no actual data that says any of this is viable. There is nothing to suggest that we can move into a sustainable way of managing this park with the things that the proponents want to put in. In fact they want to cut out a whole heap of things that exist in this park area. Industry already exists there, as do recreational activities that are allowed. They want to replace them with jobs and growth in something else. I suppose it will be a heap of little cafes dotted around the park, but it does not really seem sustainable. I doubt that many people who work in the forest industry, if they do lose their jobs, will be able to suddenly find a cafe and start working as baristas. If I lost my job for those sorts of reasons, I certainly would not be giving up my trade and taking up work as a barista.

It really is a shame that we are going down this path of attacking jobs in the same area that has been hit really hard just recently with the announcement of the shutting down of the Hazelwood power station. The area of the south-east is under a lot of pressure, and we really need to do something to back the people there. Backing the forest industry at the moment is one way to alleviate the fear about more people facing the same problem and losing their jobs and more people having to rely on assistance from somewhere else. Backing the forest industry is what we have to do right now.

But the real drivers for me in bringing this motion today are the recreational users. We represent a range of recreational users from all different areas — hunters, fishermen, four-wheel drivers, horse riders, fossickers, miners, bushwalkers, you name it — and if you do it outside, we want to see you doing it. The problem with the tenure of national parks is that it cuts out a lot of that. We have a framework right now that exists and allows for all of those, but a national park in those areas will simply stop it, and we will not stand for that. There is no reason to stop those recreational activities from happening, and you can argue that it will not. Many people have argued that hunting is the only one that is actually going to be affected, but it is simply not true, because if we go down the path of a national park, the management will absolutely fall over.

The management will fall over — we have seen it before — and a very good case is the Barmah State Forest up north in my electorate. It has been going through a period over the last few years where it has turned from a state forest to a national park, and the management is just woeful. The management in all those areas that I have mentioned today — pest management, fire prevention — is just woeful, and the locals have had enough. The locals are absolutely fed up with it. I have brought this up with the environment minister already and I will be seeking to get her up

there to have a look at it, because that is the same sort of range of issues you are going to have with the great forest national park if its management is allowed to be done as poorly as that of our other national parks is now.

This is on behalf of all the people out in those regions whom we represent in their recreational activities. I am doing this on behalf of the industry and people who have jobs that are reliant on those areas — people who will be shut down if the great forest national park goes ahead. The point of me bringing up in this forum this form of a moratorium is simply to ensure that the park does not go ahead as an idea that is rammed through quickly because of an ideology that produces this sort of thing. We do not want to see it get rammed through. We want to see a proper process, and we simply are not convinced that this process is actually taking place. We will keep going until we see that the great forest national park does not happen in the way it is going to happen, that management of national parks is fixed first, that we do not go compounding the problem and that we get ahead of it before we make the problem bigger.

Ms PULFORD (Minister for Agriculture) — This is the third occasion on which the government has been invited by a member of this place to institute a moratorium in relation to the issues that are currently the work of the Forest Industry Taskforce. The first such occasion was on 25 June 2015, when Ms Dunn in a debate in this place indicated:

Though a task force has been set up, as a bare minimum there should be a moratorium on logging in Leadbeater's possum habitat while that work is conducted.

On 2 September 2015, the second occasion on which the government was invited to support a moratorium, Ms Dunn sought that the government, and I quote:

... listen to the voices of the many Victorians opposed to ...

native forestry, and I am paraphrasing ever so slightly —

... and to act immediately to place a moratorium on logging in the Central Highlands of Victoria while the timber industry task force does its work.

So today we are invited to do the opposite, and the approach that we are taking is different perhaps to that which Ms Dunn would propose and which Mr Young is proposing with this motion today. I recognise that there are members in this place who are more interested in conflict around this issue than in seeking common ground.

I would also like to respond to Mr Young's comments about access to public land for user groups and make the observation that last night the government released the *Sustainable Hunting Action Plan 2016–2020*, which I know Mr Young is familiar with, that will present opportunities for those 50 000 Victorians who participate in game hunting to do so, and we will work with those members of the community to explore further opportunities.

But I turn back to the substantive question at the heart of Mr Young's motion today. The government made a clear commitment prior to the election, as all members know, to take a different approach to the forestry issue. We want to try to get beyond the old adversarial approaches of the past and bring together the key stakeholders and seek a consensus about the future of the timber industry. This is what our task force is doing.

Representatives of the timber industry, the unions and the environment movement have agreed to this process and are actively engaged in it, so we remain committed to this process and to seeking that deeper consensus to put the forestry industry onto a sustainable path. We believe that it is possible to secure a strong future for the industry to protect jobs and to protect the environmental values that so many Victorians hold dear. The Forestry Industry Taskforce has provided the government with a statement of intent on the future of Victoria's forest industries, and I think the task force members are to be congratulated for their hard work and their cooperative approach to reaching agreement to this point.

However, the task force has requested to continue its work in order to produce further advice to government by the end of this year. As members would be well aware, it is 7 December; the end of the year is not far away at all. The government will then consider the recommendations and proposals reached by consensus of the task force. We remain committed to this process. We do believe it is the best way for industry, environment groups and the workforce to come to an agreement on the shape of the future of the industry. This is the process we indicated we would be supporting before the election. It has the support of the community, and we will honour our undertakings to all parties in this respect.

The task force process has required everyone involved with forestry to put aside what are deeply entrenched policy positions and work together to achieve this new consensus, and we recognise this will not be easy. People care deeply about a range of forest and conservation outcomes. People care deeply about the protection of jobs in the industry that support so many

in so many places throughout Melbourne's suburbs and in many rural towns in Victoria.

Despite calls from the Greens party and others, the government did not impose a moratorium on forest activity in the Central Highlands, or even in East Gippsland for that matter, for the duration of the task force's work. We understand that the moratorium that Ms Dunn seeks would have pleased some people, but to create this would have prejudged the deliberations of the task force. It would have created an untenable situation for those businesses and their employees who have legitimate commercial undertakings, commitments for the work that they do and households to support with their incomes.

Today Mr Young has in his motion brought to the house a similar request by seeking a moratorium of five years on the establishment of any national park in the Central Highlands of Victoria. Just as the government did not support the request of the Greens party for a moratorium, the government will not be supporting the request of the Shooters, Fishers and Farmers Party for this moratorium. Just like the Greens — —

Mr Ondarchie interjected.

Ms PULFORD — They are all nice people, Mr Ondarchie, and they all have very deeply held views on these things, but both Ms Dunn and Mr Young, who probably are appalled at how I am saying they have so much in common, are seeking that the government prejudice the outcomes of the forest industry task force. The government has no doubt that conservation outcomes will play a significant role in the final deliberations of the task force, but how and in what form any conservation outcomes are proposed needs to be left to the task force to determine. They need to reach these conclusions with access to all of the information that is available to them and with the input and consideration of all parties involved. I know that for the Greens consulting with people and working with people with whom you may disagree, in an endeavour to seek agreement, runs perhaps counter to their preferred way of doing business, but we are trying very hard here to take the politics out of this debate.

The members of the task force, including representatives of a large number of environmental groups, want all of us in this place to give them some space to do their work. I certainly know from my conversations with the union and with Victorian Association of Forest Industries (VAFI) representatives on the core group of the task force that they, too, want us all to give them the space to do their work. For the first time in the state's history we have all sides of the

forestry debate agreeing to sit down and talk about a sustainable future, and I think we have good cause to be optimistic about what they can achieve, so I want to avoid anything that undermines the integrity and centrality of the task force. That is the place for these matters to be discussed, but I recognise that this is something on which members in this place on both sides of the debate have very strong views.

I would just like to briefly respond to some of the other matters that Mr Young's motion canvasses — all important matters. In relation to Parks Victoria, in recognising the importance of our public land estate to Victoria's economy and community, the Andrews Labor government allocated \$56.5 million in funding for parks, assets and Parks Victoria in the 2015–16 budget. This funding includes \$5.7 million for a critical infrastructure renewal program to revitalise priority park infrastructure; \$5.3 million to upgrade and maintain existing and provide new visitor facilities in parks and reserves; \$1 million for the Harcourt mountain bike trail; \$2 million for the Canadian state park in Ballarat; \$13.5 million for the development of the Portarlinton safe harbour; \$10 million to help Parks Victoria manage critical risks in their facilities and services; and of course \$19 million for the extraordinary Grampians Peaks Trail, which I think I have declared in a number of places on a number of occasions is perhaps my favourite project that I have some involvement in delivering. What an extraordinary asset that will be for western Victorian communities from Dunkeld to Mount Zero, spanning more than 200 kilometres, creating jobs in the visitor economy for communities the length of the Grampians.

By contrast, the coalition's record on Parks Victoria is about as shabby as you would expect — significant funding cuts impacting the delivery of park services, a reduction in annual funding provided for asset maintenance renewal and upgrades and an 18 per cent reduction in staff. They called that the sustainable government initiative, but it was really just a euphemism for giving people the chop.

On the management of public land and Crown land, I would just like to take the opportunity to make some comments about Landcare. Landcare is an extraordinary community-based movement that began in Victoria many years ago in 1986 when Joan Kirner, who was the then the Minister for Conservation, Forests and Land, joined forces with Heather Mitchell, the then president of the Victorian Farmers Federation, to create Landcare. That involved thousands of Victorians — more than 600 groups — working together to shape the future of our land, biodiversity and waterways. Joan said of Heather:

Heather has shown how women on farms in rural communities can become women of influence, opening doors of power for other women and rural communities.

The first Landcare group was formed near St Arnaud. For these farmers it made sense to work together to tackle their shared environmental problems because of course it is our primary producers who know more than anyone about the value of protecting our land. The movement has grown from this to the adoption of a broader focus on sustainable management of all of Victoria's natural resource assets. It now encompasses individuals and groups across the length and breadth of Victoria, including urban areas and remote rural communities.

The Landcare movement became national in 1989 when Rick Farley of the National Farmers Federation and Phillip Toyne of the Australian Conservation Foundation worked with the Hawke Labor government to create the national Landcare program, which has its origins here in Victoria. Groups work together to develop their own priorities and projects and are often supported by the Landcare network. Their regional catchment management authority groups, as members know, apply for funding from a variety of different sources, including local, state and federal governments, and corporate and philanthropic organisations often support their work. The success of this bottom-up approach I think can be attributed to the inspiring contributions made by many passionate individuals. There was some genuine inspiration in the 1980s, but it is the passion of so many people and dedication to this day that makes Landcare an extraordinary force.

On the question of fire management, I indicate to Mr Young that there is no differentiation between park or other public land in how we prepare for or respond to the risk of fire. All fuel management by the Department of the Environment, Land, Water and Planning and Parks Victoria is conducted under the 2012 *Code of Practice for Bushfire Management on Public Land*. The declaration of a park, including the management arrangements from department to Parks Victoria or otherwise, has no impact on the delivery of fuel management or emergency response, and a moratorium on the declaration of a national park in any event would not have any effect on how planned burning, fuel reduction or emergency response are undertaken.

On invasive species management, the government's environment policy committed to institute a statewide biodiversity strategy to protect our habitat for future generations. The 2015–16 budget provided \$6 million for a threatened species protection initiative to undertake important preventative work to maintain biodiversity and threatened species while we work

towards a much-needed long term strategy. Work is underway, with the Department of Environment, Land, Water and Planning undertaking a series of consultations on the biodiversity strategy.

Of course all members in this place are aware of the work of the parliamentary committee inquiry into invasive species management as well. Again noting the sustainable hunting action plan that was released last night, there will be I think opportunities for members of the hunting community, which Mr Young referred to when he spoke, to play an important role in this in the future.

These are important matters. These are important matters of job protection, of resource management and resource allocation and of the use of public land. These are matters that we recognise that people in the Victorian community have deeply held and diverse views about. But as we resisted Ms Dunn's two previous invitations for a moratorium, on this occasion we will not be supporting the motion, but I hope that even in bringing the motion Mr Young will join with the government in wishing the members of the task force the very best in what are the final weeks of their deliberation. I am certainly looking forward to seeing the outcome of their work to ensure that our timber industries are on a strong and sustainable footing that takes into account job protection, the economic wellbeing of rural communities and, of course, also those environmental values that Victorians hold so dearly.

Mr DAVIS (Southern Metropolitan) — I am pleased to speak on this motion of Mr Young's, which calls on this house:

... to impose a moratorium for a period of five years on the establishment of the great forest national park or any other national park in the Central Highlands of Victoria to allow for ...

and he has outlined a series of important points. First is to determine additional resourcing and the funds that would be required by Parks Victoria. Secondly, he wants an assurance that the proposal will not negatively impact on the land use of any group or stakeholder. He also asks about adequate fire management and about the adequate management of invasive species. All of these are absolutely fair points. All of these are things that you would need to attend to before you declared a great forest national park or any other national park.

The key point here is that there is a challenge in resourcing the management of our national parks. There is growth in vegetation and weeds. There is a challenge over a longer period in ensuring that proper fire

management is in place, and Mr Young referred to the bushfire preparedness inquiry that the Standing Committee on the Environment and Planning is undertaking. All of those are important preparatory points. There is also the issue of the impact of declaring a great forest national park on jobs, and I will say more about that in a minute. There is a question about what form of management and what access would be part of this national park and what groups would be able to access this national park. There is a need for all of these matters to be thought through and addressed.

There is a traditional process that operates in Victoria going back to the 1970s with the Land Conservation Council, the Environment Conservation Council and finally the Victorian Environmental Assessment Council, with their role in assessing land use in this type of way before the declaration of a national park so that the work-up and the background are undertaken. That has not occurred in this case, so pushing for a national park now before that work takes place I think is putting the cart before the horse, as it were.

If we are going to see any declaration of a great forest national park, we need to see a proper process in place to allow that to be assessed to understand what resourcing would be required to allow that to occur and, indeed, to see what proper management would be put in place. There are risks with national parks that while on one hand they may protect certain key species, they may also allow invasive species to run wild and to cause significant troubles over time. We have seen that in many of our national parks over recent decades. It is easier to declare a national park than it is to provide the management regime and the resourcing for that national park to operate into the future. Too often we have seen the declaration of national parks without that work being done and without the attached resources and the attached support that would enable that national park to be the success that, if we are declaring a national park, we would in fact want it to be.

A number in this chamber have talked at great length about the great forest national park proposal, Ms Dunn amongst them in particular, and in no way do I diminish her strong commitment to the matters surrounding a national park in that region. I make the point that there are legitimate environmental objectives to be achieved, not least the Leadbeater's possum and not least the need to ensure that we actually have a proper management regime in place that protects our significant national forests, national parks or whatever you want to call them — state forests or whatever designation. We need to be looking at this as a whole-of-landscape approach to see a better outcome for Victoria.

I make the point that Victoria is in fact one of the more degraded parts of Australia, with high and dense settlement across much of the state, so there is a need to protect parts of our state. There is a need to do that in a thoughtful way and in a way that actually ensures that the land is properly managed, that species are preserved and that there actually is an outcome that the community wants to see.

We are going to need more protection of vegetation in the state over time, not less, but it has got to be balanced protection. It has got to be protection that is properly targeted. In our metropolitan area we have recently seen massive destruction of the vegetation along the sky rail corridor, and the government is proposing massive destruction of vegetation along St Kilda Road. All of these are in a metropolitan context, but nonetheless this is all about the ongoing task of ensuring that species are preserved, that our environment is secure and that our livability is protected. That is also an objective that no doubt many in this chamber would like to see in our Central Highlands area.

The question also has to be balanced, given there is significant logging through that zone too. There is a need to ensure that those whose livelihoods are derived from that area are not unduly cast aside, are not unduly victimised and are not unduly threatened in their economic future. There is no sign that the government has a plan. There is no sign at this point that the government has any plan.

Indeed there have been questions in this chamber. I asked Mr Dalidakis, who you would think would have got a reputable history in the timber industry given his former role at the Victorian Association of Forest Industries (VAFI), but he appeared to walk away from that role in the questions that I asked him. I asked him whether there has been any modelling of the impact of a great forest national park. You can only conclude from Mr Dalidakis's indirect and fluffy answers that in fact there has been no modelling, so the government does not know what the impact on forest industry jobs, on small contractors or on others will be through the declaration of a great forest national park.

Given that the economic impacts and the employment impacts have in no way been modelled by this government I think that a moratorium does make a significant measure of sense.

We know too from Mr Dalidakis's approach to this issue that he is not even prepared to advocate for timber industry jobs and related small businesses in those towns that could be impacted by the great forest

national park. Mr Dalidakis dismissed the idea that he would undertake any advocacy. I would argue that the Minister for Small Business, Innovation and Trade should advocate for small business and should advocate for small business employment.

Mr Finn — That's his job, surely.

Mr DAVIS — That is his job. I would have thought it is right there squarely in the middle of the job description. Let us face it: small business, apart from a number of other parts of the portfolio relating to public holidays and so forth, is very much a coordinating portfolio, which is a nice way of saying it is a spruiking portfolio. You would like to see the minister for small business actually advocating for small businesses and putting their views forward to protect small business and small business employment. But Mr Dalidakis has not done that. Mr Dalidakis has admitted in his responses that he has not done that. And what is more, he is wilful about it — he will not do it. You would have to say that that is a failed small business minister who is not prepared to stand up for small business. I think many would see that he is also turning his back on his history at the Victorian Association of Forest Industries and that he is prepared to walk away from that longer link that he had at VAFI and the advocacy that was very much part of his role there in a former time.

I also want to make the point here about the need to properly evaluate which land uses are compatible with what parts of the terrain — which land uses are compatible and which of them can achieve an outcome that is suitable for the community. That is not work that has been undertaken at this point. It also makes sense that it would be a hasty step and mistake to declare a great forest national park without that work having been done.

The Liberal-Nationals coalition will support this motion from Mr Young. We will agree to the dot points that he has here, but we will add more points as well. We say that there needs to be a proper process and that that proper process needs to have been undergone thoughtfully, constructively and comprehensively before there is any such declaration.

Ms DUNN (Eastern Metropolitan) — I rise today to speak to Mr Young's motion. I thank Mr Young of the Shooters, Fishers and Farmers Party for bringing forward this motion. This motion touches on many important issues for the future of the state and key issues for the Greens, such as: how do we sustain small towns in regional Victoria? How can we create small and medium enterprises in the Central Highlands and

surrounding areas — the types of businesses that create good, long-term employment? What is the best way to stop the drift of younger generations from small towns in the Central Highlands to Melbourne? Are the existing uses of state forests in the Central Highlands preventing other industries from flourishing? What is the value of the natural capital in the state forests? What ecological services are provided by native forests, and how much would it cost to replace them? How can we protect Melbourne's water supply, which provides some of the cleanest drinking water in the world? How can we adapt to climate change and the seasonal extremes that come with it and reduce bushfire risk? But above all is one big question: what do we as a community want to bequeath to the next generation?

This motion is targeted at a proposed great forest national park, or GFNP for short. The purposes of this debate warrant an in-depth description of this proposal, but before I get to that I just want to put this on the record: the GFNP community group, which are promoting this idea for Victoria, are not an activist group. They are not trendy, inner-city types. If Mr Young actually spoke to the proponents of the GFNP, he would find that they live in Alexandra, in Marysville, in Taggerty, in Narbethong, in Toolangi, in Chum Creek, in Healesville and in Warburton. I can assure you that the Melbourne metropolitan boundary has not quite extended to Alexandra yet.

I now turn to the proposal in front of us. The GFNP is a vision for a multitiered park system in the Central Highlands, extending from Kinglake through to Mount Baw Baw and north-east to Eildon. It centres on the Yarra Ranges National Park, extending to Kinglake National Park in the north-west, Lake Eildon National Park in the north-east, Baw Baw National Park in the south-east and Bunyip State Park in the south-west. It will also include Cathedral and Moondarra state parks. Added to these existing parks will be state forests and existing special protection zones, which under the proposal will be converted to national park status. It is important to note that the GFNP will only incorporate Crown land. No private property is acquired under the proposal.

What benefits will the GFNP bring in terms of conservation? The crowning jewel of the GFNP will be the mountain ash forests, found only in south-eastern Victoria and parts of Tasmania. The namesake of this system is the mountain ash *Eucalyptus regnans*, and I hope members have taken the opportunity to visit these magnificent forests of Victoria. It is the tallest eucalypt species and one of the tallest trees in the world, second to the coast redwoods, *Sequoia sempervirens*, of California. The tallest living *Eucalyptus regnans* is

99.6 metres tall. There are historical claims to trees of 112 metres, even extending to 132 metres in height. This is definitely in the rarefied heights of the majestic redwoods.

The eucalyptus regnans is also the tallest flowering plant in the world, and I draw members' attention to Cambarville in Victoria, home of the big tree. At one point the big tree was 92 metres high, but after storm damage it is now 84 metres and well worth visiting as part of the wonderful scenery our state provides. *Eucalyptus regnans* can grow to be 400 to 500 years old. These old giants provide structural cover and protection for the rainforest understorey that grows underneath.

The mountain ash forest provides important habitat for a range of threatened species that rely on intact forests, large old trees and minimal disturbance. Ash forests provide habitat for a range of wildlife threatened by decades of fire and logging. At least 40 of these species need tree hollows to live and breathe in, and it takes around 150 to 200 years to create such habitat trees. Leadbeater's possum — *Gymnobelideus leadbeateri* — the state faunal emblem, which was uplisted as critically endangered by the threatened species committee, is found only in Victoria and generally only in the existing mountain ash forest in the proposed great forest national park area. Of course, it is a sad tale for those lowland Leadbeater's possums found in Yellingbo, so few in number that there is not the genetic diversity to see that species persist in the future without intervention. The other species in the mountain ash forest in the proposed area are the sooty owl, the powerful owl, the masked owl, the mountain brushtail possum and the greater glider.

A history of landscape-scale logging and fire has meant old trees are being lost and not replaced, becoming even more scarce. As a result, the mountain ash ecosystem of the Victorian Central Highlands has been scientifically assessed as critically endangered under the International Union for Conservation of Nature's criteria. This underlines the need for a new national park to protect and restore these forests.

The geological centrepiece of the proposed great forest national park is an ancient 30-kilometre-wide volcano, the Cerberean Caldera. Its eroded rim is marked by waterfalls and rugged ranges that define the skyline, creating some of the region's most dramatically picturesque outlooks. The Cathedral Range between Marysville and Alexandra is one of the grandest examples of these sheer, jagged outcrops. Mount Torbreck's waterfalls in the north-east of the caldera are little-known hidden gems. Further east, the rocky peaks

gently give way to alpine heathland and the snow gum forests of the Australian Alps. The ecological wealth and beautiful landscapes that will be enshrined in this proposed great forest national park will really make it one of a kind, a beacon for tourism in this state.

But what will this park mean for the people of Victoria? This park will provide a world-class national park system within a short drive of Melbourne. It will provide unequalled opportunity to commune with nature and experience the rare beauty that Victoria has to offer. This park reserve system will boost the coverage of national parks in close proximity to Melbourne from the current 168 891 hectares to 522 104 hectares. That is more than a threefold increase but still only in the order of 50 per cent of what we see in national parks in New South Wales within close proximity to Sydney.

The park will provide a lot of opportunities for the growth of existing businesses and the creation of new ones. The natural capital preserved in the park will be the foundation for tourism-based industries. It will protect the viability of high-value agricultural, horticultural and viticultural product in the region.

Now I turn to the points of the motion moved by the Shooters and Fishers party. The first reason given for a moratorium on the establishment of a great forest national park is to, and I quote:

determine the additional resourcing (and source of funds) required by Parks Victoria to manage a park of this type and size, noting that the inadequate management of existing national parks and public land has been a concern in regional Victoria.

The Victorian Greens share similar concerns with the Shooters and Fishers in that there has been inadequate management of existing national parks in Victoria. This has principally been due to the savage budget cuts experienced by Parks Victoria, the agency charged with managing state, national and municipal parks. The raiding of the Parks Victoria budget has been well documented and mourned over this decade. On 4 January 2016 an article headed 'Victoria's national parks in jeopardy after deep funding cuts' by Josh Gordon in the *Age* reported that:

Parks Victoria's most recent annual report shows direct funding from the state government has collapsed by 37 per cent in nominal terms over the past three years, from \$122 million in 2011–12 to \$76.8 million in 2014–15.

Over the same period, the organisation slashed its spending by more than 16 per cent. Even after adding in cash from trusts and other sources, total income was still down almost 20 per cent, leaving Parks Victoria \$6.2 million in the red.

These cuts have had massive consequences. The Victorian National Parks Association investigated these cuts and reported in March 2016 that:

Huge reductions in Parks Victoria's operating budget have compromised or even stopped management programs which, to be at all effective, must have secure, long-term recurrent funding.

Inevitably, service delivery has suffered.

Community engagement programs have been axed, maintenance of many assets deferred, visitor information scaled back and ecological management programs like weeds and feral animal programs cut — almost to nothing in some instances.

With fewer staff expected to do more, morale within the organisation has suffered as well. A report by the Victorian Public Sector Commission shows that 60 per cent of staff feel workplace stress is an issue for them, and many are considering leaving.

While the Andrews government provided \$56.5 million in additional funding to Parks Victoria in 2014–2015, this was largely for new infrastructure (\$19 million for construction of the Grampians Peaks Trail, \$12 million for Portarlington harbour plus \$13 million for critical asset issues, such as fire damage).

So it is clear that Parks Victoria has been raided by successive governments, which clearly see national and state parks as a cost centre to be gutted. Parks Victoria must be the stewards that ensure our precious remaining green spaces and conservation areas are kept in good health to be enjoyed for future generations.

Furthermore, it just makes economic sense to have well-managed and conserved state and national parks. In 2015 Parks Victoria released a report titled *Valuing Victoria's Parks*, which found the direct and indirect economic benefits to Victoria were huge. Tourists spend \$1.4 billion a year visiting parks in Victoria, adding 14 000 jobs to the state's economy. This benefit is concentrated in the Grampians, the Great Ocean Road, the Yarra Valley, the Dandenong Ranges and Gippsland. There were 17 million visitor nights by tourists to the state's parks.

Our parks contain over 1 million hectares of water catchments supplying water used for drinking as well as for food production and other industries. The nine most important parks for water catchment provide 3400 gigalitres, which is 16 per cent of the state's total. This includes the Yarra Ranges and Baw Baw national parks, which will be incorporated into the great forest national park. The value of water filtration services provided by parks is estimated at \$83 million a year. Parks are critical in flood protection. Melbourne's metropolitan parks provide stormwater retention services valued at \$46 million per annum. Beekeeping

in parks produces 1200 to 1600 tonnes of honey products each year.

The Victorian parks network is a major carbon sink, with at least 270 million tonnes of carbon stored in land-based parks. We know that the mountain ash forest carries 19 000 tonnes of carbon per hectare within the area that will comprise the great forest national park. Land-based parks contain 353 endemic terrestrial species, of which 45 are found nowhere else in the world. Maintenance of genetic diversity not only provides the basis for many other services but also has a direct role in disease prevention. An indicative analysis suggests that the avoided healthcare costs and productivity impacts associated with undertaking physical activity regularly in Victorian parks could be up to \$200 million per annum.

It is evident that Parks Victoria needs greater funding to manage our existing parks. Just to give a local perspective of that, I was contacted by the Friends of Marysville Walks, who noted:

With the devastation by fire of Marysville and its forest surrounds seven years ago, many of its iconic walks were lost. Some have been rehabilitated, but without towering mountain ash and banks of tall tree ferns, the forest experience is not the same. Some pockets of damp rainforest survived with a 'light burn', including 'The Beeches', the most magnificent walk of all, with its lush understorey, fairytale 300-year-old myrtle beech trees, gushing Taggerty Cascades and foraging lyrebirds. Two years after the fire the walking track was closed for 'safety reasons' and has remained closed ever since. The top end of Lady Talbot Drive is now blocked by fallen trees and permanently closed to traffic because Parks Victoria cannot afford to clear the road and maintain the track.

It is a terrible irony that Victorian taxpayers are paying out millions for new gravel roads into pristine mountain ash forests in the Rubicon and elsewhere to facilitate VicForests' plunder of biodiversity (for which there is no public return), whilst tourists are locked out of 'The Beeches' through lack of funds for road maintenance. Marysville's future lies in tourism, a much more prolific employer than logging.

When I look to the national park in my own backyard, the Dandenong Ranges National Park, I know it takes years for repairs to be done on walking tracks, and it is a park that attracts over half a million visitors a year. It is very clear that Parks Victoria's funding, or lack of funding, is critical. However, that should not preclude the creation of the great forest national park. What it means is that Parks Victoria should get the full funding it needs to properly and sustainably manage its existing responsibilities and get extra funding to take on the responsibilities of managing the great forest national park. The Victorian Greens agree with the Shooters and Fishers party that Parks Victoria must be properly funded and resourced, with staff levels to match, to

properly manage the state's park, but a moratorium is not the way to achieve this.

The second point of the motion states that a moratorium is required to:

- (2) provide an assurance that the proposal for the great forest national park will not negatively impact access or use of land by any existing user group or stakeholder.

The few opponents that exist to the great forest national park — and they are very few in number — have some pretty odd ideas as to what the proposed park is about. There are myths that it is about stopping recreational activities and locking out humans so that there can be no interaction with nature. It is not about stopping those activities. Indeed creating a national park and preserving our remaining mountain ash forest provides for so many recreational activities that are currently under-catered for — for example, hiking, climbing, camping, some four-wheel driving and horseriding. All of these activities can happen in national parks. The proponents of the great forest national park are also open to discussion on where these activities can happen, what time of year they can happen and what infrastructure investments and maintenance budgets will be required to ensure they can happen. If members of the Shooters and Fishers party would only apprise themselves of the proposal details on the great forest national park website, they would learn the following about horseriding:

The park will be a multitiered zoning that accommodates a range of recreational uses including activities that are currently enjoyed. It is likely that there will be designated areas for horseriding and sensitive areas where horses will not be permitted.

On dog walking:

It is likely that there will be designated areas for on-leash dog walking, off-leash exercise and sensitive areas where dogs will not be permitted.

And on four-wheel driving:

Visitors in 4x4s will be welcome to use park roads subject to the same rules that apply on all Victorian public roads. It is likely that there will be designated tracks specifically for 4x4 driving and some sensitive areas where vehicles will not be permitted.

A well-funded and well-managed great forest national park will provide better opportunities for these types of recreational activities than those that currently exist in the proposed park boundaries. But let us be clear. One use of state forest that is absolutely mutually exclusive to the proposed great forest national park is native forest logging. An analysis of VicForests data indicates there is less than five years of logs available in the

Central Highlands before they run out of viable coupes. This is completely incompatible with the plans for the great forest national park. This is a travesty being meted out on the little remaining mountain ash forest in this state. It is an economic debacle that uses state subsidies to produce low-value products like woodchips and paper pulp to make Reflex copy paper. It is stealing from future generations the enjoyment, economic value and ecological services they could gain from these forests.

Under the stewardship of the Andrews Labor government 600 000 tonnes per annum of Leadbeater's possum habitat has been logged. Not one tree has been saved under this government, not one coupe has been saved and not even a single mountain ash tree has been saved by the Premier's forest industry task force. This state government admits beyond the ears of the forestry division of the Construction Forestry Mining Energy Union and the VicForests senior management that there are better uses of this state's native forest than logging. In the government's own *Victorian Visitor Economy Strategy* it stated:

The visitor economy is becoming more important to job creation in regional Victoria as traditional industries such as manufacturing, agriculture and forestry remain static or decline. In 2013–14 tourism was worth \$11.5 billion to regional Victoria (in gross regional product) and generated 114 400 jobs.

Tourism could create over 114 000 jobs in regional Victoria. How many jobs are generated by native forest logging in regional Victoria? According to VicForests it is 463. Of those, approximately 220 of them are in the area covered by the proposed great forest national park. In other words, tourism creates 250 times the number of jobs in regional Victoria as native forest logging. If this state government and indeed the Shooters and Fishers party were forward thinking about jobs in regional Victoria, they would not look to dying industries like native forest logging; they would look to tourism.

On Tuesday SGS Economics and Planning released a report titled *Australian Cities Accounts 2015–16* that shows that while Melbourne is booming, the regional economy is actually in decline. Gross state product, excluding Melbourne, retreated 1 per cent over 2015–16, driven by a sharp decline in manufacturing. Gross domestic product (GDP) has fallen in each of the past three years, and there has been a decline in GDP per capita over the past nine straight years. It is a shocking outcome for regional Victoria and one of the biggest obstacles to stimulating growth in regional Victoria. There needs to be stepwise improvement in critical industry, and that means tourism.

We need more tourism in regional Victoria, and it is one of the promising growth areas. A great forest national park will increase tourism numbers. Logging is the most exclusive, punishing and damaging use of native forest that could ever be envisioned. Timber harvest safety zones supposedly keep people safe from logging activities, but what they really do is prevent concerned citizens and citizen scientists from monitoring the compliance of VicForests with the timber code of practice. If you want to find exclusion of other users, there you have it right now. It is happening every day, right now — blocked access to these forests. This year there have been countless reports of VicForests failing to find protected species in logging coupes, and yet we have seen a government hell-bent on prosecuting citizen scientists in our forests.

The creation of the great forest national park will lead to greatly expanded visitor numbers, building on the strong number already in the existing national parks that would be encompassed. New South Wales already has its equivalent to the great forest national park in the form of iconic biodiverse national parks in close proximity to the state capital, allowing for day trips and longer stays. These parks are the Royal National Park and the Blue Mountains National Park near Sydney. These parks get 4.1 million and 4.3 million domestic visitors per year. Many of these intrastate or interstate visitors stay overnight. There were 2.15 million visitor nights racked up by domestic visitors in the Blue Mountains National Park in 2016.

These domestic visitors spent \$336 million — that is, about \$75 per head — on park fees, petrol, food, souvenirs and activities. The Blue Mountains National Park welcomed 100 000 international visitors, who racked up an impressive 520 000 visitor nights — that is, an average of five nights per tourist. It is a huge economic gain to regional New South Wales. The latest estimate available for 2014 shows that international tourists spent \$100 per each night they were in the park. The evidence is clear. National parks attract tourism and they attract high-value international tourists that spend multiple nights in the national park. The benefit to gateway towns, wineries and other tourist destinations near the great forest national park will be huge. The great forest national park would be a shot in the arm for the declining economy of regional Victoria.

You might say that there are visitors to state forests too; the trouble is no-one seems to have tracked that. While Parks Victoria has assembled an adequate baseline to determine how many visitors there are to national and state parks, there is little in the way of public information on visitation to state forests. But there are not as many visitors to state forests as there are to

national parks. The attention provided to a national park — the marketing, the infrastructure, the access, the priority given to it, all these things — induce demand for visitors.

State parks will never do that, and that is because of the way they are designed. They are designed to be logged. The roads are optimised for logging trucks, not for access to camping spots or hiking trails or viewpoints. Besides, who wants to camp, hike, go horseriding or do anything within the site of the devastation of a logging coupe? Nobody. Indeed there are already complaints from tourism operators about the damage done to their businesses by native forest logging. You only need to look towards the Rubicon and the reputational damage to tourism businesses there. Vineyards have had the fruit on the vine damaged by smoke taint caused by logging coupe burns. That is right; high-value grapes in the Yarra Valley are being damaged for the sake of low-value woodchips.

Are businesses against the great forest national park? No, they are overwhelmingly for it. Why would businesses be against the great forest national park if it is good for business and the economy? There are a range of businesses that have put their names to supporting this proposal, and perhaps the members of the Shooters and Fishers party might look at that list of businesses online. They will see that there is in fact much local economic support for the proposal. These are not businesses that are based in inner-city Melbourne; they are businesses that are based in the region and that see this proposal as a good idea and a way forward for the area.

If the members of the Shooters and Fishers party went and spoke to these small to medium enterprises, they would gain a bit of understanding about how business in the Central Highlands work and understand that the GFNP will lead to more jobs, investment and economic growth, not the opposite. They would also learn how little direct economic contribution native forest logging makes and how much damage it does to the tourism, hospitality and value-added agricultural, horticultural and viticultural industries in their region. By denying these opportunities you are denying these towns the opportunity to remain viable and condemning a generation to have to leave town to seek work elsewhere, and that is usually in Melbourne.

The motion claims that a moratorium is required to demonstrate that adequate fire management can still take place in these areas and will not be negatively impacted by any change in land tenure. I have some good news for the Shooters and Fishers party: the jury is in, and no moratorium is required to demonstrate that

adequate fire management can take place. Sufficient scientific research has been conducted, leading to numerous articles in peer-reviewed journals that show that the mountain ash forests and those forests that will comprise part of the great forest national park are more resistant to fire than logged forests.

So what does the science tell us? The Black Saturday bushfires of February 2009 were a major tragedy for this state. The loss of life was huge, and communities are still grieving for those losses of life. Those fires swept through the mountain ash forests of Victoria, burning a significant amount of land. In the years following those fires, scientists from the University of Melbourne, the Australian National University and other institutions have conducted in-depth research to show how mountain ash forests have recovered from those fires.

One of the best compendiums of this research is a book published in November 2015 titled *Mountain Ash — Fire, Logging and the Future of Victoria's Giant Forests*, authored by David Lindenmayer, David Blair, Lachlan McBurney and Sam Banks. It compares the state of post-2009 forests to baselines developed over 25 years of research. That research is ably summarised in the 2009 publication *Forest Pattern and Ecological Process — A Synthesis of 25 Years of Research*, which was also edited by Professor David Lindenmayer. I encourage my colleagues to delve into this research and would be happy to provide them with copies of it.

For your edification, this research shows the following. The interaction of fire with logging has left the forests in a perilous state. Past clear-fell logging operations have resulted in mountain ash forests being at significantly greater risk of crown-scorching fire severity. This elevated fire risk effect persists for more than 40 years as the forests regrow. I refer colleagues to the journal article 'Nonlinear effects of stand age on fire severity' in the journal *Conservation Letters*, volume 7, issue 4, July–August 2014, by Chris Taylor, Michael McCarthy and David Lindenmayer. The combined effects of widespread logging and wildfire mean that just less than 1 per cent of the ash forest ecosystem is old growth. This is one-thirtieth to one-sixtieth of what historically once occurred, and this is another reason to create a great forest national park to preserve these remnants and take the pressure of logging off them.

Vegetation studies in mountain ash forests show that logging of burnt areas directly after the 2009 wildfires, termed 'salvage logging', had enormous negative impacts on native plants. Populations of important plant species such as tree ferns were depleted by 95 to 99 per cent in comparison to burnt but unlogged areas. Overall

species diversity — that is, the number of different native plant species — is reduced by up to 30 per cent in post-fire salvage logged areas. These changes will have long-term negative impacts on the architecture of mountain ash forests. It is clear that intact mountain ash forests are denser, wetter and more resilient to bushfire than logged remnants.

As the peer-reviewed science referred to above states, you cannot extract logs from forests and improve their resilience to fires. You cannot claim that building logging roads in a forest improves its resilience to fire; in fact it does the opposite by dewatering the topsoil and clearing the understorey. Existing roads in state forests will be valuable assets for accessing areas of the national park for maintenance, monitoring and regenerative work, but it is important to remember that there are no human communities living in state forests today, and there will not be if those state forests are incorporated into a national park. Those roads in the state forests are not there to provide access to protect communities from bushfire; they are there to enable logging. The roads that matter in protecting existing towns are the roads to those townships themselves.

I turn briefly to invasive plant species. In the Central Highlands we have seen logging create enormous areas of weed banks. In some areas I have visited myself the blackberries are completely out of control because of the activities of logging, which have left disturbed areas ripe for weed invasion.

I also want to talk about invasive faunal species, because I am sure that in relation to invasive species the Shooters and Fishers party did not have flora on their minds; they probably had fauna on their minds. Cooperative approaches have been successful in reducing the impacts of invasive faunal species. This has been demonstrated in the Dandenong Ranges National Park, where Parks Victoria led a deer cull program with input from the Australian Deer Association and conservation groups. Another example is the removal of goats in the Murray-Sunset National Park, where elite shooters in helicopters culled 459 goats in four days. Invasive species management is affordable, practical and proven. Parks Victoria just needs the necessary funding.

A moratorium is not the way to assess these matters. There are far more appropriate mechanisms to use. A full public Victorian Environmental Assessment Council (VEAC) investigation is what is needed, rather than the government hiding behind a timber industry task force and waiting for the results of its deliberations. If the Shooters and Fishers were genuine in introducing this motion, they would not seek a moratorium as the

way forward. Hiding behind the Forest Industry Taskforce is not the way to achieve a great forest national park. It is becoming clearer each day that the government is using the task force as a stalling tactic, a delay. In seeking this moratorium, the Shooters and Fishers are assisting the government to obstruct the creation of the great forest national park.

Has this moratorium on the GFNP been rationalised on the basis that more time is needed to establish whether the park is feasible? No, absolutely not. This is a dangerously ignorant political stunt that proves the Shooters and Fishers care little for the issues that matter to the Central Highlands and have not done their research to support such a foolish motion. In fact if I did not know better, I would have said that the forestry division of the Construction, Forestry, Mining and Energy Union and the Victorian Association of Forest Industries wrote Mr Young's speech.

The Central Highlands need new infrastructure, new jobs and growth in regional towns. Above all, the community of the Central Highlands need a plan, not a naive step backwards that would forego opportunities for economic growth in the region. The great forest national park is the best hope for the Central Highlands. The only thing a moratorium would achieve is it would ensure the death of native forests in state forest areas. All coupes of notable biodiversity and conservation value in the state forests will be cleared within the current five-year timber release plan.

If this government were serious about looking for a future for the Central Highlands that does not involve wasteful and destructive native forest logging, there would be a full VEAC investigation into the creation of the great forest national park. Instead, all the community of the Central Highlands gets is a stalling mechanism in the form of a task force.

The former Liberal-Nationals government under Premiers Baillieu and Napthine failed to build an adequate new economic future for the Central Highlands after Black Saturday. The old trope that native forest logging is the only viable industry for the region has been passed from Labor to Liberal governments and back again. Meanwhile, the local community, and their hopes, aspirations, ideas and ingenuity, have been ignored for the sake of a few favoured mates in the logging industry.

As for the authors of this motion, either they come at it with grossly misinformed conceptions as to what the great forest national park will mean to users of the area or they have been suckered into the tired, false narrative of native forest logging as a productive industry. If the

Shooters and Fishers really cared about the Central Highlands, they would have sought the views of the community and apprised themselves of the facts about national park management in this state and of the very detailed proposal that backs up the GFNP concept.

Nevertheless, the ham-fisted entrance of the Shooters and Fishers into the policy discussion on the economic future and natural values of the Central Highlands by way of this motion requires all members in this place to show where they stand. Members will have to indicate whether they are for the great forest national park and everything it will preserve: the last remnants of Victoria's mountain ash forests and all the endemic and endangered species within, not least of which is the Leadbeater's possum; the massive watershed that provides Melbourne with some of the highest quality drinking water of any metropolis in the world; the many other ecological services provided by the proposed park, including run-off attenuation and flood prevention, carbon sequestration and biological services; and the benefits to our communities of a place to enjoy nature, to recreate or to get out of the hustle and bustle of the city or long hours in the agricultural sector.

Members will have to indicate their support or otherwise for the great forest national park and all the opportunities it will provide to the communities of the Central Highlands, including an uplift in tourist numbers, with valuable overnight stays and high-spending international visitors. It will provide them with the opportunity to further develop their hospitality and accommodation sector and their small and medium size enterprises, and it will create permanent, well-paid jobs in the tourism sector that will help retain younger generations in the Central Highlands.

Mr Young interjected.

Ms DUNN — To pick up the interjection, Mr Young: will it be your children who will have to find jobs in Melbourne because there is nothing happening for them in regional Victoria? That is what those young people in the Central Highlands of Victoria are facing now. The tax base of all this economic activity leveraged from the great forest national park will benefit local governments and the state government and see resources flowing back into regional Victoria to ensure our rural communities get the roads, public transport, schools and hospitals they so badly need. It will help provide transition for workers in the native forest logging industry, reskilling them to engage in park management — there are certainly plenty of revegetation opportunities available — and it will help

build the infrastructure and systems required to ensure the successful maintenance and operation of the great forest national park. Alternatively those logging industry workers could be redeployed to plantations in other areas, safe in the knowledge that sustainable plantation forestry has a bright future in this state and will not disappear by 2020, like native forest logging.

Mr Young interjected.

Ms DUNN — There is no wood, Mr Young. Members need to consider whether they support the continuation of the status quo: a state-subsidised logging industry that barely pays its way and directly employs less than 250 people in the Central Highlands; the destruction of the most carbon-dense forests in the world and what that would mean for driving damaging climate change and the associated extreme weather events that will push our emergency services capabilities to their limits, harm our economy and make this state a far more bleak place to live; the irretrievable loss of iconic species such as the Leadbeater's possum; the failure to provide the ultimate protection to Melbourne's water supply; and the young people of the Central Highlands being forced to leave the area and migrate to Melbourne — in their wake the towns will fail under the crushing force of demographics as schools close, services become understaffed and economic activity goes into inexorable decline.

I implore members to choose wisely, because these are the choices they have to make. With that, I indicate that the Greens will be opposing the motion.

Mr BOURMAN (Eastern Victoria) — I am not going to respond to the Greens' twaddle; I am just going to move on.

The motion here before us basically seeks that a moratorium be put on the establishment of a great forest national park. At the moment there are national parks that not everyone can gain entry to, but there are others where outdoor people — the hunters, the four-wheel drivers, the fossickers and so on — are the ones out there using the area, not the people from Richmond, Brunswick and wherever the other 90-something per cent of the Greens supporters come from. Hunters in particular, where they are allowed to, are doing a public service by shooting introduced species. It is absolute madness to kick them out, which is where this is going. This land now, mostly, has multiple users. I have heard a lot of ifs, maybes and possibly's. Will these users be guaranteed tenure under the great forest national park? In a word, no.

Moving on to the actual support for the great forest national park, it was mentioned earlier but I will press the point again: it seems to come from the inner city and inner-suburban areas where people do not tend to travel out past the Western Ring Road. I am pretty sure some of them do not even know that there is anyone out past the Western Ring Road, so where is the logic in going with this? To actually create this great forest national park you would just be pandering to a Green minority.

Moving on to some practical issues, this year we had a problem with fuel management. It has been raining a lot, as we are aware, which is a good thing, but this has also led to a failure to reach any of the fuel reduction targets. Obviously it is a lot harder with wet areas than it is with dry areas. But if we have problems with fire this year with the much smaller area, how are we going to cope with a very much expanded area?

To cut this contribution short, this motion does not call for an abolition of the park, just a moratorium on its establishment so we can establish — beyond the Forest Industry Taskforce, which has completely and utterly no visibility outside — whether it can be done in a manner that is befitting the state. It is not going to kill any jobs; it is not going to make our fire hazard any worse. On that note, I commend the motion to the house.

Mr RAMSAY (Western Victoria) — I am pleased to make a contribution to Mr Young's motion. The motion reads:

That this house calls on the government to impose a moratorium for a period of five years on the establishment of the great forest national park or any other national park in the Central Highlands of Victoria to allow for investigations ...

and it goes through four parts. At the outset I would like to say that the opposition is going to support the Shooters, Fishers and Farmers Party Victoria in its motion. Just to put this into some context, we heard from Ms Dunn for around about 45 minutes and 90 pages, which I think is probably a couple of mountain ash trees within itself. Her contribution was a sort of verbal diatribe, trying to convince us that this is all a conspiracy by the forestry organisations to madly go in with chainsaws and bulldozers and mow down all the mountain ash in the state forests, soon to be an extension of the great forest national park.

Interestingly enough I thought the catalyst for the extension of the great forest national park — and I might add that there is already 170 000 hectares of park and protected areas in the Central Highlands, and what the government is looking to do with this park is extend

it by another 355 000 hectares — was on the basis that the Leadbeater's possum is at risk, yet in her contribution Ms Dunn only mentioned the possum once. It was all about a conspiracy by different forestry organisations to take out the timber, but that is not what I understand.

The areas to be covered in this extended great forest national park — Healesville, Kinglake, Toolangi, Warburton, Marysville, Woods Point — are areas that were significantly impacted by the Black Saturday fires. As I understand it, the reason to extend this park is to protect the wildlife after those fires; to preserve the water quality, particularly in the catchment areas of Melbourne, Latrobe and Goulburn Murray; and also to promote tourism. I think they are all good reasons to provide for communities, not only in the Central Highlands but across Victoria and Australia, and for our international visitor access to those areas.

The point, I think, the Shooters, Fishers and Farmers are trying to make, as we have heard in a current inquiry into invasive pests, is that Parks Victoria do not have the capacity now to manage their current portfolio of public lands and state forests. In fact Ms Pulford cut \$50 million out of the Parks Victoria budget, so as the manager of our public lands they have no capacity to manage them, particularly in relation to invasive pests and weeds. To actually extend another 350 000 hectares of land under the management of Parks Victoria when they have a budget that does not give them the capacity to manage even current public land is a big ask.

In relation to fire reduction, again I note in part of Mr Young's motion the concern around the capacity of Parks Victoria and the Department of Environment, Land, Water and Planning (DELWP) in relation to its manpower and resources to be able to manage and reduce fire risk to those that might be using that park. Parks Victoria is not up to standard for that. The motion calls for investigations to:

- (2) provide an assurance that the proposal for the great forest national park will not negatively impact access or use of land by any existing user group or stakeholder;
- (3) demonstrate that adequate fire management can still take place in these areas and will not be negatively impacted by any change in land tenure ...

Well, that has not been put to the test yet, and I think it is appropriate that we do allow time to be able to review the capacity of our fire services, particularly our government fire services through Parks Victoria and DELWP, to be able to provide adequate fire management capacity.

The motion continues:

- (4) demonstrate that adequate management of invasive species ...

I have already mentioned that in relation to the current inquiry being conducted by the Environment, Natural Resources and Regional Development Committee, where we have heard firsthand testimony by witnesses that, firstly, Parks Victoria do not have the capacity with their financial resources, far less their human resources, to be able to manage the lands they have now, far less extend our state forests into a great forest national park. As I said, nor do local councils, which invariably are on the interface or fringe, have capacity to provide either the necessary financial resources or the human resources to be able to comply with their responsibilities in relation to control and management of pests and weeds.

The other issue I just wanted to quickly raise in my small contribution is the task force that Mr Young talked about. Mr Young indicated that his party and those hunters that use the state forests for pest control have not been consulted or been engaged in any of the discussions that this industry task force has been reviewing before it reports to the minister in relation to the rules and conditions around the extension of this park. I note that Professor Don Henry has been invited to chair this task force. This is Don Henry from the Australian Conservation Foundation. This is Don Henry who has direct links to Tim Flannery and Al Gore in relation to climate change policy. He is actually chairing an industry task force looking at expanding the great forest national park. My antenna went up the moment he was elected as chair, because I thought there was no way we were going to have anyone of any ilk who had some philosophical differences to the Australian Conservation Foundation or in fact to the Greens being engaged in relation to how a great forest national park would be managed.

There are a lot of issues and concerns. Ms Dunn's whole contribution was about this being a conspiracy and just a means to an end to forest this area that encompasses Healesville, Kinglake, Toolangi, Warburton, Marysville and Woods Point; to cut down all the trees, the beautiful mountain ash; to scuttle the Leadbeater's possums out of the park; and to do untold damage and create this doom and gloom idea that hell will break loose if we say, 'Stop for a minute; let's have an independent review of the impacts of how Parks Victoria, particularly as the lead agency, would be able to manage a great forest national park — an extra 355 000 hectares on top of 170 000 hectares that are already part state forest'.

There is already enough bushland in which bush hikers and the Greens can muddle around in and chain themselves to trees, causing the public purse untold damage through their activities and destructive nature. But all that aside, I think it is a good decision and a good motion. It will allow time for a full independent study of the impacts of the establishment of a great forest national park and, presumably, of the loss of jobs that might occur if the forestry industry were to be removed from the area.

Mr O'SULLIVAN (Northern Victoria) — I rise today to make a contribution to the motion before the house in relation to a moratorium on the establishment of a great forest national park. The Nationals cannot and will not support the establishment of a great forest national park or any sort of national park in the Central Highlands. Therefore The Nationals will be supporting the motion that has been brought to the chamber today by Mr Young. In fact I would like to see the motion go further. I do not believe there should be a moratorium; I think there should be a straight-out ban. Also I think the motion should include consideration of the impacts of the establishment of a great forest national park on the timber industry and also of the impact on jobs. I do not think the motion goes far enough, but I am very happy to support it. I am sure there will be much more discussion about this issue in subsequent months and years, but The Nationals will certainly not be supporting any idea of establishing a new national park.

I want to lay out some of the reasons why we will not and cannot support the establishment of a great forest national park. First of all, there are more than enough national parks, reserves and so forth around Victoria now. They are everywhere. I have had a fair bit of experience with national parks. The property that I have is actually surrounded by the Wyperfeld National Park, so I know exactly how they operate. Parks Victoria does not have the resources to manage the national parks that it has control of now. I do not blame the park rangers for that. They do the best job they can, but there are just not enough resources for them to manage the parks adequately.

The government is too inefficient to run the number of national parks that we have now. It would require a massive injection of funds to run the national parks efficiently, and I just do not believe the government is the right body to do that. I am not suggesting it should be done any other way, but national parks are not being managed properly. We can see it now; they are overrun with pests, whether they be pest animals or weeds. Wherever you go you can see that parks are absolutely infested with weeds. I am not against national parks — I have said that before. But we want to see the ones we

already have been managed properly before we even consider the establishment of new national parks.

In terms of the Central Highlands and the great forest national park that would be established up there, the impacts on the timber industry would be absolutely devastating. There are thousands and thousands of jobs involved. I have seen some reports that say there are up to 14 000 direct and another 7000 indirect jobs, so you are looking at more than 20 000 jobs that are impacted by the timber industry. If we were to establish a great forest national park, it would essentially make the whole industry unsustainable and unviable. The industry would close down, and we would see a massive widespread loss of jobs. A lot of the jobs lost would be beyond the great forest national park in the Central Highlands. They would go down to Gippsland, and in particular through Heyfield, with Australian Paper down that way. There would also be a massive loss of jobs in the Latrobe Valley.

We are about to see a massive number of jobs go as a result of the closure of Hazelwood power station, and if we were to put a new national park up around the Central Highlands that would impact on the timber industry and make it unviable, that would just add to the pain, misery and suffering that the people of the Latrobe Valley have already got coming. The Latrobe Valley would become an absolute wasteland in terms of all the jobs that would be lost, so that is another reason that we certainly cannot support this.

The timber industry right now is sustainable. We have all the regrowth, the replanting and so forth. What is important is that timber is still going to be required. Paper is still going to be required, and if we do not get it from our own resources, which are managed effectively and sustainably, it will have to be sourced from overseas. Then you start to get into the territory of the rainforests in Indonesia. We have seen to some extent what is happening with the oil palm plantations there and the impact that has had on the orangutans. The government made some comments about that just recently. We have seen Banyule City Council refuse to use locally sustainable timber products in terms of their paper and instead source paper from Austria rather than supporting local jobs and the local timber industry, which is very effective here in Victoria.

National parks, as we have seen right around the state, are high fire risk areas. By and large, particularly up in the Mallee where I am from, if a fire is ever started, it is always in a national park. Because there are not the resources on the ground to manage those fires, what tends to happen is that the fire just burns out of control while it is in a national park or reserve until it gets to

private land, and then the Country Fire Authority takes over and tries to put it out. National parks pose a massive fire risk to life and property in the way they are currently managed because they are overrun with weeds and they are not looked after properly.

My fifth point relates to the Leadbeater's possum. If you have a look at the research that was done and the report that was produced by the Arthur Rylah Institute, you can see that the greatest threat to the Leadbeater's possum is fire. We need to ensure that if we want to look after the Leadbeater's possum — and I do not think there would be anyone in this chamber who would not want to do that — we need to understand that fire is the biggest risk. Then you look at pests, like foxes, which also have an impact on the Leadbeater's possum. It is interesting to note that a lot of the surveys in relation to the Leadbeater's possum are done inside the logging coupes, which is fair enough. But how about doing similar surveys outside the logging coupes?

If you were to look at some of the sightings outside those reserve areas, you would see that there have been something like 280 Leadbeater's possums sighted outside the logging coupes. Unfortunately those sightings do not get included in the survey work on those possums.

Those five reasons are why The Nationals will be supporting the motion that has been moved by Mr Young and will not be supporting any new national parks until the current national parks are managed properly.

Mr YOUNG (Northern Victoria) — I am very glad we have come to the end of this debate and will now vote on this motion and see which way the dice land. I would like to thank those who have contributed to the debate on this motion. I thank my colleague Mr Bourman. I thank Ms Dunn for her well-prepared and detailed speech that did not disappoint in the Greens rhetoric it contained. I thank Ms Pulford for her contribution and for giving us some indication of what is happening with the forest industry task force, which I will come to in a second.

I am very grateful to Mr Ramsay, Mr Davis and Mr O'Sullivan for their support. The arguments they have all put forward today have been outstanding and very much reflect my own sentiments — Mr Davis in particular in terms of the process and the way in which this is going about and the need to step back and go back to a proper process. Mr Ramsay, who is a fellow committee member of mine on the inquiry into pests, had some quite good insights into the way the

management of pests is happening on public land. Mr O'Sullivan gave a comprehensive outline of many reasons why this great forest national park should not go ahead.

Just in response to some comments made by the minister about the Forestry Industry Taskforce and its extension of time, it did have commitments to report by a certain date which has been pushed out. The reasoning behind that, from anyone I have spoken to, is that no consensus has been reached. There is no agreement, and for that reason they are unable to come to a recommendation or anything they can put into a report. The problem with these kinds of issues is that you will never get agreement. You will never get absolute agreement, and when you have got an ideology being pushed, such as the great forest national park, and a land grab for national parks, an agreement is never an agreement. Even when we come to a middle ground where we think everyone is okay and we have sort of settled on a position, we will walk away and then there will be another bid for it. It is exactly the same on many other issues.

It is the same with gun laws. We have an issue with gun laws. A made-up issue is brought forward. There is a compromise, and everyone goes away thinking they are happy with the compromise. It never compromises the other way. It always detracts from the laws we have and we go backwards in terms of our gun laws, but no-one is ever happy with that and inevitably there will be another grab at it. So an agreement will never be reached by this task force, I do not believe, and nor should it, given how hard the proponents of the great forest national park are pushing.

The minister indicated that members of the hunting community will be involved in due course in the process for this park, and they will eventually get the consultation that they are asking for. But the point is we should not be having discussions at all about the establishment of such a large national park without all of those stakeholders being involved right from the start. I do not think it is good enough to have certain groups going about pushing this agenda without others having the chance to be involved in that. I simply do not think it is good enough to say that this particular group that is not being thought of at the moment will eventually get their chance. That is a little bit too late.

Ms Dunn indicated that the great forest national park community is not actually from the inner city, and she mentioned a heap of little towns scattered around the region that many members of that group are from. That may very well be the case. There may in fact be people scattered around the countryside who are supportive of

the great forest national park, but the problem is that in those areas they are in the minority. That is why the advocates for this park have to go down the path of looking to inner-city seats to try to scare the government in an attempt to get the upper hand on Greens ideology — three particular seats in the inner city — because the fact is that regional areas are not in strong support of this like the inner-city seats are.

Ms Dunn also said that the great forest national park community are open to negotiations and they are open to discussions on what areas can be open for certain activities and what areas are appropriate to have certain activities coexisting and what areas are not. The simple fact is that we do not have to negotiate with the great forest national park group, because it is not their land. They are the ones who are supposed to be coming to the government and the Parliament and getting involved in the process in the correct way. They do not just say 'We want all this land' and then make demands and expect everyone to follow along with that and, when we kick up a fuss, negotiate on how much they will give. You cannot take something away from someone and then an agreement be made not to take away as much. It simply does not work like that.

The Greens have also indicated that they do not agree that a moratorium is the answer to the issues that are ongoing with parks, their funding and their inability to manage because of that funding. It seems that the Greens' opinion on that is just to throw more money at it so that they can manage it all properly and then we can have this great forest national park — 354 000 hectares more to manage, and it is going to take an absolutely enormous amount of money to do so. It is going to take an enormous amount of money to get to the stage where we are managing what we have got now, let alone this huge leap.

The problem is that that money has to come from somewhere. It is okay for the Greens — who are not in government and do not have to actually cough up — to say all these things. They will never actually have to make those decisions or be accountable for them, so they can make outlandish claims like that. I would love to see some more funding for Parks Victoria to manage what they have got — absolutely. I recognise the issues they are having and I think they are underfunded, but the answer to this issue is not to spend our way out of it and it is certainly not to lock up the area that is the great forest national park proposal.

The Shooters, Fishers and Farmers Party have a 100 per cent commitment not to allow this park to go ahead or any other national parks in that area for the many reasons we have outlined. I thank everyone for their

contributions to the debate on this motion, and I commend it to the house.

House divided on motion:

Ayes, 19

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

Noes, 19

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

Pairs

Lovell, Ms	Jennings, Mr
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Motion negatived.

PRISON SYSTEM

Mr O'DONOHUE (Eastern Victoria) — I am pleased to rise and move:

That this house notes the chaos and dysfunction in the Victorian prison system under the Andrews government, including —

- (1) prisoners caught cultivating and growing drugs in a prison garden;
- (2) the significant recent increase in the number of deaths in custody;
- (3) prisoners refusing to work and striking at the maximum security Barwon Prison;
- (4) the recently reported vicious attacks on the hardworking prison officers and staff;
- (5) the worst prison riot in Victoria's history at the Metropolitan Remand Centre last June, costing the taxpayer \$95 million and taking hundreds of maximum security beds offline;
- (6) increased numbers of prisoners not being presented to court in contravention of a court order, delaying justice for victims and increasing costs for taxpayers;

- (7) a number of recent prison escapes, including the first escape from a walled medium or maximum security prison since 16 June 2001;
- (8) a prisoner recidivism rate of over 40 per cent;
- (9) an increase in the number of prisoners in police cells from less than 100 in November 2014, to at times in excess of 300;
- (10) a flood of contraband into the prison system, including reports of drugs and other items being thrown over the prison wall at Port Phillip Prison in tennis balls for prisoners to access; and
- (11) regular drone incursions over Victorian prisons.

The motion details a litany of failures and issues in the prison system in Victoria under Premier Daniel Andrews and under four ministers in just 10 months in 2016.

There are always issues in the corrections and prison systems because prisoners will try to do bad things; some prisoners will try to flout the rules and break the rules and will not be reformed from a previous life of crime. Of course prisoners that reflect on their criminal activity and reflect on the opportunity that prison can present to be rehabilitated or to rehabilitate themselves can use that as an opportunity to be ready to make a contribution to society upon their release.

The corrections system is a very important part of the justice system and plays a central role in community safety. The role of prisons in the corrections system is multifaceted. It is to remove from the community those people that the courts deem — and that the Parliament deems in legislation it passes — pose a risk to community safety, so it is to protect the community by removing those people. It also provides an opportunity for prisoners to be rehabilitated. The prison system runs a range of programs and educational opportunities for prisoners, as I say, to improve themselves, and of course it is meant to serve as a punishment and therefore a deterrent to criminal behaviour in the future.

As I said, there will always be issues in the prison system. There will always be people attempting to smuggle in contraband and to do the wrong thing in prison, but what we have seen under this government, I would suggest, is virtually unprecedented. We have seen a litany of issues and failures. I think the problem can be summarised by the word 'authority'. There seems to be a clear lack of authority when it comes to the operation of the prison system in Victoria.

The Leader of the Opposition in the other place compared the crime rate in New South Wales and some of the crime statistics that came out earlier this week

with those of Victoria. Similarly I point to the implementation of the smoking ban under this government compared with that of the New South Wales government. There was an 18-month lead time for Corrections Victoria to get ready to implement the smoking ban from 1 July last year. New South Wales implemented its smoking ban a matter of weeks after Victoria.

What did we see in Victoria? We saw the worst prison riot in Victoria's history. We saw the Metropolitan Remand Centre (MRC) basically trashed and tens of millions of dollars of damage inflicted upon the prison. To this day, nearly 18 months since the riot, the prison is still below capacity, the works are ongoing and it will be well into 2018 before the prison is restored to its former capacity and the rebuilding works are completed.

The time to rebuild the prison has continued to blow out. The first Minister for Corrections, Mr Noonan in the Legislative Assembly, said back in December 2015 that it would take 12 to 18 months. According to Wade Noonan's timetable the MRC rebuild should have been completed by now, or between now and May next year. Of course that time line has blown out to mid-2018 now, and we will see whether that time line is ultimately met.

As I say, the contrast with New South Wales could not be starker. New South Wales had its emergency response on stand-by, ready to go in case of a riot. They made it very clear in the lead-up to the implementation of the smoking ban that inappropriate behaviour would not be accepted and a very short shrift would be given to any sort of riotous behaviour. As I say, New South Wales implemented its smoking ban a matter of weeks after Victoria with no riot, no major damage and a relatively smooth implementation. Having spoken to the New South Wales minister last week, he told me that implementation has been smooth and the transition has been effective, so it is a stark contrast.

Of course the impact of the reduction in beds at the MRC has seen prisoners not being presented to court because of overcrowded police cells. We have had a bank up of prisoners in police cells. When the coalition left office in November 2014 the number of prisoners in police cells was consistently below 100. Since the MRC riot the number of prisoners in police cells has been consistently above 200 and at times in excess of 300. Yes, I am sure government speakers will point to a period when there were extra prisoners in police cells following the implementation of the Callinan review recommendations, but the coalition government ensured by the time the change of office took place the

number of prisoners in police cells was consistently below 100, yet under this government we have continued to see in excess of 200 prisoners in cells and prisoners not being presented to court in contravention of a court order.

The impact of the failure to present prisoners to court in contravention of a court order is significant to the community. There is a direct cost to Corrections Victoria as a result of the costs award made by the court when the court order is not complied with, but there is the transportation of prisoners to and from court that does not lead to the court hearing. They cannot be dropped off by the transport operator. There are the court delay times when a matter is listed, and then ultimately that matter does not proceed and has to be relisted, which takes extra court time by double and triple listing of the same matters.

Perhaps most important is the impact on victims of crime. If you are a victim of crime waiting for your day in court so you can see the person who is accused of committing a crime against you receiving their sentence and you receiving justice, and that person does not turn up because Corrections Victoria cannot present them to the court, what a slap in the face to the victim, and what we have seen from this government under successive ministers, which of course has been accelerating in recent times, is that no-one seems to take responsibility for this, no-one seems to take ownership of this issue and there is no clarity about when this problem will be fixed. The government talks about increased use of CCTV. Yes, increased use of technology is one element to increasing the efficiency of the court system and increasing the efficiency and the interplay between the corrections system and the court system, but that in and of itself I would suggest will not be a solution.

Of course this situation is made worse with the reduction of 40 maximum security beds at the Grevillea unit at Barwon, because the shortage of prison beds in the prison system is not at the minimum security end; it is at the maximum security frontend, and all prisoners come into the prison system and are processed through the maximum security estate. So when 40 beds are taken offline from Barwon and given to the juveniles because they have trashed Parkville, that will have a direct and material impact on the operation of the frontend of the prison system and the ability of Corrections Victoria to present prisoners to court.

As I say, the first consideration for the community should be the impact on victims of crime. The impact on victims of crime is significant. The old saying is that justice delayed is justice denied, and after 18 months Daniel Andrews has failed to address this issue and the

four corrections ministers who have sat in the chair during that time have failed to address this issue.

I have to point as well to the number of escapes and particularly the fact that we have seen the first escape from a walled prison since 16 June 2001. We saw earlier this year two prisoners jump the fence at Fulham prison. In questioning during question time and during debate the former Minister Herbert tried to defend that action and blame others, but the fundamental fact is that the first escape from a walled medium or maximum security prison since 16 June 2001 has happened under the watch of this government. It is a very different proposition to a prisoner stepping across the fence at a minimum security prison farm and then returning. Escaping from a walled prison represents a fundamental breach of security, and it happened under the watch of this government.

When the Andrews government came to power, then Minister Noonan used to say, 'We are not going to get tough on crime; we are going to get smart on crime', and he criticised the recidivism rate, much of which was driven by the changes to parole. But here we are two years into the term of the government, and I think the deputy commissioner of corrections gave a speech a couple of months ago citing a figure of around 42 per cent for recidivism. The recidivism rate is stubbornly high and remains above 40 per cent. The recidivism rate can bounce around because of policy changes that take place, but again, for all the talk from then Minister Noonan about being smarter on crime and looking at these things in a different way, we have not seen the tangible results that perhaps were foreshadowed by the corrections minister.

Another very concerning issue is the increase in deaths in custody in the prison system. Yes, the profile of the prisoner cohort is ageing and there have been prisoners who have had diseases or illnesses that would have killed them in the community or in prison, regardless of where they were, but it does concern me that we have seen such a significant increase in deaths in custody. From 1 July last year to recent times we have seen 25 deaths in custody. I have not got any current figures for the last month or so, but that is a significant increase. The prison population has not expanded to provide an explanation for that increase, and the prisoner age profile, whilst trending upwards, has not changed substantially enough in the last two years to justify that significant increase in the number of deaths in custody.

It is a serious issue, and one cannot help but speculate about at least some relationship between the flood of contraband, particularly drugs, into the prison system

and some of the unexplained deaths that have occurred in the prison system. In due course those individual matters will be investigated by the coroner, but in a system sense there seem to be some questions that the new Minister for Corrections — the fourth Minister for Corrections in this government — needs to answer because there have been reported deaths in custody where drug use has been alleged. Even this week there have been reports in the paper about drugs, ice in particular, being readily available, other drugs being rife in the prison system and organised crime identity figures continuing to run their crime operations from behind bars, or so it is alleged. So this is a very serious issue.

We have seen a number of anecdotal issues that further highlight the chaos and dysfunction in the prison system. We saw down at Fulham prison, near Sale, prisoners caught cultivating and growing drugs in the vegetable garden. Rather than growing pumpkins and tomatoes, they were growing drugs to ply their —

Ms Patten — A very safe place to grow it.

Mr O'DONOHUE — As I said, rather than growing tomatoes, carrots and pumpkins, the prisoners in the vegetable garden down at Fulham were growing goodness knows what sort of cocktail of drugs and other things in that garden. Not only is that concerning enough in itself, the consequences of drug trafficking and drug trading in the prison can create a whole range of other illegal activities. The prison authorities should be able to ensure that the prison vegetable garden is growing vegetables and not drugs, but that seems to be a bridge too far for the minister. I think that was under Minister Noonan, but I am not 100 per cent sure. I will have to double-check because there have been so many ministers that it is hard to keep track of which incident happened under which minister, but I suppose we can say that it all happened under Daniel Andrews.

Then we saw prisoners at Barwon Prison unhappy with the pay rates. They took some collective action and decided to strike. They downed tools. They had had enough; they wanted a pay rise. The pay rates were just not good enough, and they demanded more. I think that just demonstrates the general point I am making about the lack of authority in the prison system and the apparent lack of consequences.

There have also been some very concerning reports of assaults on prison staff and, again, reported incidents where prison officers have been taken to hospital with serious injuries. The job of a prison officer is very difficult, and I take my hat off to them in their work. They have a critical role in community safety because a

prison officer can work with prisoners and help a prisoner get on the straight and narrow, learn new skills, get job ready, get employment and learn how not to get sucked back into criminal behaviour when they are released. They can be a central figure in helping someone get back to a life where they contribute to the community and live a life free of crime. We need to acknowledge that and also understand that as a workplace a prison can be quite dangerous. We have seen reports that have been in the media over time of the impact on prison officers of some of these assaults and other behaviour, and they are extremely concerning.

We have seen contraband accessed in the prison system in what one may describe as the traditional way — contraband smuggled in through the main entrance of a prison and through the normal barrier control methods — but we have also seen some very innovative ways in which prisoners and their associates have tried to smuggle contraband into our prison system. The government does not seem to have provided any significant response to these issues. We have seen drones flying over prison walls laden with cargoes of drugs, mobile phones or other contraband and dropping the contraband from the drones at a prearranged designated spot. This has been reported to have occurred at Port Phillip Prison in particular, but I am aware of reports at other prison locations as well.

When one thinks of tennis balls one thinks of having a hit of tennis, but unfortunately again at Port Phillip Prison, and I think at other locations, tennis balls have been cut open, filled with drugs or other contraband and hit over the prison wall for prisoners to access. Not only is there a risk to the prisoners who consume the drugs, but it encourages illegal activity and the trade of drugs in the prison system.

Mr Dalidakis interjected.

Mr O'DONOHUE — The minister may wish to make light of these issues, but these are very, very serious issues. As I say, the prison system has a critical role in developing community safety. When you put all of these issues together it is clear that we have a lack of leadership when it comes to the corrections system. You need a clear plan, you need clear policies and you need some consistency in the application of those plans, policies and leadership. Community safety for the Andrews government, until I would suggest Sunday morning, had been a bit of an afterthought. It has not been a priority for this government. When it comes to community safety, the corrections system has been the afterthought of the afterthought.

We have seen that in the fact that we have had four corrections ministers this year. Goodness me, four corrections ministers this year! While Minister Scott no doubt did what he needed to do when he was sitting in the chair, the fact is that he is a budget minister with a range of other responsibilities, which are challenging in and of themselves. As Acting Minister for Corrections and Acting Minister for Police he was never going to be able to devote the time needed to those portfolios to respond to the issues that are so prevalent and so widespread in the prison system.

Then we had Minister Herbert. Without reprosecuting the issues that led to his decision to resign, let me say in a broader sense that I cannot understand putting together the portfolios of higher education and skills and corrections — two portfolios that sit in separate departments and that have no overlap, except perhaps in some minor way with the provision of education services in the prison system. But fundamentally they have no relationship with each other.

Now with Minister Tierney the Premier had the opportunity to actually align the justice portfolios so that there would be more synergy and so that when government was talking about important issues like managing offenders on a community correction order that would cut across the portfolios of police, Attorney-General and corrections and there might be some synergy between the ministers. But we have a Minister for Police who sits up in Nicholson Street with her water portfolio, we have a corrections minister who sits in 2 Treasury Place and we have the Attorney-General down at 121 Exhibition Street, removed from the other ministers that have the overlay, just to pick an example, with that very important issue of community corrections — and community corrections is such an important area. So I use that as an example of the disjointed way that the Premier has allocated portfolios that really must make it difficult to focus on the myriad issues in the corrections system.

This motion before the house today is fundamentally about the prison system. I could move separate motions to deal with issues in community corrections and other areas of the portfolio. There are many, many challenges and many, many issues.

Let me conclude with two broader points. Minister Tierney was very critical of building prison beds when the previous government was in power. She in fact railed against spending money on prison beds in several speeches in this place. It is quite ironic now that she is in charge of a prison system that needs extra front-end capacity — —

Mr Morris — Is she in charge?

Mr O'DONOHUE — Mr Morris asks a very legitimate question: is she in charge? We are yet to see any stamp of authority or leadership in policy, but perhaps we will reserve judgement, Mr Morris, until another day on that particular issue.

She criticised the construction of prison beds. She criticised the investment in the corrections system by the previous government. But is it not lucky that the previous government decided to commit in its 2014–15 budget to a new 40-bed maximum-security unit at Barwon Prison, which happened to come online just before the youth justice centre at Parkville was trashed? That enabled the Department of Health and Human Services to take over the Grevillea unit, because the new 40-bed maximum-security unit at Barwon had recently come online. And is it not lucky that the previous government delivered the 216-bed annexe to the Marngoneet prison in the 2014–15 budget, which came online relatively recently as well and which has enabled some pressure to be relieved from the police cell system because of that investment by the coalition?

I am sure Minister Tierney, when the new 1000-bed Ravenhall prison opens next year, will not be criticising the investment of the previous coalition government in that new prison. I hope she will embrace the concept of providing a financial incentive to reduce recidivism, which the Ravenhall public-private partnership (PPP) contract contains and which has recently been copied by the Western Australian government. They are using a PPP arrangement in a new and innovative way to drive a financial incentive to the operator to deliver lower recidivism for prisoners. Lower recidivism is surely what we all want, but we need to achieve it not by dropping the standards expected of prisoners but by making sure that prisoners are given the opportunity to get their lives back on track. Through the market mechanism that the previous government initiated the Ravenhall consortium have extensive community partnerships, which they hope will drive that reduced recidivism rate that the community wants.

I hope Minister Tierney can see the error of her comments from the last Parliament as she understands the challenges to the prison system, the investment made by the previous coalition government and the impact that will have in addressing the shortage of prison beds that the system is currently experiencing following the trashing of the Metropolitan Remand Centre (MRC) and following the trashing of the Parkville youth justice centre, which has taken 40 maximum security beds offline at Barwon.

The final general point I wish to make before briefly summarising is that we have got a number of reviews that are critical to community safety and that are critical to the functioning of the corrections portfolio and the entire justice system. We have the Walshe review that was undertaken into the MRC riot. It is critical that the recommendations from the Walshe review are fully implemented. We have the Callinan review, and we have a serious issue with the first recommendation of Mr Callinan — the comprehensive case management system that Wade Noonan said would be finished by December last year and now will not be finished for several years, which is an alarming development given the importance of the case management system for the Adult Parole Board of Victoria (APB) to talk to and receive information from other partner agencies, such as Victoria Police, Corrections Victoria and the Department of Justice and Regulation, all of which operate different IT databases. That is an alarming development to say the least and one which was flagged by the chair of the adult parole board in his comments in the annual report of the adult parole board.

Then we have the review following the tragic murder of Masa Vukotic, the Harper review. According to an answer provided by then Minister Herbert some weeks ago, only 2 of the 35 recommendations from that report have been fully implemented. We have a number of questions that are yet to be answered. Where will the new 20-bed facility that is identified be located? I know there have been a number of locations examined, but we are yet to have an answer about where that facility will be, and the longer it takes to make a decision about where it will be, the longer it will be before the facility is open, given construction times and the like.

The Premier has made announcements about removing the management of the serious sex offenders, the subject of Victoria's Serious Sex Offenders (Detention and Supervision) Act 2009 legislation, from the APB and establishing a new public protection panel, but besides that statement we have not had any detail about when the public protection panel will be operating, who is going to run it and what the guidelines will be. We have had no answers from the government about what the criteria would be and who would be eligible for a post-sentence order for violence offences, as Harper recommends potentially expanding the post-sentence scheme from just serious sex offenders to violent offenders as well. What will be the criteria? How many offenders will be covered? Whilst Harper does talk about those issues, it is obviously a matter for government to determine exactly what those requirements will be and how many offenders will be on post-sentence schemes or what criteria there will be

for a post-sentence scheme for violent offenders. I could go on and on. There are a number of issues from Harper that are yet to be properly addressed, and time is moving on.

As I say, all of these reviews and the recommendations that flow from them have come following very serious and often very tragic incidents and issues, and it is critical that government implement them as a matter of urgency. I am concerned that many of those recommendations are still outstanding. I make the point about those three very important reviews that really shape much of the way the corrections system, particularly the corrections system outside the prison system itself, will operate or should operate.

Returning to the motion proper and the issues it raises, we could talk about the following: prisoners growing drugs rather than vegetables in the prison garden; an increased number of deaths in custody; prisoners refusing to work and going on strike at Barwon Prison; the Metropolitan Remand Centre riot that took place last June, which according to the corrections commissioner is the worst in Victoria history; the increase in the number of prisoners not being presented to court in contravention of a court order; the number of prisoners in police cells being consistently in excess of 200 prisoners; the first escape of a prisoner from a walled prison since 16 June 2001; the impact on victims of crime of the delayed justice because of prisoners not being presented to court; and the flood of contraband into the prison system. It would appear from media reports and from other sources, and indeed from a response to a question on notice I received this week from the minister, that the prisons are awash with drugs, weapons, mobile phones and other contraband, which does not bode well for the management of the system.

There is also the apparent lack of authority and leadership and direction from this government, which is demonstrated by the simple fact that we have had four corrections ministers just this year, in 2016. How can there be any continuity of policymaking, of leadership or of clarity when the minister rotates every couple of months? It is very unhealthy for the system. It is very unhealthy for those — —

Mr Dalidakis — Technically four into two years is every six months, not every two months.

Mr O'DONOHUE — I pick up the minister's interjection. I think it was until early February this year that Minister Noonan was the Minister for Corrections. Then we had Minister Scott sit in the chair with his

other responsibilities for a few months. Then we had Minister Herbert — —

Mr Dalidakis — Are you making light of Mr Noonan's desire to repair himself?

Mr O'DONOHUE — Not at all. Then Minister Herbert sat in the chair for a few months, and as we know, he resigned. Now we have a fourth minister. This does not bode well for the management of the prison system. With four corrections ministers in a 10-month time frame in 2016, we have a lack of leadership, a lack of authority and a lack of clear policy direction in the corrections portfolio when it comes to this government. There are a myriad of issues that require the urgent attention of this minister but perhaps more importantly require the urgent attention of Daniel Andrews. In the context of a soaring crime rate and the shambles that is the youth justice system under Minister Mikakos, the justice system under Daniel Andrews is in crisis. Victorians deserve better because the prison system is critical and central to community safety, and community safety should be a top priority of this government and indeed of any government.

Ms SYMES (Northern Victoria) — I rise to make a contribution on the motion put I think a couple of weeks ago now by Mr O'Donohue. It has been on the notice paper for some time. Having the last 10 minutes or so of the day to speak on it is something that I have been looking forward to for a couple of weeks. I do not know how Mr O'Donohue got away with 11 paragraphs. That kind of snuck past the President, I think, because there was a ruling on how many paragraphs our motions should have when they are put up. But when a bit of a grab bag of everything is put together in this motion, we are happy as a government to respond to that. The motion asks the house to note 11 paragraphs, but there is very relevant information that the house should note before I take members through those paragraphs.

The Labor government did in fact invest \$450 million in our first budget and over \$400 million in this year's budget to fix the problems in corrections that were left to us by the former government — namely, overcrowding, double bunking, overworked staff, weak contracts with private prison providers and a really shameful rising recidivism rate. The recidivism rate was trending downwards under us, and that trend was reversed when we lost government in 2010. We have invested in community corrections, knowing that there are professional staff and services that are vital to community safety, to supervision and to monitoring and changing offender behaviour. We have invested in prisons and rehabilitation for prisoners so that we can

see that the recidivism rate is slowly turning around. Basically it has taken a while to get on top of those four years. We could not do it overnight, but after two years we are turning that ship around. We are still a long way to getting back to the level that we had six years ago, but we are committed to the rehabilitation of prisoners so that they do not re-enter the community and find themselves in the position where they are reoffending and winding up back before our courts.

Labor have persisted in the work to reduce the pressure on police cells, and we are succeeding, with work between corrections, police and the courts to settle elements such as videoconferencing, which will have a massive positive effect on easing that pressure. Despite the doubling in the number of unsentenced prisoners since 2013, which was simply ignored by the former government, we have brought down the number of prisoners in police cells that did peak during that period. Together with police custody officers, we are ensuring that we are increasing the number of people that police are arresting and who are being remanded in custody. They are being dealt with without removing police from the front line, which is a vital ingredient in improving community safety. Under the previous government there were regularly 300 people in police custody. Basically when there were not custody officers supervising those prisoners, that job was left to police, effectively stripping them from the streets of our communities.

We have also moved on a number of those remand prisoners in terms of relocation. We have been able to place a lot of remand prisoners in regional locations, and of course the videoconferencing facilities allow us to do that without complication, because the transport options are not required. So there are fewer missed court dates and there are less prisoner movements around the state, both of which it took a Labor government to get on top of.

We are working on a long-term plan to deal with the growing prisoner population but also to more effectively and safely deal with the historic numbers of the prison population over the longer term. We have acted quickly to support Corrections Victoria, their staff and service providers in ways that make a difference to outcomes. We really value their services, and we know that they are vital to community safety. I have visited several prisons in my electorate. I must say that I have immense respect for the staff of the facilities. They are on one hand committed to community safety and the punishment of those who deserve it, but admirably all the staff and program providers are really passionate about facilitating the capacity of people to turn their lives around, return to their families and keep those

connections with their communities so that they can return to those and make a meaningful contribution to their own lives, their families and their communities.

We have provided the resources for reform of community corrections and responded rapidly to the emerging risks in the serious sex offender post-sentence scheme, and we have put prisons on a safer course. We will certainly continue to do that. Watching Minister Tierney come up to speed in an amazingly short period of time and taking the reins like someone who has been in the role for much, much longer has been impressive to watch. I look forward to working with her in this space.

On the specifics of the paragraphs of the motion, I would just like to put a few points on record in response. In relation to paragraph (1), I think there was a bit of interjection on the prisoners caught cultivating and growing drugs in a prison garden. It must be noted that Fulham is actually a private prison, not one of the state-run ones. I understand this issue is being assessed against the prison's contractual arrangements, and there could be sanctions that apply to the private operators. Contracts renegotiated by this government actually have stronger sanctions to bring about better accountability to ensure that private operators are doing the right thing and running safe and secure prisons. There has also been the introduction of a series of key performance targets, which include both operational and contractual obligations. I understand that now there are financial penalties for not conforming with those requirements as well. Of course the corrections department reports to the minister on its close monitoring of the performance and operation of this prison.

In relation to the significant increase in the number of deaths in custody, it is the case that there have been more deaths in custody, but there are contributing factors for this statistic. Since 30 June 2000 there has been a 300 per cent increase in the average number of prisoners aged 61 years and over. The system, I understand, is now catering for at least eight prisoners over the age of 80. You have to view this in the context of history, in that in the year 2000 there were no prisoners in our prisons who were over the age of 80. The death of ageing prisoners is a fact. It is the single biggest factor in the increased number of deaths in custody. On that — these are not just statistics, these are people — the corrections department have acted to implement significant improvements and funding increases for healthcare programs in our prison system to keep pace with this ageing population in our prisons and to provide a standard of health care to prisoners that is akin to what you can receive in the community.

The vast majority of deaths in prison are from natural causes, and the fact that the sheer number of prisoners has doubled since 2001 means it is not a coincidence that, as you can imagine, the number of deaths has also increased. You cannot have more people imprisoned and expect them all to live. This is just a natural progression of the numbers. If you increase the numbers, you increase the numbers of people with poor health and poor outcomes. As I said, the programs are in place to hopefully address some of those serious health concerns that our prisoners have.

We have heard the opposition talk about the prisoners refusing to work and striking at Barwon. I understand that the situation at Barwon was very well managed and that there were certainly no risks to community safety during that time. The changes which had been carefully considered and gradually implemented over the preceding months involved better aligning pay rates with the skills required to undertake the work, and the changes brought Barwon into line with other prisons in the state.

The criticism is a little bit rich. This issue was an outstanding issue that we inherited. The scheme that was in existence essentially paid some prisoners a full day's wage for less than a half-day's work, and there was a lot of inequity in Barwon. It was left unattended by the opposition, and it was something that we had to act on when we came to power. It is a fact that as a result of the new arrangements there were a very small number of prisoners — less than 1 in 10 — at Barwon who were actually affected by the changes, and this did result in the reduced pay in order to bring about that more equitable payment system within the prison. During the protest all prisoners in the mainstream units refused to work, seeking to preserve the existing arrangements, and I understand that things have progressed and settled down since that time. The opposition have also raised concerns about reported attacks on prison officers.

Business interrupted pursuant to standing orders.

STATEMENTS ON REPORTS AND PAPERS

Standing Committee on the Economy and Infrastructure: Domestic Animals Amendment (Puppy Farms and Pet Shops) Bill 2016

Mr MORRIS (Western Victoria) — I rise to make some comments about the report *Inquiry into the Domestic Animals Amendment (Puppy Farms and Pet Shops) Bill 2016*, which was tabled in Parliament just yesterday. This particular report makes some comments that I am very pleased to see the government has acted

upon. The key recommendation in the report is that the government withdraw the current legislation they have before the Legislative Assembly and go back, consult and draft a new bill.

This report came about as a result of a very short, sharp inquiry that was very well supported by the secretariat of the committee, I might say. The key concern was that this government had sought to legislate without the proper consultation. The work that went into this report not only by the secretariat but also by the committee members was exceptional. I note that Mr Finn was a key committee member on this committee who helped to deliver this report, as were Mr Bourman and Mr Elasmarr, who are currently in the chamber, and as were all other committee members. However, all committee members heard that the distinct lack of consultation with those affected by this bill was something that was going to see this bill unworkable in practice.

Across the board I think everybody is supportive of shutting down illegal puppy farms; however, we heard that this bill not only would not achieve this but would further drive the breeding of dogs, cats and other animals underground and unregulated and would achieve perverse animal welfare outcomes in that we would have dogs and cats bred without the proper oversight of councils. We also heard that councils, which would need to ensure that breeders were complying with the rules, would have absolutely no capacity to do the work that would need to be done.

One might ask where this proposed legislation came from. Well, I think it is best described as legislation via social media. That is what we saw in the cases of Oscar's Law and Animals Australia, two far-left animal rights groups, as they might be described. Minister Pulford prior to the 2014 election thought it would be a grand idea to say that they were going to ban puppy farms, but instead she has just over-regulated and will destroy an important industry, because companion animals are incredibly important. We know the outcomes that can be achieved through having animals and pets and the like can be fabulous. I know that our own dog, Gus the groodle, brings much joy to our family — that is, when he is not pulling clothes off the line. But he is a good dog. We certainly enjoy him, and my children love being around him as well.

What we found through this report was that there was going to be a spike and a sharp increase in the cost of these types of dogs — the mixed breed dogs that are particularly popular with young families — and that this would be entirely unacceptable here in the state of

Victoria. There was also in this proposed legislation a ban on a breeder having more than 10 fertile female dogs. This is something that is widely acknowledged to be not supported by any scientific evidence whatsoever. What we have is a government that was hell-bent on introducing what was really just an ideological piece of legislation supported by two far-left groups that was going to disadvantage the Victorian community. I am very pleased to see that the committee did report back and say that this was a terrible idea, a bad idea and a horrible piece of legislation and that the importance of ensuring people in Victoria can — —

Ms Hartland — On a point of order, Acting President, there is an issue about Mr Morris not actually telling the truth. There was a majority — —

The ACTING PRESIDENT (Mr Finn) — Order! There is no point of order. If Ms Hartland wishes to speak on the report, she is certainly entitled to do that. If Ms Hartland wishes to speak on the report, she is certainly welcome to do so, but there is no point of order.

Mr MORRIS — The report is very clear in the recommendations it provides, and I am very pleased to see that the government has acted, and acted very swiftly, on these recommendations. The government has conceded that it got it wrong, that this is bad legislation and that it needs to be properly consulted on to ensure that the outcome that will be achieved through any legislation will be to increase animal welfare outcomes rather than reduce them.

Auditor-General: *Local Government — 2015–16 Audit Snapshot*

Mr ELASMAR (Northern Metropolitan) — I rise to speak briefly on the Victorian Auditor-General's report titled *Local Government — 2015–16 Audit Snapshot*. As a former local government councillor I read the report with great interest, and I have to say that I am impressed by the diligence and financial industriousness of the majority of our councils. As at 30 June 2016 local governments had collectively managed to generate a net surplus for the year of \$1.6 billion, and as at 30 June 2016 the local government sector was responsible for \$84.6 billion of fixed assets.

While it is said that local councils are the lowest level of government, this report clearly shows the importance and the value that councils add to their local communities. A key success factor in the management of these assets is the high standard of excellence

demonstrated by professional, dedicated local government officials. The report states that:

Councils control a large variety of fixed assets to enable them to deliver services to their communities — such as land, buildings, roads and drainage.

I want to give substance to what that paragraph actually means to the ratepayers and residents within our local communities. Once upon a time local council was characterised as 'roads, rates and rubbish'. Councils today provide a much more complex and comprehensive delivery of everyday services that most people could not survive without. Meals on Wheels and aged-care services are prime examples of their many life-saving programs. Sporting facilities and charity-based organisations rely on the generosity of councils to maintain their networks and social connections within the community, as do childcare facilities and child-minding services for working parents.

I will not go on and number every program that resonates with the community because we would be here in this house for a very long time, but I must say that local councils overall do a splendid job and are to be congratulated. Too often we hear about a sole council — or worse a sole councillor — bringing every council into disrepute, and that is not fair on the majority of councillors and council officers who are serving their communities to the best of their considerable abilities.

The Auditor-General's office reports that overall it was satisfied that the value of fixed assets reported by the sector at 30 June 2016 is materially accurate and that generally the financial sustainability risks in the sector were assessed as being relatively low. However, notwithstanding that interface metropolitan councils are doing well, regional shire councils need to be more vigilant and diligent in their day-to-day management of financial assets. I support the recommendations contained in the report.

Environment, Natural Resources and Regional Development Committee: Country Fire Authority Fiskville training college

Mr RAMSAY (Western Victoria) — My statement tonight is in relation to the government response to the Environment, Natural Resources and Regional Development Committee's inquiry into the Country Fire Authority (CFA) training college at Fiskville. In terms of the 31 recommendations made by that committee I note that the government has given support or in-principle support to all recommendations, so I do commend them for giving their full support to those

recommendations. However, I am a little curious about particularly those recommendations for which we were seeking full government support but for which they have only applied in-principle support, which means quite broadly that they do not have to take any action at all. They sort of agree to them, but they do not actually have to take any action on the recommendations.

It does seem strange to me that part of this inquiry is about the levels of perfluorooctane sulfonate (PFOS) found in certain watering points around the Fiskville training college. It was actually the CFA board's recommendation to the government — the government has indicated that that was the process — about the PFOS levels that initiated the decision to close the site. Yet at the Metropolitan Fire Brigade (MFB) training facility at Craigieburn in outer Melbourne, which is run and managed by the United Firefighters Union (UFU), PFOS levels are also found in certain watering points around the training facility. Yet the government is mute, as is the UFU, about the long-term future of that training facility, which cost \$300 million, I might add. It is a state-of-the-art facility supposedly, with a closed-circuit water reticulation plant, but there was still PFOS found at that plant.

What hypocrites the Andrews government are in closing Fiskville because of the PFOS levels yet allowing the Craigieburn site to continue. I certainly will watch with interest to see how the government and the UFU respond to the criticism of applying double standards in relation to Fiskville and Craigieburn.

Recommendation 28 in the government's response is:

That the Victorian government as a matter of urgency purchase a new site in the Ballan area for construction of a new firefighting training centre, managed by the CFA ...

Mr Morris has been strongly advocating that the government as a matter of urgency find a suitable site for a new training facility. This 'matter of urgency' has now gone on for two years. It cannot be so urgent to train our firefighters and our CFA volunteers, particularly in the south-west, where they have no facility now thanks to the Andrews government. They have to travel to Craigieburn. The irony of that is that they are facing the same contamination problems and issues that Fiskville supposedly had. There are double standards and there is hypocrisy and irony in the way in which the Andrews government is behaving in this matter.

Recommendation 29 in the government's response is:

That, in recognition of the closure of the Fiskville site and the need for a new 'spiritual home' for the CFA, the Victorian government in consultation with CFA members fund the

relocation of the firefighters' memorial wall at a suitable and easily accessible location.

We are still waiting — there is no urgency there. I am sure the volunteers are still waiting as well.

I also want to mention the fact that we now have one of the most dangerous firefighting seasons approaching us. We will see restrictions coming in on 12 December. In fact, in Highton in Geelong today a lawnmower sparked a fire which required a response from about 30 CFA units around the Geelong area. So that is just the start of what will become the norm over the next few months. But what have we got? We have not got an agreement. There is no enterprise bargaining agreement (EBA) between our CFA firefighters and the UFU in relation to what roles and responsibilities the career firefighters will have, what roles and responsibilities the volunteers will have and in relation to how volunteers will be covered as to liability if they go on a fire truck or a firefighting appliance. It is just a disaster for our volunteers, because no-one has any idea about who is going to manage what under the new arrangements.

In fact we see the government now try to do side deals and write side letters in relation to the EBA agreement; it is trying to sidetrack the Fair Work Commission. Yesterday morning our shadow Minister for Emergency Services in the Assembly, Brad Battin, moved a private members bill to have our volunteers protected under the volunteer charter. You would think you would get universal support in the Assembly for our volunteers. What happened? The government opposed it. The government did not want to support our firefighting volunteers in the Assembly under a volunteer charter, given we have no EBA. It is an utter disgrace the way this government is treating our volunteers. I could go on and on about the role that the Andrews government is playing with Peter Marshall and the UFU, and the deals that are being done —

The ACTING PRESIDENT (Mr Finn) — Order! I am afraid, Mr Ramsay, you will not be able to go on and on, because your time has expired.

Standing Committee on the Economy and Infrastructure: Domestic Animals Amendment (Puppy Farms and Pet Shops) Bill 2016

Ms HARTLAND (Western Metropolitan) — I also wish to speak on the Standing Committee on the Economy and Infrastructure inquiry into the Domestic Animals Amendment (Puppy Farms and Pet Shops) Bill 2016. I was quite concerned when I came into the chamber before about the way that the chair of the committee, Mr Morris, was talking about the report. He basically implied that there was total support for the

report, when in fact I voted against it. I wrote a minority report, and members of the Labor Party also voted against the report and submitted a minority report.

I am just going to read into *Hansard* my minority report, because I think it is important that the truth be put on the public record. It states:

The Greens believe that this legislation is important to protect the welfare of animals in this state. It is also long overdue and for that reason we could not support the main recommendation of the report that the bill be withdrawn.

While we acknowledge that there are faults in the bill we believe that with the cooperation of the government amendments can be agreed to that would make the bill both stronger and easier to implement.

The fundamental flaw in the process was the lack of consultation with a number of stakeholders, particularly the MAV. For this legislation to work the government must negotiate with the MAV to make sure that the legislation is workable.

Local government will be essential in the success or failure of this bill and they will need funding for the extra staff they will require to make it work.

This was a really interesting process. I think it is a very necessary process. We should actually be sending more legislation to these committees, because I think bills can actually be made stronger and better by doing so, but I am extremely concerned about the fact that during this process there was a massive leak from the committee. I understood that what was said in deliberative meetings was to stay in deliberative meetings; it is not to be leaked to the *Herald Sun* in an incredible amount of detail. Also yesterday the chair of the committee presented a press release that did not explain that there were minority reports and that not everybody on the committee actually supported the entire report. I think that as chair Mr Morris needs to be cooperative and consultative and that he should only be releasing information to the public that is factual.

Auditor-General: Local government — 2014–15 Audit Snapshot

Mrs PEULICH (South Eastern Metropolitan) — I wish to make some remarks on the recently tabled report of the Victorian Auditor-General (VAGO) *Local government — 2015–16 Audit Snapshot*. In particular, I would like to speak on the key area of weakness identified by VAGO across the 79 councils, which was information systems controls. What the Auditor-General unearthed was that there are 19 councils rated as being at high risk, 26 rated as being at medium risk and 1 rated as being at extreme risk. That is a total of 46 councils rated at either medium,

high or extreme risk when it comes to information systems control.

What the snapshot identified in particular were concerns surrounding poor patch installation, out-of-date software, poor password policies and poor backup restoration practices. The Auditor-General states that the risk that backup restoration procedures may not work when required could result in lost data. Given the 46 ratings of medium, high or extreme risk in the local government sector, there is a requirement for urgent measures to be taken in order to fix this problem, because the risks and consequences are quite substantial. These practices put at risk financial systems and data and could impact on the functionality and financial performance of councils.

Poor practices put at risk the private information of residents and ratepayers and put councils at risk of breaking federal privacy laws, as occurred recently when the Kingston City Council released thousands of contact details, including the private residential addresses, the mobile phone numbers and the names of mothers with small children. This incident is currently being investigated by the privacy commissioner; however, this incident places at risk young families and their children by releasing such confidential data improperly and obviously in breach of federal privacy rules. My understanding is that the Excel spreadsheet released also included dates of birth. This information could be used improperly and possibly with some significant consequences. The council has apologised, but of course an apology gives little confidence that this will not happen again, especially given that this is the second incident. The Auditor-General's office reports that significant risks may include the improper release of spreadsheets in relation to the management of data.

Coincidentally, the first time the City of Kingston inappropriately released data was at the request of Ms Clare O'Neil, the federal Member for Hotham and shadow Minister for Justice. She sought to receive information about seniors in Kingston. Indeed this was provided, and in fact the council sent out invitations in her name, basically staging an event for her.

I do not know whether it was a coincidence that the information on new mothers was released at a time when Ms O'Neil is organising an event for mothers and their newborn babies. It seems to me like a fairly significant coincidence, especially as there are two Labor MPs and a Labor-leaning councillor in the area, all of whom have recently given birth or who have small children. It would be interesting to see whether some of those whose data has been inappropriately released have received invitations targeting them for

this event, which is obviously to do with politics and self-promotion.

I am calling on the Special Minister of State to consider referring this matter to both the Ombudsman and the Auditor-General to ensure that there is a forensic investigation of this particular abuse of privacy in the two incidents; that the appropriate training of staff occurs; that all of those whose data has been released inappropriately receive a letter of apology and an assurance; and that the information has not been inappropriately used for other purposes for which it was not intended when it was collected.

The targeting of mothers and children as well as seniors is in this instance an improper use of private information — information that has been secured poorly by Kingston council, and this remains an ongoing concern. Nothing short of a forensic investigation will determine the true extent of these incidents. Any council that shows an apparent carelessness or is involved in the systematic abuse of the privacy of its residents and ratepayers must be held to account.

The information systems and sensitive information of private citizens and their children cannot be treated as an information bank by any member of Parliament for their own political or other motives. This is not only a breach of federal legislation; it puts at risk those in the community — —

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

Standing Committee on the Economy and Infrastructure: Domestic Animals Amendment (Puppy Farms and Pet Shops) Bill 2016

Mr BOURMAN (Eastern Victoria) — I am rising to speak on the puppy farm bill. This is a little bit of a repeat of my contribution yesterday. During the course of the inquiry one common message with the evidence given, that everyone wanted overall, was improved animal welfare. I am committed to doing what I can to improve animal welfare, which may come as a surprise. However, I do not believe animal rights are the same as animal welfare. I differed from other committee members in the interpretation of what can be considered good outcomes. The way we measure a good outcome should be through the happiness and wellbeing of the animals — certainly not by an arbitrary number of them.

There will be a certain number of puppies and kittens required to fill the gap where animals die or go to new

owners, with a large portion coming from rescue agencies and some from registered and inspected breeders, be they professional or hobby breeders. Currently the numbers still seem to be way short of what is being bred in this state, assuming some are coming from interstate unregistered backyard breeders and puppy mills. By forcing hobby breeders to register as a domestic animal business, it will discourage some of them, who will no doubt just give up and keep a couple as pets. Others will comply, despite the new overheads, but some will just give up in frustration.

This then creates a gap in the market which can be filled by interstate breeders or the actual problem: those puppy mills we all want closed. I saw this bill actually as an opportunity for the illegal operators to expand their businesses, not an opportunity to attack or destroy those operators. If the professional breeders give up or scale down their operations, the law of supply and demand will drive up prices and it will also cement a larger portion of that market for the abhorrent puppy mills. There was nothing in that bill that I could see that actually provided an avenue for dealing with those puppy mills, and that, to me, should have been the desired outcome.

Submission after submission made the point that forcing what we would call hobby breeders, along with the professional breeders, to get registered as a domestic animal business was going to discourage people and possibly force reputable breeders into another state, with the ability for them to sell animals across the border back into Victoria. This would basically just throw jobs out of Victoria.

Then there is a cost to implement the changes. The government was not going to cover it. Local government and, by extension, the breeders were going to be paying for it. The cost to register as a domestic animal business would differ between councils as there is no set fee in the bill. Evidence presented showed an expectation of fees in the \$2000 to \$3000 range. Given that most of these small-scale breeders do this for love and not as a living, that would be a killer. Covering costs just would not happen. They would have to decide whether their hobby and passion was worth it, and I suggest, from the amount of correspondence I have received, they would absorb it. But given how many people live week to week these days, who knows the outcomes?

Another message that obviously has been mentioned many times is consultation. The evidence showed that consultation was spotty and, to be frank, should have been a whole lot better, thus avoiding much of the angst caused. Consulting with three councils was never going

to be representative of the whole state. A better option would have been to start with the Municipal Association of Victoria and, from there, individual councils.

Even conversations with the animal activists failed to produce anything I would consider to be compelling evidence in support of the bill. The RSPCA, which was consulted in both the formulating and drafting phases, could not even explain how a limit of 10 fertile bitches was okay but 11 was not. The quality conditions of the 120 or so animals at Banksia Park were highlighted. I had actually travelled to Banksia Park before this bill was introduced and saw firsthand how their animals were kept. Despite the notion that the number of animals had some sort of bearing on the ability to provide care, the animals were really happy and very well cared for. No-one could enlighten us as to why Banksia Park's numbers were unacceptable but 10 dogs would be acceptable. There is no evidence at all to show that the number of dogs has any effect on their welfare. We are aware of reports still coming in regarding individual acts of animal abuse, so why is it that the number of animals has a direct correlation to the level of care? It does not.

We heard that some people had been inspected on some occasions and others had not been inspected for several years — these are the registered breeders. Inspections are the key to any of the potential systems, and it is fortunate that the people we heard from still took their standards seriously even though they had not seen an inspector for some years. These are the people we want, not the illegal operators who do not care for standards at all. Increasing resources to sniff out the puppy mills along with doing checks on existing animal breeders would result in positive outcomes, not forcing animal lovers to stop breeding animals and having puppy mills move in to fill the gap.

Overall it was a very interesting inquiry. I do commend all of the staff; they did an excellent job. I will finish on that.

Victorian Curriculum and Assessment Authority: report 2015–16

Ms BATH (Eastern Victoria) — Tonight I rise to discuss the *Victorian Curriculum and Assessment Authority — Annual Report 2015–2016*. Most of us who have had children of year 12 age or who have been teachers will know that the Victorian Curriculum and Assessment Authority (VCAA) is the administrative body that conducts those many, many year 12 exams and provides study scores for students to go on to tertiary education.

I would like to read a couple of comments from Mr Chris Wardlaw, the VCAA board chair, so I will start off with that:

The VCAA has embraced new challenges and initiatives throughout 2015–16 that will ensure its Victorian, national and international stakeholders have access to world-class curriculum and assessment programs.

He goes on to say:

The VCAA also developed the new Victorian Curriculum F–10, which was launched in September 2015 by the Premier ... and Deputy Premier and Minister for Education, the Honourable James Merlino, MP.

I have a concern in relation to this. I will just mention the Education and Training Reform Act 2006 and then outline my issue. Schedule 1 of the Education and Training Reform Act sets out the following areas for free instruction for the primary school curriculum: the arts; English; health and physical education, including sport; mathematics; science; studies of society and environment; and technology.

What concerned me greatly this morning was when I read that a group of about 500 teachers and 30 schools have taken it upon themselves to wear pro-refugee T-shirts in classrooms as part of a movement or activism to promote their agenda within primary schools and some high schools. On their T-shirts will be 'Teachers for refugees' and 'Close the camps. Bring them here', and it goes on.

My concern is also that the education union has backed this. Education department spokesman Steve Trolley said that schoolteachers should not use their positions to make political statements. I believe the Minister for Education should have come out and commented on the fact that such actions are highly inappropriate. It is not relevant whether I believe this is a good slogan or a bad slogan. I believe it is the role and responsibility of teachers to educate in an impartial form to give a balanced view.

Primary school students are a captive audience. They cannot choose to opt in to this discussion. They are malleable, and they have impressionable minds. It is the teacher's role to be fair and balanced. I was speaking with a gentleman last week who is a secondary school teacher of politics. Generally we all have opinions; we all have our own way that we swing. He said, 'I make a conscious decision not to promote my view over another. I make a conscious decision to be fair and balanced, because my role is to be there to support children and to educate them'.

Should teachers teach respect, humanity and compassion? Yes, they should and, yes, they do every day. When teachers sit down to mark the roll, it is their behaviour and their daily interactions with the students which act as a model for how to behave. It is the way that they treat their students and the way that they accept treatment between students that provides a platform for humanity. I believe that if these teachers wish to address this issue, they should put it on as an extracurricular activity. They should ask the students if they would like to come on a rally after hours, after school or on a weekend and then see what the uptake is.

It could be that it is the non-carrot-loving society. It does not matter what it is; it is the issue and the principle. The report of the VCAA chair states that the VCAA will continue its strong leadership in curriculum and assessment. I believe that this government should also be coming out strongly and saying that this is not appropriate behaviour. Students are present, and they are sponges. It is a teacher's role to provide appropriate curriculum that is set out in the guidelines and not to promote any political agenda.

Department of Treasury and Finance: budget papers 2016–17

Mr DAVIS (Southern Metropolitan) — I want to make a contribution tonight talking about the 2016–17 state budget and in particular drawing the chamber's attention to the level crossing removal program, which is outlined on page 24 of budget paper 4. I want to talk about the spread of the level crossing removal project and further sky rails that appear to be in target by this government.

We saw a demonstration out the front of Parliament today of people who live along the Frankston line. Fears are building along that line that they will be duded by this state government, who promised to remove level crossings by putting rail under road but are now pushing heavily for more and more sky rail options around the state. It is increasingly clear on the Frankston line that this is the government's target. Mrs Peulich and others know this, and they are fighting for their communities. The Labor lower house members are not; they are weak and they are not prepared to fight for their communities.

The eight crossings to be removed on the Frankston line stand in stark contrast to the three that are further up the line that are being removed with a rail-under-road solution and generally have wide support in the community. But a massive sky rail going over eight crossings — and even more, if some of the rumours are to be believed — would be a blight on the beach

suburbs. It would be a blight on people's quality of life. It would be a retrograde step. It is time that Jacinta Allan came out and made this clear to the community. The consultation sessions there, as elsewhere, have been farcical and not genuine.

The same is occurring at Grange Road, Alphington. Another crossing that was promised to be removed increasingly looks like a potential sky rail location. I think the community are sick to death of this option being the one that is pushed forward. It is time that Fiona Richardson got active and said to Jacinta Allan, 'No, I do not want a sky rail in my electorate. I do not want it in my community'. It is time she grew a spine and actually stood up and fought for her community instead of weaselling around, as has been the case with the local groups that are fighting the sky rail there.

On the Caulfield to Dandenong line, the line that is facing the sky rail, according to the government itself, the push is going on. There is massive tree destruction and a failure of the Level Crossing Removal Authority to release detailed plans at this late stage, even as they are sinking concrete in the ground. Mr Dimopoulos, the member for Oakleigh in the Legislative Assembly, has not been prepared to stand up for his community. I have come into possession of a letter written in recent days to Murrumbeena Primary School (MPS):

Dear Heather,

I am writing to express our disappointment in hearing that Mr Dimopoulos attending the final grade 6 assembly. Whilst I appreciate he is the local sitting member we can't help but feel angered at the political motivation behind his attendance. We have been members of the local community for over 15 years and the MPS community for 7 and until the 'sky rail' fiasco I had never heard nor seen Mr Dimopoulos participate in anything to do with MPS.

Given that I know personally of four families with grade 6 students that have been directly impacted by Mr Dimopoulos's political party decision to build a sky rail it feels quite insensitive of the school to invite him to be a part of our graduation event. Especially given that we are blessed with many wonderful and worthwhile citizens equally qualified to present an award.

Parents have said no. They do not want Mr Dimopoulos at the school. They are furious about the sky rail, they are furious about the way they have been treated and they are furious about the lack of consultation and the arrogance with which the government and Mr Dimopoulos have treated them. He said they would have rail under road before the election. That is what he said in emails to people, and they are absolutely ballistic about it. I think it is time that the community were listened to on this. Mr Dimopoulos is not

welcome at local primary schools now because of his stance on this extraordinary situation.

It is not just that line either. It is also out at Buckley Street, Essendon. This is another likely sky rail location. There is a serious risk that this will become a sky rail location, and it is time that Ben Carroll, the member for Niddrie in the Legislative Assembly, stood up as well. It is time that local Labor MPs all over the west were prepared to stand up to the government and say that they do not want a sky rail. Danny Pearson, the member for Essendon in the Legislative Assembly, has said it is premature to rule things in and out at this stage. That means the sky rail is coming. It is time that he stood up. The consultation that has been going on out there has not been genuine.

The ACTING PRESIDENT (Mr Finn) — Order! Mr Davis, I am afraid your time has expired, as has the time for statements on reports.

JUSTICE LEGISLATION AMENDMENT (PAROLE REFORM AND OTHER MATTERS) BILL 2016

Introduction and first reading

Received from Assembly.

Read first time on motion of Ms TIERNEY (Minister for Training and Skills); by leave, ordered to be read second time forthwith.

Statement of compatibility

Ms TIERNEY (Minister for Training and Skills) 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 Justice Legislation Amendment (Parole Reform and Other Matters) Bill 2016.

In my opinion, the bill, as introduced to the Legislative Council, may be partially incompatible 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 Corrections Act 1986 and the Sentencing Act 1991 to introduce:

parole reforms for offenders who murder a police officer; and

parole and sentencing reforms for offenders in relation to 'no body' cases.

Human rights issues

Clause 3 of the bill inserts new section 74AAA into the Corrections Act 1986 to provide for additional conditions governing the decision about whether or not to grant parole to a prisoner who is serving a sentence for murder of a police officer. The provision applies in respect of a prisoner convicted and sentenced to a term of imprisonment with a non-parole period for the murder of a person, where the prisoner knew, or was reckless as to whether the person was, a police officer. 'Police officer' is defined as a police officer who at the time the murder occurred was performing any duty or exercising any power of a police officer; or, the murder of whom arose from or was connected with the police officer's role as a police officer, whether or not the police officer was performing any duty or exercising any power of a police officer at the time of the murder. The provision will apply retrospectively to all prisoners sentenced for such offending, and all existing applications for parole from such prisoners, including those lodged but not yet determined.

Relevantly, the provision provides that the adult parole board (the board) may not make a parole order in respect of such a prisoner unless the board is satisfied, on the basis of a report prepared by the Secretary to the Department of Justice and Regulation, that:

the prisoner is in imminent danger of dying, or is seriously incapacitated and, as a result, the prisoner no longer has the physical ability to do harm to any person; and

the prisoner has demonstrated that the prisoner does not pose a risk to the community; and

the board is further satisfied that, because of those circumstances, the making of the parole order is justified.

Clause 6 of the bill inserts new section 74AABA into the Corrections Act 1986 to provide for additional conditions governing the decision about whether or not to release a prisoner imprisoned for certain offences. The provision applies to a prisoner serving a sentence of imprisonment for an offence of murder, conspiracy to murder, accessory to murder or manslaughter. The provision will apply retrospectively to all prisoners sentenced for such offending, and all relevant applications for parole from such prisoners, including those lodged but not yet determined. It will also apply to any decision to re-release an offender on parole.

Relevantly, the clause provides that the board must not make a parole order in relation to such a prisoner unless the board is satisfied that the prisoner has cooperated satisfactorily in the investigation of the offence to identify the location, or the last known location, of the body or remains of the victim of the offence, or the place where the body or remains of the victim may be found. In determining this, the board must have regard to reports from the Chief Commissioner of Police and the Secretary to the Department of Justice and Regulation, submissions from any relevant victims, the record of the court in relation to the offending, whether the body was recovered as a result of the prisoner's cooperation in the investigation of the offence, and the capacity of the prisoner to cooperate in the investigation of the offence (including the prisoner's age, any cognitive impairment, mental impairment, dementia or decline in memory).

Clause 9 inserts new subsection 5(2CA) into the Sentencing Act 1991 to provide that a court, when sentencing an offender who has been found guilty of murder, conspiracy to murder, accessory to murder or manslaughter in circumstances in which the body or remains of the deceased victim have not been located, may have regard to whether an offender has cooperated in the investigation of the offence to identify the location of the body or remains.

These clauses collectively are relevant to the following human rights in the charter:

- the right to equality before the law (s 8(3));
- the right to liberty (s 21);
- the protections against cruel, inhuman and degrading treatment (s 10(b)) and the right to humane treatment when deprived of liberty (s 22);
- the protection of children, generally (s 17(2)), and the protection of children in the criminal process (s 23);
- the right to fair hearing (s 24);
- the protection against self-incrimination (s 25(2)(k)); and
- the prohibition on retrospective criminal laws (s 27).

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

The right to equality before the law (s 8(3))

Section 8(3) provides that every person is equal before the law. There is some uncertainty whether this right is intended to operate as a prohibition on unequal treatment by reference to discrimination based on a protected attribute, as defined in the Equal Opportunity Act 2010, or has a broader application beyond protected attributes.

In relation to the parole reforms in clauses 3 and 6, it could be said that removing the possibility of parole for certain offenders (those committing offences against police officers or those whose offending involves a 'no body' case) treats these offenders differently from other offenders having committed the same offences (but against different, non-police victims, or offences where the body is located). Affording equal protection of the law means properly allowing those who have committed the same offences to have equal access to the parole regime.

In my view, the concept of equal treatment has been interpreted in Victoria as being directly tied to discrimination by reference to the protected attributes in the Equal Opportunity Act 2010. 'Equality before the law' refers to the enforcement and administration of laws, rather than their content or enactment, and requires that all court or administrative decisions not be applied in an arbitrary or discriminatory manner. The second limb of s 8(3) of the charter is concerned with the content and substance of a law, and requires that a law provide equal and effective protection without discrimination. This is interpreted as comprising two elements: preventing discriminatory laws from being enacted, and ensuring that laws treat people in the same way except where there is reasonable justification for not doing so.

These reforms to parole treat persons differently based on their conduct and the circumstances of their offending. This is

an accepted form of differential treatment, which already occurs in many other aspects of the sentencing and parole system. The very nature of these systems involves differentiating categories of offending (and circumstances of offending) based on the nature and seriousness of the offending, and to deem that different legal consequences and administrative procedures apply to certain categories. As this differential treatment does not engage a protected attribute, I do not consider that the right to equality is limited by these reforms. I further base this conclusion on the fact that there is a reasonable justification for treating categories of offenders differently to recognise that the worst category of crime, murder, in the worst category of case, which includes police officers, is also reflected in the rules that govern whether such prisoners are allowed back into our community — and only when it is safe to do so.

I also note that in relation to the 'no body' cases, the legislation provides for regard to be had to the effect of any disability or immaturity of age on an offender's capacity to cooperate, which in effect, is a form of protection against indirect discrimination.

The right to liberty (s 21)

Section 21(1) of the charter provides that every person has the right to liberty. Section 21(2) provides that a person must not be subject to arbitrary detention. Section 21(3) provides that a person must not be deprived of his or her liberty except on the grounds and in accordance with procedures established by law.

In relation to the parole reforms to police murder and 'no body' cases, the enactment of a severe constraint to an offender's ability to be granted parole may appear to constitute a deprivation of liberty, as an offender will, in most circumstances, not be eligible for early release (or any release at all if serving a life sentence).

However, the constraints on the granting of parole in clauses 3 and 6 do not deprive any persons of their liberty. That deprivation will have already occurred by way of the relevant offenders' sentences of imprisonment. It is well established that the right to liberty is reasonably and justifiably limited where the person is deprived of their liberty under sentence of imprisonment after conviction for a criminal offence by an independent court after a fair hearing. The provisions of this bill do not set aside, vary or nullify the original sentence of the court, in that they do not alter the head sentences of imprisonment imposed by the court or increase the limitation caused by the court's sentence. The reforms only alter the conditions on which the board may order release on parole during the currency of the sentence, and after the expiration of a non-parole period, which does not change the position that the prisoner has been deprived of liberty and lawfully detained for the duration of the head sentence. As such, the constraints on the granting of parole cannot properly be construed as depriving a person of their liberty.

I note that there is no right or entitlement to release on parole, nor to the continuation of a particular legislative scheme for release on parole for the duration of a prisoner's sentence. The High Court in *Crump v. New South Wales* held that the power of the executive government to order a prisoner's release on parole may be broadened or constrained or even abolished entirely by the legislature of the state, to reflect changeable policies and practices.

Accordingly, I am of the view that the human rights in s 21 are not limited by these reforms, which ultimately permit deprivation of liberty on grounds, and in accordance with procedures, established by law.

Children rights (ss 17(2) and 23)

It is necessary to pay regard to the effect that these reforms may have in the case of child offenders, by way of the protection of children in the charter (s 17(2)), and the protection of children in the criminal process (s 23). Section 17(2) 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. Section 23(3) provides that a child who has been convicted of an offence must be treated in a way that is appropriate for his or her age.

In my view, the parole reforms in clauses 3 and 6 will have a limited effect on child offenders. The parole reforms do not apply to the Youth Parole Board, which hears parole applications involving children under the Children, Youth and Families Act 2005. Further, the reform to parole for offenders linked to a 'no body' case allows the board to have regard to the offender's age and mental infirmity when determining whether an offender has provided the requisite level of cooperation to rebut the presumption against granting parole.

Further, there are many protections built into the sentencing system to ensure sentences for children or young offenders take into account their age and prospect for rehabilitation, and allow for alternative sentences such as a youth justice centre order or a youth residential centre order. Further, a sentencing court will have regard to the prospects of parole being granted in a particular case when setting the head sentence.

I note that in relation to existing offenders currently serving a sentence, these reforms will not capture any existing offender who was sentenced as a child.

Right to a fair hearing (s 24)

Section 24 relevantly provides that every person charged with a criminal offence has the right to have the charge decided by a competent, independent and impartial court.

The reforms to parole in clauses 3 and 6 are relevant to the right to a fair hearing, as it may be argued that the practical effect of these reforms is equivalent to replacing a court sentence that includes a non-parole period with an effective sentence that does not include a parole period.

However, I am of the view that the right to a fair hearing is not limited by these reforms. The Chief Justice of the High Court in *Crumpp v. NSW* found that there is a clear distinction between the judicial function exercised by a judge in fixing a minimum term, and the administrative function exercised by a parole authority in determining whether a person eligible for release on parole, by reason of the judge's sentencing order, should be released. In fixing a minimum term before a prisoner can be considered for release on parole, the sentencing judge determines that all the circumstances of the offence require that the offender serve no less than that term, without the opportunity for parole. The purpose of parole generally is to provide for mitigation of the punishment of the prisoner in favour of rehabilitation through conditional freedom, when appropriate, once the prisoner has served the minimum time.

Once an offender is sentenced, the responsibility for the future of a prisoner passes to the government. The executive decision to release or not to release a prisoner on parole may reflect policies and practices which change from time to time. Although the recommendation of the non-parole period may operate in some circumstances to reduce the period of time which the applicant would spend in prison, it leaves the sentence unaffected as a judicial assessment of the gravity of the offence which the offender committed.

Accordingly, following the High Court's reasoning, I am of the view that the right to a fair hearing is not limited, as the court's determination of the criminal charge and subsequent sentence remains unaffected by these parole reforms.

Protection against self-incrimination (s 25(2)(k))

Section 25(2)(k) provides that a person has the right not to be compelled to testify against himself or herself or to confess guilt.

This right is relevant to clauses 6 and 9, which, in effect, subject an offender in certain circumstances to a detriment if they have not cooperated satisfactorily in an investigation. To the extent that such cooperation requires an accused to reveal information which may expose that person to further criminal punishment, this reform may engage the charter's protection against compelled self-incrimination. Cooperating satisfactorily in a murder investigation to identify the location of the remains of the victim may require the accused to reveal information that may expose him or her to future punishment, for example for additional crimes connected to the murder, or in the event that the present conviction is quashed and a new trial is ordered.

I am of the view, however, that the right not to be compelled to testify against oneself is not limited by this reform. Clauses 6 and 9 are concerned only with sentencing or parole, and are predicated on a finding of guilt having already been made. A prisoner to whom the proposed parole regime would apply is not a person facing criminal proceedings who is being compelled to confess guilt, contrary to the right expressed in s 25(2)(k).

Further, while the timeliness of an offender's cooperation is taken into the account, the offender is not precluded from cooperating at a later time, for example, after conviction or after the expiration of appeal rights, which can still be taken into account. This includes the scenario where an offender may not have cooperated at all before sentencing (such as pleading not guilty and exercising their right to silence), but subsequently cooperates while serving a sentence of imprisonment. The reform will allow such cooperation to be considered by the board in an application for parole, which allows preservation of the privilege against self-incrimination while proceedings for a criminal charge are still being determined.

Protection against retrospective criminal laws (s 27)

Section 27(2) provides that a penalty must not be imposed on any person for a criminal offence that is greater than the penalty that applied to the offence when it was committed.

Clauses 3, 6 and 9 apply retrospectively to existing offenders and charged persons, and thus are relevant to the right not to be subject to retrospectively applied punishment.

In my view, the right in s 27(2) is not limited by these reforms, as the denial of parole in accordance with the new conditions should not be characterised as punishment. Parole is administered by the board under the Corrections Act 1986. Although a sentencing court fixes the non-parole period, the fixing of such a sentence exhausts the relevant court's judicial function. Parole then becomes a matter of executive discretion, within the confines of a legislative scheme, such as the Corrections Act 1986. As discussed above, the High Court has acknowledged that it is open to the legislature to alter the circumstances in which particular persons may be released on parole, even during the currency of their prison term. Further, the sentencing reform in clause 9 simply enshrines the existing sentencing practice that deems conduct involving hiding or disposing of a body to be an aggravating factor in relation to sentencing, and any subsequent cooperation of an offender with an investigation to be a mitigating factor in sentencing.

I note that issues about unfairness may be seen to arise in relation to the retrospective effect of these reforms; however, I will address this within the context of the protection from cruel, inhuman or degrading treatment, and the right to humane treatment, discussed below.

2. *Human rights that are limited by the bill*

Cruel, inhuman, degrading treatment (s 10(b)) and inhumane treatment (s 22(1))

Section 10(b) provides that a person must not be treated or punished in a cruel, inhuman or degrading way. Similarly, s 22(1) provides that all persons deprived of liberty must be treated with humanity and with respect for the inherent dignity of the human person.

The effect of the reforms to parole in clauses 3 and 6 is that certain prisoners (who are serving life sentences) may remain effectively ineligible for parole until they are either close to death or permanently incapacitated, or cooperate with police to identify the whereabouts of a victim's body. This may be considered to constitute cruel, inhuman or degrading treatment, or inhumane treatment when deprived of liberty, as the reforms will have the effect of removing the prospect of release of certain offenders and diminishing their possibility of rehabilitation. While the Victorian statute book already provides for the possibility of life in prison with no prospect of parole, I accept that introducing restrictive constraints on the granting of parole to certain prisoners may induce a sense of hopelessness in an offender that may constitute a limit on the rights in ss 10(b) and 22(1) of the charter.

Sections 10(b) and 22(1) rights have been interpreted as being collectively limited in circumstances where an offender serving a life sentence is given no real prospect of release, which may be contrary to human dignity and amount to inhuman and degrading treatment. Constraining parole for offenders not serving a life sentence, while not resulting in an 'irreducible' life sentence, may similarly be considered 'inhuman' through the hopelessness that serving a full sentence may engender for that offender.

However, these rights must be interpreted in the context of the Victorian legal system, where there is no prisoner right or entitlement to parole. The expiry of the non-parole period simply marks the earliest point at which a prisoner may be released on parole; it does not mean that the prisoner should or will be released on that date. The Corrections Act 1986

does not prescribe specific criteria governing the decision to release a prisoner on parole, and the only statutory guidance on the exercise of the discretion provides that the board must give 'paramount consideration to the safety and protection of the community in determining whether to make or vary a parole order'. It is necessary to recognise that when a court makes a sentence, an offender may be required to serve the whole of the head sentence that is imposed, even if there is a fixed minimum.

Clause 3 — parole reform in relation to the murder of a police officer

In relation to clause 3, the objective for the reform is directed at strengthening parole laws in relation to a particular class of offending, in order to further enhance community safety and protection. Stricter parole laws already apply to prisoners who are convicted of serious violent offences. The type of offending targeted by the bill is the murder of police officers, which is the most serious offence within that category. The Supreme Court in various cases of police murderers has indicated that, in light of its seriousness, the murder of a police officer is an offence that ordinarily warrants the harshest sentence that can be imposed, being life imprisonment. Murdering a police officer is a particularly appalling crime constituting an attack on the foundations of society. The policy intent is to cover murders where the officer was targeted because of their job, which is considered in the worst category of offending and causes the most harm to the community. A safe and functioning society depends upon its police force. An attack upon a serving police officer is an attack upon society itself. The new tough constraints on the granting of parole in relation to such offences sends a necessary message that such offenders should not be able to access the privilege of parole.

I note that the extent of the limitation in the corrections system will be fairly confined. The reform will only affect the parole applications of three prisoners currently serving life sentences with non-parole periods for the murders of police officers. The reform will also apply to deter any future relevant offending, as prospective offenders will be fully aware of the consequences that flow from such actions.

The limitation is rationally connected to the purpose of the reform, which is to deny parole to any offender who knowingly or recklessly murders a police officer, in order to reflect the seriousness of the offending and its impact on society. The reform provides for a safeguard to address potential cases where an offender has no knowledge that the victim was a police officer and/or it was pure coincidence that the victim was a police officer. This factual information will be known from the court record at trial and sentencing, which the board will take into account when considering parole decisions.

However, I accept that the nature of the limitation is severe in relation to the individuals affected, as in certain cases (where the individual is serving a life sentence) it will prevent that offender from being released on parole except in very limited circumstances, and those circumstances are not conducive to leading any useful life post-release. I also accept that the nature of the limitation is aggravated by the retrospective effect of the limitation, as an offender would have had an expectation at the time of sentence that they had some possibility for release in the future (or for release at an earlier stage, if not serving a life sentence) and the capacity to live a useful life post-release.

I also accept that there may be alternative less restrictive means reasonably available to achieve the purpose, for example through parole conditions which facilitate an increased possibility of release. In this regard, it may be argued that clause 3 is incompatible with the ss 10(b) and 22(1) of the charter, in light of the particularly severe retrospective effect the limitation will have on certain individual offenders and the potential availability of less restrictive alternatives measures.

However, I intend to proceed with this legislation, notwithstanding the possibility that clause 3 is incompatible with the charter, as I am of the firm view that there is a need to strengthen parole laws to counter this particular abhorrent form of offending and send a clear message that the murder of police officers is unacceptable. I consider that the bill appropriately targets the worst kind of offending that exists in Victoria. As I have noted, murdering a police officer constitutes an affront to society itself.

In proceeding with this legislation, I note again the High Court's findings on the grant of parole, including that it is an executive decision which may reflect changeable policies and practices. While clause 3 may be partially incompatible with the charter, I believe it furthers the legitimate objectives of enhancing a critical aspect of community safety and protection and addressing community concerns regarding the release of prisoners who commit the worst kind of crimes.

Clause 6 — parole reform in relation to 'no body' cases

Clause 6 serves an important objective in addressing the particular distress to victims' families that results from murder cases where the victim's body or remains cannot be located. These cases exacerbate the acute pain and suffering experienced by persons connected to a victim and act as an obstacle to bringing closure to victims' families.

Convicted prisoners serving a sentence currently have no real incentive to assist in the resolution of such matters. The reform serves the twin aims of providing greater opportunity for closure for victims' families and also incentivising offenders to cooperate. Families are rightly entitled to recover and bury their loved ones, and to the small degree of closure that this may provide. New tough constraints on the granting of parole in relation to offenders who choose not to cooperate sends a necessary message that such offenders should not be able to access the privilege of parole.

I accept that the nature of the limitation can be severe in relation to an individual affected, most likely preventing an offender from ever being granted parole. However, the extent of the limitation in the corrections system will be fairly confined. There are currently eight prisoners serving custodial sentences for murder in cases where the victim's body was never found, and approximately at least one parolee for manslaughter. The reform will also apply to any future relevant offending. The retrospective nature of the reform is alleviated in part by the ability of an existing offender imprisoned for a 'no body' murder case to elect to cooperate following the enactment of this reform.

I am satisfied that the limitation achieves, and is rationally connected to, its purpose. Prisoners who cooperate, including years after sentencing, will be considered positively by the board in relation to their parole applications and those who do not cooperate will have their parole constrained.

I am also satisfied that there are no less restrictive means reasonably available to achieve the purpose. The presumption against parole will take into account the individual circumstances of the prisoner to cooperate, including their capacity to cooperate (such as mental or physical infirmity), their capacity to cooperate based on their role in the offending (i.e. whether, due to the circumstances of the offence, the offender has the requisite knowledge or not) and the significance and usefulness of the offender's cooperation. The bill ensures that the board receives all the information it needs to make an informed decision about the complexities and difficulties in each case. A prisoner's prospects for parole have always been linked to their level of cooperation (which can form part of the assessment of rehabilitation), and this clause provides an incentive for a prisoner to escape any constraints being applied to their application for parole by cooperating with an investigation and providing grieving families with some measure of closure that they rightfully deserve.

Accordingly, I conclude that clause 6 is compatible with the charter.

The Hon. Gayle Tierney, MP
Minister for Corrections

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Ms TIERNEY (Minister for Training and Skills).

Ms TIERNEY (Minister for Training and Skills) —
I move:

That the bill be now read a second time.

Incorporated speech as follows:

The main purpose of the Justice Legislation Amendment (Parole Reform and Other Matters) Bill 2016 is to strengthen our sentencing and parole laws to further enhance community safety and protection. As outlined in the provisions contained in part 1, the bill will amend the Corrections Act 1986 and the Sentencing Act 1991 to introduce:

- a. parole reforms for offenders who murder police officers; and
- b. parole and sentencing reforms for offenders in 'no body' cases.

I now turn to the first purpose of the bill.

Murder of a police officer — parole reform

Any murder is abhorrent and the murder of a police officer for simply doing their job is a crime that shocks the Victorian community. It is an affront to our society.

Our parole system has been substantially overhauled to strengthen oversight and decision-making. Community safety is the absolute priority for the adult parole board. It is the toughest parole system in the country. Parole is a privilege, not a right.

The bill will, however, further strengthen these parole laws. It will do so in relation to those prisoners who were sentenced for the murder of police officers in the line of duty. This crime is in the worst category because police officers are targeted for simply doing their job.

Part 2 of the bill will amend the Corrections Act to insert new section 74AAA to ensure that prisoners who have been convicted and sentenced to imprisonment with a non-parole period for murdering a police officer are not granted parole. The prisoner may only be released on parole if the adult parole board:

- a. is satisfied (on the basis of a report prepared by the Secretary to the Department of Justice and Regulation) that the prisoner:
 - i. is in imminent danger of dying, or is seriously incapacitated, and as a result, no longer has the physical ability to do harm to any person; and
 - ii. has demonstrated that he or she does not pose a risk to the community;
- b. is further satisfied that, because of those circumstances, the making of the order is justified.

These restrictions on the grant of parole for police murderers have been modelled on the Julian Knight legislation, but apply to a category of prisoner for a class of offending and are designed to ensure the validity of the bill from legal challenge.

The new provisions apply to the murder of a police officer, which will mean:

- a. at the time the murder occurred the officer was performing any duty or exercising any power of a police officer; or
- b. the murder of whom arose from or was connected with the police officer's role as a police officer, whether or not the police officer was performing any duty or exercising any power of a police officer at the time of the murder.

The bill draws on section 10AA of the Sentencing Act which deals with sentencing for serious assaults of emergency workers 'on duty' including police officers. Also, the bill deals with situations where the offender could have aimed to harm all police officers or a particular police officer based on past dealings with police. The officer need not be uniformed at the time of the murder. For example, a police officer who is murdered while at their home. If there is any known connection between the murder and the victim's role as a police officer, it will be captured by the bill.

Under the bill, at the time of the murder the offender must have known or been reckless as to whether the victim was a police officer, which is an important safeguard. The bill will also not apply to a murder case where the victim happened to be a police officer but their police officer role was irrelevant to the offending or merely coincidental or incidental. This is a balanced and responsible approach.

The fact that the victim was a police officer will be known at trial and sentencing. In accordance with existing practice, the court record, including the sentencing judgement, will be contained in the Secretary to the Department of Justice and

Regulation's advice to the adult parole board as part of the report assessing whether or not the prisoner is suitable for release into the community on parole.

The most serious offenders in prison, such as murderers and rapists, are already subject to a strict two-tier parole assessment process under the Corrections Act. Prisoners who are serious violent offenders and serious sex offenders can only be released into the community on parole by a special division of the adult parole board overseen by the chairperson, known as the serious violent offender or sexual offender division or SVOSO division. This means those prisoners who murdered a police officer will have to pass two separate hearings of the adult parole board as part of their parole application. If the prisoner's application fails one hearing, no parole will be granted.

As I said earlier, the adult parole board's absolute priority remains community safety. The bill explicitly reiterates that paramount consideration be given to the safety and protection of the community in these and all parole decisions.

These important parole reforms will apply to at least three sentenced prisoners, all of whom murdered police officers who were exercising their duties as officers at the time. This legislation has been brought forward to ensure these reforms apply to this category of prisoner for this category of crime as soon as possible.

I now turn to the final purpose of the bill.

'No body' cases

Part 3 of the bill contains the final purpose of the bill, which is to ensure persons who have been convicted and sentenced to imprisonment with a non-parole period for certain fatal offences are not granted parole if they do not satisfactorily cooperate with police in the investigation of the offence to identify the location, or last known location, of the body or remains of victims of the offence and the place where the body or remains of the victim of the offence may be found.

It is recognised that these cases, often called 'no body' cases, cause particular distress to victims' families and our laws must not provide false hope. Families are rightly entitled to recover and bury their loved ones and to the small degree of closure that this may provide.

The sentencing and parole reforms introduced by the bill in 'no body' cases aim to provide an incentive for offenders to cooperate and also an opportunity for closure for victims' families. Division 1 of part 3 of the bill will amend the Corrections Act to introduce a new presumption against parole, in new section 74AABA, unless the adult parole board is satisfied that the prisoner satisfactorily cooperated with police in these 'no body' cases.

Under the bill, the adult parole board will be required to consider a range of matters in deciding whether or not to grant parole in a 'no body' case. This will ensure that the adult parole board has all relevant information when making its decision. For example, the adult parole board will take into account reports from both the Chief Commissioner of Police and the Secretary to the Department of Justice and Regulation, the court record, as well as any victim submissions, the capacity of the prisoner to cooperate in the investigation of the offence, and any other information about whether the victim's body or remains were recovered as a result of the prisoner's cooperation in the investigation of the offence. These are complex and difficult cases. The bill

ensures the adult parole board receives all the information it needs to make an informed decision.

Importantly, the bill will also introduce sentencing reforms. Division 2 of part 3 of the bill will amend section 5 of the Sentencing Act to expressly allow the courts to take into account whether or not an offender has cooperated in the investigation of the offence in 'no body' cases when determining an appropriate sentence for the offending. The sentencing reforms in the bill will apply to the sentencing of an offender irrespective of when the offence was committed or the finding of guilt was made.

The 'no body' cases reforms in the bill will apply to murder, conspiracy to commit murder, accessory to murder and manslaughter. This is a broader range of offences and these are all serious crimes. The circumstances of offending in such cases may involve an offender disposing of the body or remains of a deceased victim or having knowledge of the location of the deceased victim's body or remains. The inclusion of these offences will therefore provide the opportunity for closure to the greatest number of victims' families.

Prisoners sentenced for these four fatal offences will be serious violent offenders who can only be released into the community on parole by the serious violent offender or sexual offender division of the adult parole board overseen by the chairperson under the two-tier parole decision-making process that I outlined earlier.

This is a much more comprehensive way of addressing the complex and difficult issues raised by 'no body' cases. The inclusion of sentencing amendments, along with the parole reforms, will provide the greatest opportunity to incentivise offender cooperation, and bring closure to victims' families as they rightly deserve.

Re-parole

The two parole reforms in the bill will also apply when the adult parole board is deciding whether or not to re-release a prisoner on to parole under section 78 of the Corrections Act. This is intended to cover cases where the relevant prisoner is or has been released on parole but has their parole subsequently cancelled. If parole is cancelled, the adult parole board may only re-release the prisoner on parole if satisfied in accordance with these new laws.

Future cases

The parole reforms in the bill will apply not only to the relevant existing cases of sentenced prisoners in prison, but will also apply to any future such cases.

The parole and sentencing reforms in the bill are directed to a category of offender who committed a category of crime, not an individual offender. It is not intended to alter the original sentence of imprisonment after conviction for a criminal offence made by an independent court after a fair hearing. The bill does not intend to alter the court's sentence. Rather, the bill introduces additional conditions that must be satisfied before the adult parole board may grant parole to prisoners sentenced for the relevant offending, or in the case of the sentencing reform, introduces an additional factor for the courts to take into account when determining the appropriate sentence for the relevant offending.

Clause 2 of the bill provides that the two parole reforms in the bill will commence on the day after the bill receives the royal assent. This ensures our parole laws are strengthened as soon as possible to boost community safety. To give sufficient time to prosecutors, legal practitioners and the courts, the sentencing amendment will commence by no later than the middle of 2017.

Conclusion

This bill represents another step this government is taking to keep our community safe. The families of victims of murderers and other killers deserve the respect, dignity and closure of a funeral of their loved ones. And those men and women in blue who swore to uphold our laws, and died in the line of duty, also deserve the utmost protection of our laws.

I commend the bill to the house.

Debate adjourned for Mr O'DONOHUE (Eastern Victoria) on motion of Mr Ondarchie.

Debate adjourned until next day.

ADJOURNMENT

Ms TIERNEY (Minister for Training and Skills) —
I move:

That the house do now adjourn.

Bangerang Cultural Centre

Ms LOVELL (Northern Victoria) — My adjournment matter is for the Minister for Aboriginal Affairs and it is regarding the Bangerang Cultural Centre in Shepparton. My request of the minister is that she provide the funding necessary to allow the Bangerang Cultural Centre to remain open and/or that she work with other ministers, including the Minister for Creative Industries, to provide funding opportunities for the centre.

The City of Greater Shepparton, the Goulburn Valley and the Murray Valley have a strong and proud Indigenous history, and much work has been done to preserve and promote this culture in the region. One example is the Bangerang Cultural Centre, an Aboriginal keeping place which was first opened in 1982 after many years of planning work. The keeping place was the vision of Uncle Sandy Atkinson, a proud Bangerang elder who was recognised as being one of Australia's foremost experts in Aboriginal culture. It was the first Aboriginal keeping place in Australia to be developed and managed by Aboriginal people.

The centre is of historical significance as an important landmark in the struggle of the Aboriginal people to maintain their own culture, and it is a tangible symbol of the shift of attitude in society from the idea of assimilation to self-determination. Developing the

strength of Indigenous cultures and identities is essential to closing the gap, and this centre continues to strengthen and promote this culture by hosting priceless Indigenous art and artefacts from across Australia. It also houses four life-sized dioramas — the work of Victorian artist George Browning — that depict significant scenes from early Victorian Aboriginal life, titled *Bogong Moths*, *River Economy*, *Mount William Technology* and *Corroboree*. Many groups visit the centre every year to learn about Aboriginal culture and heritage, including school groups from across the region and community groups such as scout troops and Probus clubs. The centre is also of architectural significance as it is the work of renowned architect Frederick Romberg, and both the building and contents are heritage listed.

The centre requires operational funding to continue running. It applied for funding from Creative Victoria for a four-year operational investment program that would allow the transition from a service to a business, which would assist it to become independently financially viable. Unfortunately the application was unsuccessful. The closure of this centre would be detrimental to the art and culture of our local region and our local Aboriginal history, and it would also be a major step backwards in closing the gap on Indigenous disadvantage and the Aboriginal community's ability to maintain its culture and work towards self-determination. My request of the minister is that she provide the funding necessary to allow the Bangerang Cultural Centre to remain open and/or that she work with other ministers, including the Minister for Creative Industries, to provide funding opportunities for the centre.

Family violence

Mr EIDEH (Western Metropolitan) — My adjournment matter is for the Minister for the Prevention of Family Violence, the Honourable Fiona Richardson. The Andrews Labor government is committed to doing whatever is necessary to eliminate the insidious scourge of family violence in local communities across Victoria. I congratulate the government on the community partnerships for primary prevention grants program and look forward to its commencement this month. The recent announcement of a \$2.7 million funding boost to this program is a welcome initiative and will serve to enhance the capacity of community organisations across Victoria to allocate funding within their communities that will serve the specific needs of those communities.

The community partnerships for primary prevention program comes ahead of the Andrews Labor

government's primary prevention of family violence strategy in 2017. In my electorate of Western Metropolitan Region, as with all regions across Victoria, we unfortunately have numerous incidents of family violence — and even one incident of family violence is totally unacceptable. There will be grants of up to \$150 000 available under this program, and communities throughout Victoria will be utilising these grants as soon as possible to help make women safer at home and in their workplaces. As the minister has stated, programs work best when they respond to the unique needs of local communities. These grants directly support local communities to create tailored initiatives.

My question to the minister is: how will this program benefit my constituents in Western Metropolitan Region and how will community groups within my electorate find out more information on applying for these grants?

Mernda rail extension

Mr ONDARCHIE (Northern Metropolitan) — My adjournment matter tonight for the Minister for Public Transport has been raised with me by my constituents in Northern Metropolitan Region, some of whom will cross over to another electorate to use the proposed Mernda railway station. What has come to light in the last few days is that there is going to be a lack of access ramps at the two proposed elevated railway stations on the Mernda rail extension, and as local disability advocate Trevor Carroll rightly says, it is 'an absolute disgrace'. It is understood that neither of the companies bidding for the extension contract were required to include ramps at the Mernda and Hawkstowe stations.

Many people have been advocating to ensure that our new railway stations, if they are ever built by this government, will include opportunities for those who have a disability and those who use prams, wheelchairs, pushers and scooters to use a ramp to get up and back from the railway line itself. The Whittlesea Disability Network have been strong advocates for a whole range of things, and I know that they met with the Level Crossing Removal Authority in May and made it very clear they did not want the authority to accept any designs that did not include ramps for people with disabilities.

Local disability advocate Trevor Carroll has said that the community consultation had been clear about what the community wanted. He said that if it has got no ramps, and I quote:

This means that people who have mobility impairments and also a health condition such as claustrophobia, who (then)

can't use the stairs or lifts, won't be able to use these rail stations because they will not have ramps.

I ask the minister: will these railway stations be fully accessible? And can he advise me, so I can advise the community, exactly how these people with disabilities are going to be able to successfully use the railway stations?

Motor vehicle registration concessions

Ms DUNN (Eastern Metropolitan) — My adjournment matter is for the Minister for Roads and Road Safety, and it pertains to persons that require wheelchairs and hence have wheelchair-accessible vehicles registered in their name. These persons are eligible to access concessions for registration, stamp duty and Transport Accident Commission (TAC) contributions on these vehicles. At present there are some key concessions available which can be applied for on the VicRoads website. However, VicRoads does not have procedures to process initial vehicle registrations with the stamp duty exemption available on privately owned wheelchair-accessible vehicles. The exemption needs to be applied for as a refund from the State Revenue Office.

VicRoads has no clearly stated procedure for stamp duty exemption on second-hand wheelchair-accessible vehicle transfers, so those people that do not know about it miss out. The VicRoads website only recognises limited registration and TAC fee concessions, not the full suite that are available to eligible persons.

Lastly, VicRoads requires a written authority or power of attorney to authorise another person to register a vehicle in their name to access the concessions. If the person is severely disabled and unable to give that authority, a bundle of documentation from Centrelink and Medicare is required to satisfy VicRoads that the vehicle can be registered in the disabled person's name. I call on the Minister for Roads and Road Safety to simplify the registration, stamp duty and TAC concession process for persons that own a wheelchair-accessible vehicle and for their carers and legal guardians, as the case may be.

Housing affordability

Dr CARLING-JENKINS (Western Metropolitan) — My adjournment matter is addressed to the Minister for Housing, Disability and Ageing, and it concerns housing affordability, in particular the impact this is having in Victoria at the moment on first home buyers. Housing affordability has been widely recognised as a pressing issue in Victoria. I understand

the government is doing some things to address this, but I am calling on the government tonight to extend more targeted assistance to first home buyers. I note that Infrastructure Victoria's strategy entitled *Victoria's Draft 30-Year Infrastructure Strategy* reports that 75 000 to 100 000 vulnerable households do not have access to affordable housing.

I note the government has announced recently that it will be addressing this issue — for example, through extending social housing supply. However, support for first home buyers seems to have taken a back seat, and it is not receiving the attention that I believe it deserves and needs.

The number of first home buyers is continuing to decline in our state. I note that the average loan size for a first home buyer has increased by 58 per cent over a 10-year period, from \$209 900 in April 2006 to \$331 500 in April 2016. I will quote here the remarks of Daniel Cohen from First Home Buyers Australia, who said:

The figure recorded in June —

this year —

was the second highest average loan figure on record for Victoria. Whereas, first home buyers in Tasmania and Queensland seem to be taking advantage of the greater first home owner incentives offered in their state.

I believe Victorian first home buyers also deserve to be taking advantage of state-based policies and programs that offer them more incentives and assistance just to purchase that first home.

I also note that figures released by the Real Estate Institute of Victoria show that just 7 per cent of Melbourne's postcodes — that is, 23 out of 312 — were deemed affordable for first home buyers, with a median price of below \$400 000. This figure of 7 per cent is down from 12 per cent of postcodes at the same time last year.

Keeping up with the increasing cost of housing while saving for a deposit has become an increasing struggle for first home buyers, and so for many owning their own home is becoming a far-fetched reality. If we do not do something now, I believe we will be doing a great disservice to the generations to come. I call on the government to do more and to focus more energy and more resources on state-based incentives for first home buyers.

Elevated rail construction safety

Mr DAVIS (Southern Metropolitan) — In my adjournment matter tonight I seek the assistance of the minister responsible for WorkCover. It relates to the ongoing sky rail shambles along the Caulfield–Dandenong line, where the government is undertaking its level crossing removals by raising the rail line high in the air for a long distance — of course directly in breach of its election promise and directly in breach of community standards. This is being done without proper processes.

I have raised in this chamber many times concerns about the process that is operating here, the lack of consultation, the lack of an environment effects statement and the failure to produce a business case, which still does not exist and that has been the subject of the auditor's negative commentary. Indeed the situation is such that now, still today, people who live next to the line are having works carried out right behind their block, in some cases within a foot or within a third of a metre of their block, and are not yet able to be provided with exact measurements of where the sky rail will actually sit in juxtaposition to their property.

This has been compounded in recent days by the occupational health and safety incidents that have occurred there. A number of situations have occurred, but most spectacularly there was one where a large metal chunk landed on a house right next to the sky rail construction — a massive chunk of metal that would have killed somebody if it had hit on that area. That stopped work on the sky rail briefly, but as I understand it they are resuming this. I understand there has been some WorkCover investigation of this worksite and the incident that is behind it.

This work involves massive pieces of machinery, including huge drills 60 to 70 feet high, that are right next to the properties. In some cases you can reach over the fence and touch some of the equipment; it is that close to people's properties.

But the WorkSafe report that has been undertaken is particularly important because it does, as I understand, deal with exclusion zones. As we know, any major construction site in the city would generally have a large exclusion zone around it. In this case there is no such exclusion zone, and those who live there — who have their family there, who have their children in the backyard and who have their washing on the line in the backyard — are exposed to this major construction site.

What I am asking the minister to do is to release the WorkSafe report that has been undertaken on the sky rail worksite, particularly with respect to the needed exclusion zones. What does it say? The community has a right to know. The community has a right to feel safe. I seek from the minister the release of the WorkSafe report on the sky rail incident that occurred recently.

Ballarat rail services

Mr MORRIS (Western Victoria) — My adjournment matter this evening is for the attention of the Minister for Public Transport, and it relates to a matter that I have raised previously — that is, the timetable on the Ballarat train line. I note that it was in the last sitting week that I raised this issue because the minister had released details of a service that was going to be added to the Ballarat train line without full disclosure of the new timetable. It has been revealed why the minister did that. The new timetable is a huge disappointment to Ballarat commuters because, rather than cutting the trip time to and from Melbourne, we see an increase in the trip times on the new timetable.

I have been contacted by many commuters who are deeply disappointed by the fact that we are seeing under the Labor government an increase in train travel times rather than a decrease on the Ballarat line. The action that I seek is quite simple. I ask the minister to go back and try again with the Ballarat timetable and work to reduce the travel times rather than increase them on the Ballarat line.

Ambulance services

Ms SYMES (Northern Victoria) — My adjournment matter this afternoon is for the Minister for Emergency Services. I hesitate because it is almost a 50-50 adjournment between the Minister for Emergency Services and the Minister for Ambulance Services, but I will go with Minister Merlino in this instance. There have been some massive announcements by the government in recent days. I do not think people will have missed it, but just in case they did, the government has announced a \$500 million package in relation to ambulance services. It is probably the biggest cut-through issue in my electorate for a little while. There has been a lot of excitement about ambulance stations coming to country towns that have been asking for this for some time.

In relation to the package there is going to be the employment of 450 new paramedics over the next three years and the building or upgrading of 15 more ambulance branches across the state. That is in addition to the 20 that are already underway under this

government. This will make a significant improvement to response times.

In particular the two stations that were announced that are of particular interest to me, because they happen to be in my electorate, are Tatura and Broadford. Both of these communities have been straight on to me about thanking the government for this commitment, eager to get it underway, but the day I announced the Tatura ambulance station I had a meeting with a Tatura Country Fire Authority (CFA) officer. He was very, very keen to get in very quickly about the prospect of a co-location of an ambulance station and a new CFA station for Tatura. Likewise, I happened to be at an event at the Broadford CFA station and had an almost identical conversation with the CFA captain at Broadford.

So I have gone out and asked the community about their thoughts, just through my Facebook page, and I am getting some really strong feedback that co-location is something with which the community seems to be on board. I can confirm that both Tatura and Broadford are in need of upgraded CFA stations, so it seems to me and many in the community that this would be a perfect opportunity to seek the option of a co-location. I will continue to consult on this, but it would help if I could get some information from the Minister for Emergency Services on the feasibility of such co-location and perhaps be provided with some examples of where this may have been done and other criteria. Basically the action I seek is for him to help me progress this for these communities.

Domain railway station

Ms FITZHERBERT (Southern Metropolitan) — My adjournment matter is for the Minister for Public Transport. Public notice has just been given to remove 103 trees from St Kilda Road as part of early works for the Domain station development. Permit application P25649 is to undertake tree removal as well as a range of other preliminary works, including kerb and guttering removal, tramline realignment and so on. Submissions are due by 14 December 2016.

There is a huge amount of cynicism about this application, partly because it has occurred before the environment effects statement (EES) process has been completed and also because the notice appeared a day or so after the Melbourne Metro Rail Authority (MMRA) drop-in session that was held on 30 November at the South Yarra Senior Citizens Centre, which was attended by Mr Davis and mentioned by him the other day. At this meeting residents asked when the trees would go and were told

there was no plan at the moment and that after the contract is awarded and a planning permit is issued the tree removal would begin. This is consistent with the message that has been given for months. Yet the very day after, a notice appeared on St Kilda Road about an application for the removal of the 103 trees, and the notice was dated 30 November, the same day as the community meeting.

This application has been made to enable the construction site to be set up, even though the environment effects statement process is still not complete. We are still waiting for the Minister for Planning's response, which is said to be expected in late 2016 or early 2017. We also know that the final configuration for St Kilda Road has not been finalised. The maps for the temporary, one-lane version of St Kilda Road show the car lanes going straight through rows of trees. More broadly, this application and its timing make a mockery of the public consultation process and the concurrent EES process.

The notice about the heritage application asks residents to provide feedback by 14 December, a short and inconvenient time frame, unless of course the government really has no interest in the feedback. The application also refers to the environment effects statement process that is still current, noting, and I quote:

If the Minister for Planning considers that the benefits of the project outweigh the proposed impacts, MMRA will seek the appropriate planning and heritage approvals to implement the project.

There is support for Domain station to be constructed, and there is also huge community interest in the preservation of St Kilda Road. Earlier today I tabled a petition with another 1157 signatures from people who want Domain station constructed using tunnelling rather than cut and cover, and now that means more than 8000 people have signed this petition. The action I am seeking from the minister is to delay the removal of any trees on St Kilda Road until after the successful completion of the EES process. Anything less makes a mockery of the public consultation process that has been undertaken with residents and traders along St Kilda Road.

Responses

Ms TIERNEY (Minister for Training and Skills) — There are a number of adjournment matters this evening, the first being from Ms Lovell, which is directed to Minister Hutchins and is in relation to an Indigenous cultural centre in Shepparton. She is seeking operational funding or for the minister to

facilitate funding for the Bangerang Cultural Centre, and I know that the minister is all over this issue. In fact Ms Symes has advised me that the minister will be in Shepparton next week.

Mr Eideh raised an adjournment matter for Minister Richardson, and it is in relation to the equality strategy announcement made this week. He is seeking information on how communities in his electorate will be able to access grants.

Mr Ondarchie raised a matter for the Minister for Public Transport, Jacinta Allan, in relation to disability access at local railway stations, and Ms Dunn had an adjournment matter for Minister Donnellan in relation to needing to simplify procedures for a range of matters associated with exemptions, fee concessions and registrations in relation to wheelchairs.

Dr Carling-Jenkins had an adjournment matter for Mr Foley, Minister for Housing, Disability and Ageing, in relation to housing affordability. In particular it was in respect of targeted assistance for first home buyers. Mr Davis had an adjournment matter for the minister responsible for WorkCover, dealing with processes around the public transport works being undertaken in his electorate. Mr Morris had a matter for Minister Allan in respect of the Ballarat train timetable.

Ms Symes had a matter for Minister Merlino. It is an issue that is raised in a number of quarters, particularly in regional Victoria, and that is the co-location of emergency services. Constituents in her electorate from Broadford and Tatura have indicated a particular interest in that matter, and she is seeking assistance from the minister in terms of how that might be undertaken. Ms Fitzherbert also had a matter for Minister Allan in respect of proposed tree removal along St Kilda Road.

I will make sure that the ministers receive those adjournment matters and respond.

I also have one written response to an adjournment matter raised by Mrs Peulich on 15 September.

The PRESIDENT — Order! The house stands adjourned.

House adjourned 6.06 p.m.