

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT

FIRST SESSION

Friday, 27 July 2018

(Extract from book 10)

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By authority of the Victorian Government Printer

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The Honourable LINDA DESSAU, AC

The Lieutenant-Governor

The Honourable KEN LAY, AO, APM

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(from 16 October 2017)

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Privileges Committee — Mr Dalidakis, Mr Mulino, Mr O’Sullivan, Mr Purcell, Mr Rich-Phillips, Ms Springle, Ms Symes 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, #Mr Davis, Ms Dunn, Mr Eideh, Mr Finn, Mr Gepp, Mr Leane, #Mr Melhem, Mr Ondarchie, Mr O’Sullivan and #Mr Rich-Phillips.

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

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

participating members

Legislative Council select committees

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

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

Joint committees

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

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

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

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

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

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

House Committee — (*Council*): The President (*ex officio*), Mr Eideh, Ms 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.

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

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

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

Heads of parliamentary departments

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

Parliamentary Services — Secretary: Mr P. Lochert

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FIFTY-EIGHTH PARLIAMENT — FIRST SESSION

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Lovell, Ms Wendy Ann	Northern Victoria	LP	Truong, Ms Huong ¹²	Western Metropolitan	Greens
Melhem, Mr Cesar	Western Metropolitan	ALP	Wooldridge, Ms Mary Louise Newling	Eastern Metropolitan	LP
			Young, Mr Daniel	Northern Victoria	SFFP

¹ Resigned 28 September 2017

² Appointed 15 April 2015

³ DLP until 26 June 2017

⁴ Resigned 27 May 2016

⁵ Appointed 7 June 2017

⁶ Resigned 6 April 2017

⁷ Resigned 9 February 2018

⁸ Resigned 25 February 2015

⁹ Appointed 12 October 2016

¹⁰ ASP until 16 January 2018

¹¹ Appointed 18 October 2017

¹² Appointed 21 February 2018

PARTY ABBREVIATIONS

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

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Friday, 27 July 2018

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

BUSINESS OF THE HOUSE

Adjournment

Mr JENNINGS (Special Minister of State) (09:35) — I move:

That the Council, at its rising, adjourn until 12.00 p.m. on Tuesday, 7 August 2018.

Motion agreed to.

**JUSTICE LEGISLATION AMENDMENT
(FAMILY VIOLENCE PROTECTION AND
OTHER MATTERS) BILL 2018**

Second reading

**Debate resumed from 21 June; motion of
Ms PULFORD (Minister for Agriculture).**

Ms CROZIER (Southern Metropolitan) (09:36) — I am very pleased to be able to speak to the Justice Legislation Amendment (Family Violence Protection and Other Matters) Bill 2018. A lot has been said about family violence and the terrible scourge that it is on our society and our communities and how governments of all persuasions have been taking this issue very seriously, from the federal government down to local councils. I note that in recent days one local council that I was reading about only this morning, Casey City Council, is taking a very good stand in relation to the community needs out there, and I am sure other councils right around the state are doing a similar thing.

I was also reminded when driving to Parliament this morning down along Punt Road past the Richmond railway station — I think Mr Finn, Ms Lovell and Ms Fitzherbert, who are all Richmond supporters, would endorse the actions of the Richmond Football Club to work with the Alannah and Madeline Foundation —

Mr Finn — They've been doing it for some years.

Ms CROZIER — They have been, Mr Finn, and they have a very good relationship, but as I was driving past I noticed on the billboard the terrible statistic of a child being abused, neglected or a victim of family violence every 2 minutes. That is a very sobering statistic. It is just horrendous to think that so many children are affected every couple of minutes by

neglect, abuse and the effects and trauma of things like family violence. We all know that our communities are looking at this issue, and I want to extend my congratulations to the Alannah and Madeline Foundation on taking the step and partnering with the Richmond Football Club. I understand that if the membership sign up, then that money will go straight towards the provision of buddy bags to assist those traumatised children who are found in these horrendous situations through no fault of their own.

Sadly, the latest crime statistics also state that we have 75 000-odd family violence incidents occurring in this state each year — from there the recidivist rate is far too high — but that figure shows there are too many children, too many women and their families, and too many men quite frankly, being affected by the scourge. Those women and children do have brothers, fathers, uncles and grandfathers who are all affected by the impact of family violence. I think we need to understand the full impact of family violence and how it affects the community.

I note that when this bill was being debated in the Assembly a few members made note of the horrendous and horrific murder of Eurydice Dixon and the commentary around violence against women. Clearly the horrendous circumstance that young woman found herself in, the tragedy of that whole event, did ring out to the community because it was such a random, unwarranted, horrific act. But I caution the Premier and government members to reflect on that because that was not an act of family violence; it was purely and simply an evil and criminal act of violence against women. It did not happen behind closed doors; it had no relation to family violence. It was a horrendous crime, and horrendous crimes — evil crimes, unwarranted crimes like that — need to be thoroughly investigated, and I understand that that crime of course has been, but I felt that putting that murder into the family violence sphere, where there were so many people talking about that, did not do justice to the poor woman who tragically lost her life or to those around her. Yes, it was an act against a woman, and too many women are the victims of family violence — no question. Too many women are victims of violence. In fact in recent days another young woman lost her life through an act of criminal, violent behaviour. In this state that is a far too common occurrence across our community in general. I think that all Victorians are very concerned about the implications of violence in our community, and of course they are very concerned about family violence incidents and what is occurring behind closed doors, as I said.

I know that there have been specific reforms in this state and they have been undertaken for well over a decade, and the Royal Commission into Family Violence highlighted this very clearly. Again I want to acknowledge the work of the royal commission. It did some very significant work understanding and highlighting some of the impacts, and of course we are debating this bill as a direct result of a number of recommendations that came from the family violence royal commission, and I will come to that a little later.

I looked over the reforms that the royal commission perhaps did highlight in 2002 when the *Women's Safety Strategy: a Policy Framework 2002–07* was launched, and it recommended the establishment of a statewide steering committee to reduce family violence. Obviously there were other reforms and initiatives throughout a number of years. I know that in the Baillieu-Napthine governments, under the stewardship of Ms Wooldridge, there was significant reform done. She really did a huge amount and made an enormous investment — in fact at the time it was a record investment for any Victorian government. I know that this government has obviously put in significantly more money — a record amount — into this area across a range of portfolio areas, as it promised it would do, but my point is that Victorian governments have been building on these reforms.

I think that is very important to note, because it was under Ms Wooldridge that the *Action Plan to Address Violence against Women and Children 2012–15: Everyone has a Responsibility to Act* was published, the Koori family violence police protocols were launched and the *Ending Violence against Women and Children: Further Initiatives for Victoria's Action Plan to Address Violence against Women 2012–15* was introduced. All of these initiatives were bringing the community together to understand the impacts of family violence, to try and address those specific communities that perhaps have over-representation, to really identify the needs of women, children and others who are impacted and wrap those services around so they can access them directly when needed. I think we would all agree that is exactly what is needed. It is about how you deliver that, I suppose, and how it is done and the priorities of the approach of the government. It is not easy, I grant that; it is complex and difficult work. It is taking in many, many different agencies and individuals across the state, and I want to acknowledge those people that work in the sector. It is very difficult work. It is very complex work; it is very emotional and challenging work in many instances, and they see some horrific circumstances.

I want to acknowledge the work that they do in protecting those that they come across and providing them the support that they need to perhaps steer them into safety and away from harm. That goes from Victoria Police down to the agencies on the ground, like McAuley Community Services for Women, who provide a women's refuge and do extraordinary work in that area, and there are a whole range of others who are involved in providing those services to women, specifically.

I would also like to acknowledge the work of the federal government, who from the Prime Minister down have taken this issue very seriously as well. They have put it on the agenda, bringing all the states and territories together to address this as well as to look at strategies that might address this in certain communities. We have seen too much abuse at local levels, and I think that the federal leadership is very important — because this does need leadership. It needs leadership from those in positions of power, like the Prime Minister, or here in Victoria as the government is doing in trying to address this. I think we all agree that we as legislators and others have got a responsibility to do that, addressing those concerns that so many Victorians have spoken about and will continue to speak about. It is important also for them to continue to speak out about the issues that are affecting their communities and the impacts.

I did actually ask the sector to respond to this bill to see their concerns, and I did receive some responses from various stakeholders who were largely in support of the bill. Some did have some concerns about some of the practicalities in relation to the body-worn cameras and the security issues and impacts around that, as well as how the information for complainants would be protected and other areas. Organisations like Safe Steps and others put their thoughts to me, and I thank them very much for providing that information to me, because there are a range of concerns that they have around that, but they are largely supportive of the bill. I will ask some questions in committee about some of the concerns that have been raised with me directly and other questions I also have.

If I could just return to the bill, the purpose of the bill is to amend the Children, Youth and Families Act 2005, the Family Violence Protection Act 2008, the Criminal Procedure Act 2009 and the Magistrates' Court Act 1989 to support the implementation of six recommendations of the royal commission. I mentioned in my introduction the work of the royal commission, and this bill does encapsulate six of its recommendations.

Recommendation 34 basically extends a therapeutic treatment order system to young people aged 15 to 17. As we know, children are some of the most vulnerable. When they are caught up in violent situations, the trauma has long-lasting impacts that can be very profound. Many of them need to have support and that therapeutic treatment to enable them to get over what is often a very horrific and devastating circumstance of witnessing family violence and the trauma that that brings.

That can then become learned behaviour. I mean, if that is what they see growing up and that is all they know, then that can also become the norm for them. We have got to be understanding and cognisant that some of these kids that are brought up in these violent relationships or households think that that is the norm. So early intervention, in terms of therapeutic treatment that provides the necessary treatment for them, to prevent them from becoming perpetrators or having the ongoing impacts of violence, abuse and neglect, is very important.

I just want to read from the summary and recommendations of the Royal Commission into Family Violence, where the commission said:

The family violence system must take account of the co-occurrence of family violence and sexual assault. Additionally, early intervention services for children and young people displaying sexually abusive or problematic behaviours should be adequately resourced for all age groups, and the therapeutic treatment orders regime in the Children's Court should be extended to include young people aged 15 to 17 years.

That is an important finding and recommendation in relation to that very extensive trauma in relation to the concerning issues that can arise out of those sexual behaviour occurrences or displays that children may have that can then go on to have very profound impacts on them and others later in life. That is the extension of that order, as per recommendation 34, that extends that from ages 14 to 15 to now include 15 to 17-year-olds. I think that is a very commonsense, practical approach that was very much required. Children obviously develop in different ways and at different levels and some will need ongoing treatment, and to have the ability for the courts to extend that order from 14 to 15-year-olds to 15 to 17-year-olds is welcome.

Recommendation 58, the next recommendation that this bill captures, is around trialling body-worn cameras to collect statements from family violence incident scenes. There has been a lot of work and commentary around this. I know that other jurisdictions have trialled body-worn cameras for police who are attending family violence incidents in people's homes, and indeed trials

have started here. I note that on the Victoria Police website they talk about the pilot being conducted and the trial having been rolled out in Epping and Ballarat. The police have put that out there to say to people, 'Look, if you see police officers wearing body-worn cameras, it is because they are being trialled here'. They say:

If you happen to be around Epping or Ballarat you may notice police officers wearing body-worn cameras. Victoria Police has started trialling this new equipment to see if they can play an effective role in the Victorian policing environment.

This gives police the ability to collect evidence and to be able to understand what is going on in the communities. They acknowledge the work of the royal commission and say:

The Royal Commission into Family Violence found there is potential for body-worn cameras to be a beneficial tool in the response to, and management of, family violence incidents.

I think that is a welcome initiative as well so that the police, the courts and those who are involved in any proceedings will have real and accurate evidence of what occurs at the time.

There is some thought that in heightened environments, when people are in family violence situations, it can be very emotional, it can be very fluid and it can be very difficult to assess actually what has gone on, and the physical and emotional environment may not exactly reflect what has played out. But at least this will give the police an ability to provide that evidence in a visual or audio form that will give those involved in court proceedings a really thorough understanding of the work done by the police and the scenarios that they have found themselves in when they have been called to a family violence incident. It is still very alarming that the police are called to family violence incidents every few minutes — every 8 minutes or whatever it is — across Australia. These are just extraordinary statistics for what the police are dealing with all the time.

We have to acknowledge the work of the police when they are being constantly called out to speak to sometimes repeat perpetrators, and the frustration they have too. People who are very violent and commit these heinous crimes should be called out. They should have the full force of the law applied to them, because far too many injuries and deaths are occurring among, I grant, women in the majority, but also men that are caught up in same-sex relationships. The violence that occurs in same-sex relationships is not widely known and it is not widely reported. I have spoken to many people that say that more research needs to be undertaken in this area to understand what is actually going on and how to

support those people. We know of the high-profile murders that have occurred in domestic situations in those same-sex relationships, so it is not only women who are caught up in this; it is also men and, sadly, it is also children, who are sometimes murdered by mothers and fathers in horrific circumstances.

We have to do more. We have to send a strong message to perpetrators, and if they have got criminal records, that has to play a part in relation to their behaviour. It is unacceptable: the total disrespect and disregard people have for one another in too many instances is astounding. A few weeks ago I, along with Matthew Guy, announced a policy for a family violence disclosure scheme, Right to Ask, Right to Know. It is based on Clare's Law, a law that has been in operation in the United Kingdom for a number of years now as a result of Clare Wood having tragically lost her life to a partner who murdered her. She dated him through an internet dating site and through Facebook. That is occurring more and more. People are dating people through internet dating sites. There is a dreadful article today actually, talking about the murder just recently of a young man by a woman; they found each other on a dating site. This is happening more and more.

I want to acknowledge in my contribution today Samantha Handley, a young woman who has spoken out about this. Like so many other victims of family and domestic violence, she has spoken out publicly about her experience. She spoke very succinctly and explained the circumstances of her position, where she found out through Facebook the horrific crimes that her former partner had committed on her child. She came to speak to us and suggested that Victoria have a Right to Ask, Right to Know disclosure scheme. I was delighted to be with Samantha and Matthew Guy when we announced that policy a few weeks ago. It is in jurisdictions around the world — throughout the UK and in New Zealand. It is in New South Wales, and South Australia will soon implement it — I think in October this year.

We have said that we will do this if we have the privilege of holding government in November. We will pilot this Right to Ask, Right to Know disclosure scheme because we think it will keep women safe. It will give those women or their loved ones, or anyone who has concerns about a partner's behaviour, the ability to go to police and ask for a criminal record check. That would be undertaken by the family violence units. There are 34 across the state, and they are always looking at this sort of thing. The police have a lot of resources in relation to family violence, but we need to do more, I grant that. This scheme would certainly have assisted someone like Samantha Handley

if she had asked. Her ex-husband went to the police and asked about her partner's behaviours and if they had any records, but they were powerless to do anything. This is a commonsense and practical approach. It is a sensible approach that people can undertake. They have a right to ask, and a right to know.

I was astounded by the response from the Minister for the Prevention of Family Violence. She was critical of the scheme and made such a ludicrous remark in response to this scheme. It just demonstrates that there is not goodwill in this space in terms of a practical approach. This scheme was part of the Victoria Police recommendations to the royal commission. Just because the royal commission did not make a recommendation does not mean it should be disregarded, as the scheme is running and operating elsewhere. We could trial it or pilot it; surely we can do that. I was astounded and quite frankly disgusted with the comments from the minister about that. I think it is a slight on many women who have a right to ask and a right to know.

I am delighted that a lot of Victorians are very much in support of the scheme. I have received feedback through media outlets and elsewhere, and people are saying, 'Yes, that is sensible. Why can't we understand what is going on if we are concerned? Has this person got a criminal past?'. The details were spelled out fairly explicitly, and I will not go through them line by line, but people would be able to ask for a criminal check. Then if the police or the agencies felt that there was any immediate risk or any risk to a woman, children or others, support services could be put in place immediately. People would be empowered to make a decision about their relationship based on the information that is disclosed to them and in the knowledge that they had the security of the police and agencies to support them.

The agencies that do support women and children fleeing domestic violence do a fantastic job. That is what this is about; it is prevention. We are talking about women and children who are affected by horrific family violence crimes. Surely this is a practical, sensible step to take, and I urge the government to change their minds and support the coalition's policy on that.

Recommendation 60 extends the functions of the Family Violence Court division to other courts, and again this was highlighted in the royal commission's findings and recommendations. The Family Violence Court divisions provide specialist services, including services such as trained family violence registrars, applicant support workers, co-located legal and non-legal support services, dedicated police prosecutors

for police-initiated applications and family violence training for magistrates and staff. With those mandated types of services the courts are able to ensure that initiatives such as requiring somebody to attend a men's behaviour change program or the like can be extended. The royal commission also found that more was needed to be done in the courts. It recommended that these services be extended to other courts and that courts should be supported so that they could provide the services that they may not have in addition to what they might already have. Again, that will need significant resourcing and will have requirements, but I think a lot of the work is already undertaken. It is a practical measure to ensure those services are provided and that those Family Violence Court division requirements are applied in other court settings.

Recommendation 74, which the bill goes to, provides for the rollout of online application forms for intervention orders. We live in an age where we are all using technology on a day-to-day basis. There is certainly a sensible requirement for this to occur when we can and to ensure the privacy that is needed around these online applications. It is my understanding that the Magistrates Court of Victoria will roll out an online application form which is based on the Neighbourhood Justice Centre's online application form for all applicants for a family violence intervention order across Victoria. It is far more in real time and will provide immediate assistance to family violence victims. It will improve access to those in rural and regional areas — and I will ask about that in committee. It will reduce the need for victims to attend court to initiate proceedings and will provide immediate linkages to dedicated support services, thereby increasing victim safety.

That off-site contact centre, to enable all of those things that I have just mentioned, will give people greater flexibility, and with an online application for intervention orders a court might deem it an urgent request, and it will be able to process that online application.

Recommendation 79 empowers 'courts to make interim family violence intervention orders on their own motion'. Again, if they see a risk, they can provide that intervention order through their own processes. I will not go into too much detail but, again, the royal commission did look at the entire court system — how it applies and what is required. I have to say that this is a very difficult and complex area of work because of some of the systems that are in place — the IT systems that the courts operate under. I know that when I was visiting the courts I was quite astounded to see that they were basically on MS-DOS — from the 1980s, it

looked like to me. There was a need for more support and structure around that IT infrastructure, and I think that has been worked on over subsequent governments to ensure that the courts can operate in an efficient way. They have got an ability to do that, and I think that the ongoing requirement for IT throughout all of these processes is a sensible one. We are using it, as I said, in our day-to-day lives, and the ability to make online applications for interim family violence intervention orders through the court system is included in the recommendations by the royal commission.

Recommendation 156 is to 'expand the statutory examples of family violence to include forced marriage and dowry-related abuse'. I am very pleased that this recommendation is finally addressed in this bill, because this has been an issue that I have been made aware of for quite some years. I want to place on record my thanks to Dr Manjula O'Connor, because she has been the driving force behind the dowry-related issues. She has been fearless and quite forceful in her requirements for members of Parliament to understand what this actually means within various communities — specifically Indian communities, but other communities as well — and that it is a form of abuse.

I know Dr O'Connor had a very close relationship with former Premier, Ted Baillieu, in this and I want to place on record the work of Ted Baillieu because he ran a series of petitions on this very issue on behalf of Dr O'Connor. The former Premier was also very concerned about dowry-related abuse and what needed to be done. It is 2018, and we are finally getting some recognition of this. I am very pleased that the royal commission looked at the submission and spoke to Dr O'Connor and others about the specific issues around dowry and how it is a form of abuse — and it is. It is quite astounding that trading and selling off bits and pieces for marriage is still happening, and for those young women who are subject to that and the ownership that it implies, it is a form of abuse. Again I place on record what has been done by Dr O'Connor and all who have been associated with the work she has been doing over a number of years.

Before I get onto forced marriage, I just want to read into *Hansard* the feedback I received from Dr O'Connor. She said in an email to me:

It is important to note that the bill does not make the practice of taking and giving dowry illegal, but merely illustrates, by use of a statutory example, that where certain abusive behaviours are used to demand or receive dowry, this can constitute family violence.

So it is about the giving and taking of dowry, the coercion of threats and the emotional, physical and psychological abuse that is attributed to that that is really part of family violence and it needs to be recognised in that context within the family violence act.

I still think there could be more done on this in relation to forced marriage and dowries, because they are a real abuse of women's rights. It is oppressive and it is abuse, and I think we can do more on that. This is 2018. In the very civilised society that we live in in Australia, there is no room for forced marriages, there is no room for young girls to be taken off overseas and brought back married. I do not support the cultural components that allow this, and I will put it on record that I think that if we are to live in a civilised, modern society where we are protecting the rights of women and young girls in forced marriage situations, then we need to call that out too. In my mind, that is abuse of the worst kind.

We have seen some horrific examples of that in recent times, about young girls being married off by imams, out of their control. The parents who allow that, I also strongly object to. This is not acceptable, and I wish there was more done by some of those that are in positions to ensure that. Yes, we have federal legislation in the Marriage Act 1961 which can address it further at a federal level, but really, in terms of our local communities, they need to be doing more to speak out about this practice.

There are some very brave women within some of these communities who are talking about the abuse that is occurring with forced marriage, female genital mutilation or other abuses of young women in Victoria. I want to acknowledge them and also thank them for taking that brave stance, because often they are speaking out of their own communities, which is very difficult for them, and they can be then subject to threats and other things in their own communities. I want to place on record the significant work that some of those women are doing in those communities.

The bill does go in part to the government's agenda, and that is what they promised. They said they would hold a Royal Commission into Family Violence, and they did. The report was tabled in this place in March 2016. It is two and a half years on now and a number of recommendations have been implemented. The royal commission at the time put in place time frames to have various recommendations implemented. One of the strong things, and one of the things I am very supportive of, is the implementation monitor and the overseeing of how the recommendations will be rolled out and implemented. I have spoken in this place before

about the work of the implementation monitor, and I think it is incredibly important.

As you would have heard me say before, the prioritisation of the recommendations has to be done in a sensible manner. There are concerns about where it is all going and where the government's priorities really are lying in terms of rolling out all of the recommendations. I hope it is not just to tick a box in an election year to say that they have done it, because I believe that would undermine the work of the royal commission and what needs to be done in a prioritised manner.

People are telling me they have got concerns about what is happening with the 17 hubs. The government has announced that five hubs are in operation, but no-one can tell me where they are operational or how they are actually working. This is the sort of thing that we have got to be very careful about. We do not want to undermine the work of the sector and what is being done; we want a good outcome for all concerned. It has got to be about the protection of women, children and, quite frankly, men. I will say it again: and men, because they are involved in family violence incidents too. Around 20 per cent of men are victims of family violence, and they are often the forgotten voice in this argument. I have mentioned same-sex relationships. We do not even have stats for what is going on there. There are a whole range of complex issues that need to be teased out.

We want to be able to say, 'Yes, this body of work is not concluded with this royal commission'. It is not concluded. The government acknowledges that it is going to take years to implement all the recommendations of the royal commission. We need to get it right; we need to have a sensible discussion about it. It needs to be prioritised in the right fashion so that we are putting the resources where the protection will be meaningful and will make a difference. We need to be doing that sooner rather than later, and as I said, not just ticking the boxes in an election year. I hope the government takes note — and I am sure they will — of the implementations.

Basically the government needs to stop, pause, take a deep breath, have a look at what they are doing and not try and rush this out but look at the priorities and get the priorities right. What is needed? Have we got duplication here? Are the systems going to work? How are all the IT systems going? Are they talking to the departments and one another? Are they talking to the agencies? Yes, in theory, all of this sounds very grand and sensible, and it will make a difference, but in reality, it is actually a lot harder to achieve. That is why

I believe it needs to be a very careful response. I think all Victorians expect that. This is a large body of work and it is a large promise that has been undertaken by the government — to have all the recommendations implemented, every single one of them.

President, as you would know, we have a bipartisan approach to dealing with family violence. We all do. We all want to end the scourge of family violence. As I said at the outset, we have all been working on this. Governments of all persuasions, at all levels, for over a decade, have acknowledged this work and have been working on it. This government does not have ownership of this issue. Yes, they promised a royal commission. They have done that. That is fine. But it is the work on the ground and the real, meaningful differences that need to be made that is the important thing, because the statistics are still far too high — those 75 000. The recidivist numbers — whatever they are — are too high, and tragically the numbers of children involved are way, way too high.

Every single day we see horrendous stories of child abuse and neglect. And in this state we have got close to 3000 children in child protection cases who do not have an allocated caseworker, nearly 3000 children in the state of Victoria and the government says, 'We're doing more than we ever have. We've put in this, we've put in that', but we have still got close to 3000 unallocated children — that we know about. We have got a lot of children who are in kinship care who have had their cases closed off informally. They do not have a caseworker now. They are in kinship care, so no-one follows them up; they are expected to survive on their own. So I think the number is probably much higher than 3000. But that is for the government to defend and provide the real figures on.

As others have in the debate in the Assembly, I want to extend our thoughts to all those people that have lost their lives through the tragedy of family violence in recent times and over years. We know there are too many and we need to be doing more. The coalition of course will not be opposing this bill. Indeed we are looking forward to seeing how many of these recommendations that I have mentioned today will be implemented and will make a difference.

Again can I place on record all those people that provided feedback to me from No to Violence, McAuley Community Services for Women, Our Watch, Jewish Care Victoria and Safe Steps, and Dr Manjula O'Connor, the dowry advocate who provided such great guidance, and all those others who have spoken to me over the past three and a half years. Thank you. I am sure there will be more. We know

there is more legislation coming in, so I will be speaking about the work that we need to be doing, how it will make a real difference in those communities, as I have said, and make a difference to women and children and keep them safe. I urge the government again to support the policy that I announced with Matthew Guy and Samantha Handley a few weeks ago, for the right to ask, right to know family violence disclosure scheme.

Ms TRUONG (Western Metropolitan) (10:22) — I rise to make a statement today on the Justice Legislation Amendment (Family Violence Protection and Other Matters) Bill 2018. Before I go into my specific concerns on this bill, it is important to me to acknowledge that family violence unfolds hand in hand with an endemic culture of violence against women. This is occurring in our community here in Victoria, as it is across Australia. So, with the shocking circumstances of teenager Laa Chol's death in a Melbourne CBD apartment last weekend and the murder of Eurydice Dixon in Princes Park less than two months ago, I want to acknowledge the price that these women paid, like Jill Meagher only a few years ago, simply for living in a society which does not do enough to stem the culture of violence against women. We are not doing enough.

This is something that we as Victorian parliamentarians, not only as lawmakers but as culture makers, have a tangible responsibility to set our minds to fix. The loss of every woman's life to an act of violence is a symptom of a deeper societal sickness. As Ms Crozier mentioned, it is a complex problem that needs an integrated and multipronged approach by many departments and agencies as the family violence reform implementation monitor had alerted us to in November 2017. We do need to avoid ticking boxes and ensure that the ultimate outcomes we are after are achieved.

I would like to take a moment to acknowledge the work of Dr Manjula O'Connor and those at Women's Health West and the women's refuges that I have visited for the work that they have done in making sure that prevention, early intervention response and cultural diversity are factored into responses and support for the women and families that are impacted by family violence. They have done so over the last few decades before the royal commission brought full public attention to family violence, and I commend them for that.

Certainly when our efforts turn to the subject of family violence, where legislative reform has an urgent and critical role in changing the experience of survivors in

our legal system, we have a lot of work to do. Each year in Victoria family violence affects tens of thousands of women, children, families, elders and even, in some instances, men. Sometimes this violence is physical, catastrophic and escalated, as in the cases of the murders of two teenage children by their father, John Edwards, in the northern suburbs of Sydney, or the Margaret River massacre of the Miles family by their grandfather, Peter.

But family violence can also be routine and mundane. Family violence can be emotional abuse. It can be expressed through the control of a family member's finances. These varying forms of family violence have a disproportionate societal impact — yes, upon the courts and the nature of policing in our state, but also, more important than any of those, on Victorian communities, on Victorian families and on the life chances of those who survive this kind of violence. The Australian Bureau of Statistics tells us that in 2016–17, 60.3 per cent of all criminal acts intended to cause injury in Victoria were in fact acts of family violence. This resulted in over 11 000 recorded cases in that year alone. Further, in 2016–17, 42 per cent of murders recorded nationally were again acts of family violence — 176 victims too many.

The Victorian Parliament has an opportunity to emphasise in this debate that the impact of our decisions upon survivors of family violence — be they women, children, parents, grandparents or indeed men — must be at the forefront of our considerations. Taking this into consideration we, the Victorian Greens, acknowledge that the bill is in most respects timely if not overdue. The bill responds to six recommendations of the Royal Commission into Family Violence and makes other amendments intended to complement the royal commission's recommendations. It includes measures to extend the therapeutic treatment order regime to young people aged 15 to 17 years, support the rollout of a specialist Family Violence Court division in the Magistrates Court, enable family violence intervention order applications to be filed online, include dowry-related abuse and forced marriage as statutory examples of family violence and establish a mechanism to empower the Children's Court to order perpetrators to attend men's behaviour change programs. These changes are overwhelmingly worthwhile and deserve the support of this house.

However, that is not the totality of the bill. The bill grants new powers to police and the court system. In conferring powerful tools to law enforcement and our courts, such as the capacity to use video footage from body-worn cameras as evidence, there are also significant moral dilemmas and societal risks, and we

the Greens are concerned that this section in particular has the potential to be greatly unjust.

I would like to draw specific attention to proposed section 387G of the Criminal Procedure Act 2009. Proposed section 387G outlines the requirements for making recorded statements admissible as evidence in chief. It requires that a recorded statement be used as evidence only where there is a complainant's informed consent. A recorded statement must include at the end of the recording a statement by the complainant as to the truth of that statement. Also, the statement can only be obtained by a trained officer.

A trial of body-worn cameras corresponds with recommendation 58 of the royal commission, which suggests a trial be conducted, that the trial be supported by any necessary legislative amendment to ensure the admissibility of evidence, that the powers be subject to a legislative sunset period and evaluation, and that the use of any evidence be collected only with the victim's consent. Of course the introduction of video evidence via body-worn cameras could be very useful where it reduces the trauma for victims and the difficulties associated with remembering incident details and where it eliminates intimidation of the victim to change evidence. But the reason the royal commission recommended a legislative sunset period is because there are legitimate concerns about whether the cameras can and will be used responsibly.

The royal commission could not identify studies that had examined the effect of body-worn cameras on victims' experiences. It also draws attention to academic commentators who have expressed concern about unintended consequences, such as the manipulation of body-worn camera evidence by perpetrators. Academics have expressed concerns that by the time the police attend a family violence incident the perpetrator might seem calm while the victim might seem irrational, so the footage might undermine the victim's credibility in court. Equally videos might also be used to coerce the victims of family violence into participating in criminal proceedings. Our broader concern around the use of body-worn cameras is the potential to normalise this form of police surveillance.

Research already suggests body-worn cameras do not necessarily achieve the intended purpose of reducing the use of excessive force by police. Academic research in fact shows that when officers had the discretion to choose whether to turn cameras on and off, use of force rates were higher. My colleague Sue Pennicuik made this point last year in debate on the previous justice legislation amendment bill in 2017. I agree with this concern. We want to guard against ad hoc use of these

devices. If they are going to be used, they need to be used consistently, and members of the public need to know when they are being used. In family violence contexts the misuse of a body-worn camera and the resulting recorded evidence may have heightened social costs, so while informed consent as described in section 387G is a critical step in ensuring natural justice for survivors as much as perpetrators, it is not in itself enough. We should ensure that those with the power to subject Victorians to arrest and to the use of violent force are sufficiently constrained to use those powers responsibly in every instance.

We note that the bill also proposes to introduce section 387O into the Criminal Procedure Act 2009. This requires the Chief Commissioner of Police to initiate a review of the operation of body-worn cameras and report on this after three years. The person who undertakes the review is required to not be a member of police personnel. The bill also outlines the considerations of the review, which are largely procedural concerns. Our sense is that the review mechanism outlined is not robust or comprehensive enough and that in the interests of survivors it could have been significantly expanded, one, to ensure that the inquiry undertook a review with a greater focus on ensuring how natural justice and the human rights of the complainant were affected; and two, to ensure the independence of the review by ensuring either that it was not commissioned by the Chief Commissioner of Police or that the person responsible was a former judge involved in Family Court matters or an individual with significant expertise in human rights.

To sum up, the Victorian Greens will support the government's bill today, because we believe the legislation is well-intentioned and the overwhelming implications for family violence survivors are positive, but we have strong reservations about whether sections in relation to constraining the use of body-worn cameras go far enough, and we will await the findings from the section 387O review with great interest.

Mr MELHEM (Western Metropolitan) (10:32) — I also rise to speak on the Justice Legislation Amendment (Family Violence Protection and Other Matters) Bill 2018. The bill responds to the six recommendations from the Royal Commission into Family Violence. The family violence royal commission was established by the Andrews Labor government and was one of the key election commitments that was given by Premier Daniel Andrews prior to the election. It was a historical commitment, and I think it was long overdue. I just want to take the opportunity to congratulate the Premier and the Labor government on initiating the royal

commission and implementing all of its recommendations.

I also want to pay tribute to the work that was done by the previous Parliament, particularly Ms Crozier, who chaired the committee inquiring into family violence. Good work was done by that committee. That was used as a platform for the royal commission and the work the government have done in this space. I also recognise the work that was done by the late Minister Fiona Richardson in that space as well. I just want to acknowledge the hard work she did in that space. It is one of the reasons we see this second stage of legislation basically continuing to implement all the recommendations from the royal commission.

For all these people who have been involved in implementing various pieces of legislation to make sure family violence is addressed in this state, it is unfortunately still one of the highest level crimes committed in the state. The good news is that over the last few years everyone has been talking about it, everyone is doing something about it and the attitude from men is changing. We have still got a long way to go, but family violence is on the agenda front and centre and that is a pleasing thing. That is why the Andrews Labor government continues to implement the recommendations of the royal commission.

This is the second stage of justice-related legislation. Two years after the royal commission handed down its final report these amendments in the bill strengthen Victoria's efforts to respond to and prevent family violence. The bill also makes amendments to various acts to complement the royal commission's recommendations, such as an amendment to facilitate the electronic issue and transmission of court and tribunal documents. The royal commission recommendations that this bill specifically deals with go to extending the therapeutic treatment order regime to 15 to 17-year-olds, and enabling the trial of a scheme to allow complainants to give recorded statements for later use in their evidence-in-chief in family violence offence proceedings, which is royal commission recommendation 58. It enables specialist Family Violence Courts to be established. It makes changes to all Magistrates Court headquarter courts, in line with recommendation 60. It also facilitates the rollout of online family violence intervention order applications, which is recommendation 74 of the royal commission. It also empowers courts on their own motion to make interim family violence intervention orders in criminal proceedings, which is royal commission recommendation 79. It inserts dowry-related abuse and forced marriage as examples of family violence in the

Family Violence Protection Act 2008, which is royal commission recommendation 156.

The bill will make other amendments, as I mentioned earlier, to complement the royal commission's recommendations, and these are to strengthen the current therapeutic treatment regime in order to give the Secretary of the Department of Health and Human Services and the Children's Court greater oversight of children subject to therapeutic treatment orders. It empowers the Children's Court to make orders requiring adult respondents to final family violence intervention orders to attend men's behaviour change programs. It removes a requirement that a respondent to a final family violence intervention order must live in a particular postcode in order for a court to order them to attend a men's behaviour change program.

It also promotes the practical operation of the provision of the Family Violence Protection Act 2008 that allows the Magistrates Court and Children's Court to make family violence intervention orders on their own motion to protect children in family violence proceedings. It also abolishes the right of appeal against interim family violence intervention orders and personal safety intervention orders and clarifies and refines the system for varying and revoking interim orders. It facilitates courts and tribunals using electronic processes to issue and transmit documents — for example, warrants and orders. It is all about streamlining the process and making sure access to justice is made affordable and efficiency is improved.

One of the areas this bill will also address is the ability to introduce an evidence-in-chief scheme and run a trial, which has come out of the royal commission also. The reason for that I think is very important. As part of the evidence collected at the scene of an incident there will be cameras and the trial will allow victim survivors of family violence, referred to as complainants, to make a statement that will be recorded by a police officer and later used as evidence-in-chief in relevant family violence criminal and civil proceedings. The recorded statements will also be able to be used in court proceedings by court order. We all know that it is very important that, when police are investigating or responding to a matter, they can take a statement from victims while it is fresh in their minds. They will be able to do that, to take evidence, and that evidence can later be used in court when proceedings are taken against an offender.

We all know that with family violence there is a lot of pressure in some cases applied to victims whether by the perpetrators or by other family members basically not to come forward or trying to force them to change

their story. These and various other circumstances they are put in could lead to some technical arguments where the perpetrators basically get off scot-free. I think introducing that is a very important tool so the perpetrators can be brought to justice and so that the complainant, the abused or the people who are suffering family violence do not have to go through the same trauma again months or years later. I think it is a very important tool to introduce to make sure we can take the stress out of that.

As to the training of police officers, the bill proposes that recorded statements be taken by a police officer attending a family violence incident using a body-worn camera. The police officer will be appropriately trained according to instructions made by the Chief Commissioner of Police. The training will include how to use the technology and conduct an interview, and information about the nature and dynamic of family violence. The government has just introduced and rolled out the body-worn cameras, and those are very welcome tools to be used in fighting crime. That is one of the areas the bill addresses.

The new offences which the bill creates under clause 116 — new section 387L — are to protect the recorded statement from being improperly shared or published, protecting the complainant from the footage being used to further victimise them. That is something I have touched on earlier, and I think that is why it is very important that that protection is provided for complainants. It could also help reduce the time it takes for court to hear family violence matters and, as I said earlier, reduce the trauma for complainants associated with giving evidence in court.

The bill also talks about rolling out some online application for family violence interventions orders, again to streamline the operation. These provisions will enable the Magistrates Court to develop a truly online application process that will promote greater accessibility to the court for victim survivors of family violence. One of the concerns was about making sure people do not make false statements when they lodge a claim because currently they will have to put in a sworn affidavit when they lodge the application, but enough safeguards will be put in place as part of the online process to make sure a person is not making a false statement when they put in their application.

The bill under clause 29 makes it an offence to knowingly make a false statement in the declaration of truth. The bill will also give power for the making of family violence intervention orders, which relates to the royal commission recommendation that courts be empowered 'to make interim family violence

intervention orders on their own motion ... during criminal processes’.

That is very important because sometimes it is put upon the complainant to apply for that. But that is another area where you could take the pressure off the complainants, and the court could actually make its own intervention order in the criminal proceeding, which is something we welcome.

The last aspect I want to talk about is family violence related to dowry-related abuse and forced marriages. In a society like ours I do not believe that these sorts of things should continue to exist — not in this country, not in Western society and not in a society where the rights of women are valued and protected. In some cultures that might have been acceptable 100 years ago or 1000 years ago, but in a country like Australia I do not think we should tolerate this sort of behaviour where a woman is put out for sale, basically. A man can go and buy a woman to be his wife by making a certain payment to her family. That is something that may have happened 1000 years ago, 2000 years ago or maybe 100 years ago, and maybe it still exists in some cultures around the world, but it certainly should not continue in this country. That is why I am pleased that is now covered by this legislation, and it will hopefully stop. The bill will give tools to the police, to law enforcement agencies and to the court to deal with it.

The royal commission heard that women in some culturally and linguistically diverse communities experience specific forms of family violence including dowry-associated violence and forced marriage, but that these forms of abuse may not be readily recognised as family violence by some within these communities. That is the point I was making earlier, that they do not believe it has anything to do with family violence. They think it is part of their culture and therefore it is okay. Well, I say it is not. The bill responds to that family violence associated with dowry and forced marriage as specific examples of family violence in the Family Violence Protection Act, and also the provision will increase awareness of this type of abuse.

The bill, also in clause 15, makes it clear that a person ‘using coercion, threats, physical abuse or emotional or psychological abuse to demand or receive dowry, either before or after a marriage’ can constitute family violence. I think it is really important that we not just stop that but that we provide education that if this behaviour continues it will actually constitute family violence.

In conclusion I again want to congratulate the government and the minister on introducing this bill as

a follow-on from the legislation which was introduced in 2017. I notice more work is happening in that space. We have a bipartisan approach. I want to congratulate everyone who has been involved in this space and in making sure family violence in this state will become a thing of the past, and hopefully the crimes and the rate of family violence in Victoria will continue to decline over time. With those words, I commend the bill to the house.

Mr MORRIS (Western Victoria) (10:47) — I rise to make my contribution to the debate on the Justice Legislation Amendment (Family Violence Protection and Other Matters) Bill 2018 and note that this bill does go on to amend the Children, Youth and Families Act 2005, the Family Violence Protection Act 2008, the Criminal Procedure Act 2009 and the Magistrates’ Court Act 1989. This legislation implements six recommendations of the Royal Commission into Family Violence: namely, recommendation 34, which extends the therapeutic treatment order system to young people aged 15 to 17 years of age, and similarly recommendation 58 for the trialling of body-worn cameras to collect statements from family violence incident scenes. I note that Ms Crozier made mention of the fact that body-worn cameras are being rolled out in Ballarat in western Victoria. Indeed, anything that can be done to assist in family violence matters and to assist our hardworking police officers is something that we should welcome.

Recommendation 60 extends the functions of the Magistrates Court family violence division to other courts, and recommendation 74 is that the Magistrates Court roll out an online application form for intervention orders. Recommendation 79 empowers courts to make interim family violence intervention orders on their own motion.

Finally, recommendation 156 expands the statutory examples of family violence to include forced marriage and dowry-related abuse. That is something that Ms Crozier made significant statements on, and one that is of grave concern. Where of course women particularly are being treated as an asset for trade is a shocking thing and something that should be significantly addressed. Evidence of it and the practice of it should be stamped out. It is abhorrent behaviour that we should not condone in any way.

The bill amends various acts, as already stated, to respond to family violence and facilitates the electronic issue and transmission of court and tribunal documents.

The scourge of family violence in our community is something that is quite shameful. It is something that

we do need to significantly address because we know it is ongoing. We know that there is no simple answer or fix to what is a very complex issue. When I speak to local police in western Victoria they say that without any doubt family violence is the number one issue. In terms of time spent on specific areas of concern, family violence is the number one issue, and second to that in terms of the amount of resources and the areas of concern in the community is the issue of youth offenders.

Family violence is a very, very complex issue. I do not think it serves anybody's purposes to try and distil it to make it any less complex than it is. I think people who oversimplify things and try and say that this is a simple area with a simple fix do more harm than good in this particular area. There are many, many victims of family and domestic violence, and it is something that needs to be addressed with a complex order and structure so as to not oversimplify it and not see it continue on.

The impact that this has is often, concerningly, intergenerational. It can become a learned behaviour from one generation to the next. I certainly feel terribly sorry for families that do experience that. This is not an issue specific to one socio-economic, multicultural or other group in our community; it is something that occurs across our community, and people often do not know what is going on behind closed doors in another's home, which makes it even more difficult to address.

One can very well understand that complexities exist of housing, of children and of relationships and where they are, and why it is that someone may or may not report instances of family violence. It is a very real concern and an ongoing issue. How can we address something that is not brought to the attention of anyone? That is why it is so important that we as a community remain vigilant for people who may be at risk, keep an eye out for the telltale signs that there may be family violence going on and ask people if they are okay and if there is anything that can be done to address the issues they face.

All too often we read in newspapers about people who have lost their lives as a result of violent acts by those who are supposed to love them. It is shocking beyond belief that this occurs. That those whom people should be able to trust the most are the ones that are inflicting pain and suffering on them is something that is a true scourge and something that we in this place have a significant responsibility to ensure that we can address as much as we can, despite the very complex reasons for it and the issues associated with it.

I believe the six recommendations that this bill seeks to enact will go some way to addressing what is a very complex issue. It is always incredibly important with these types of bills and indeed the recommendations coming out of the royal commission to understand the way that they will interact with both current legislation and also the real-world lives of people on the ground. I am pleased that the opposition has consulted with a range of stakeholders, who have not necessarily raised any grave concerns about the impact that this bill may have — indeed there may be a range of positive outcomes from this.

I have no doubt that there will be several questions about this bill in committee, because it is important that we understand the impact of this as it is rolled out. At this point I conclude my contribution, and I look forward to hearing contributions from others.

Ms BATH (Eastern Victoria) (10:55) — It is nice to see you in the chair, Acting President Gepp. I am pleased to rise this morning to speak on the Justice Legislation Amendment (Family Violence Protection and Other Matters) Bill 2018. It is a very complex area in which government has to intervene and create sincere and highly regulated regimes in order to protect our most vulnerable people and to work with the systems in order to make that happen. The purpose of the bill is to amend a number of acts — the Children, Youth and Families Act 2005, the Family Violence Protection Act 2008, the Criminal Procedure Act 2009 and the Magistrates' Court Act 1989. Implementing the recommendations of the Royal Commission into Family Violence report is the basis of this bill.

I will go through the six recommendations being implemented, but I would like to specifically concentrate on recommendation 34 — to extend the therapeutic treatment order regime to young people aged between 15 and 17. On the other recommendations, recommendation 58, which is to trial body-worn cameras to collect statements from family violence incident scenes, would be useful and very important as an information gathering and protection tool; recommendation 60 is to extend the functions of the Family Violence Court division to other courts; recommendation 74 is that the Magistrates Court roll out an online application form for intervention orders, which would see a fast-tracking of these orders, which makes a lot of sense; recommendation 79 is to empower the courts to make interim family violence intervention orders on their own motion; and recommendation 156 is to expand statutory examples of family violence to include forced marriage and dowry-related abuse.

As I said, I am very interested in looking into the area around therapeutic treatment orders and programs for children who have, through a variety of abnormal life situations, been exposed to many horrors in terms of sexual abuse and family violence and therefore are mimicking or displaying abnormal sexual behaviours and how we can intervene in this. The situation under the current legislation is that the family division of the Children's Court of Victoria can only make therapeutic treatment orders for children who are in the age range of 10 to 15. What the bill seeks to do is extend that up until 17 years old and even broaching into 18 years old under circumstances of finishing those programs. It certainly makes a lot of sense.

A therapeutic treatment order requires a child to attend an appropriate treatment program to address their sexually abusive behaviours. As I said, this is a really important area that we need to continue to work in and develop because it is actually looking at a solution for these damaged children. In my patch in Gippsland these programs are delivered by sexually abusive behaviour treatment services — and that is a mouthful, Acting President — through the Gippsland Centre against Sexual Assault (CASA), Berry Street, the Australian Childhood Foundation at Morwell and also Quantum. I spoke with the CEO of the Gippsland Centre against Sexual Assault this morning to understand some of the good programs that they are running there, and I will go into those because I think this is a really important area that government needs to support and continue to support.

We often speak to a number of constituents in a day. Last week in my electorate I met with a constituent for other reasons, but in the course of our conversation she described a not uncommon situation, and I would like to relate it to the house. I will not use any names, and in fact the issue is in another state, so there is no concern around divulging information that would identify any of the participants. This person said to me that she went interstate to visit her friend. Her friend lives in a mature family. They decided to become a foster care family, and they took on and have carriage of two little children. One is now 11 and the other is an infant.

The story of that young 11-year-old girl is just horrific. She was in a situation — I will not even call it a family — where the male in the family was a predator and the females in that family would actually funnel children into that unit, as I will call it. Thankfully the child and her younger sibling were removed and put with this other, wonderful family. But the behaviours that that poor little girl exhibits on a regular basis are just shocking. She does not sleep well at night. She hoards food because she needed to in her other

situation. There is a male and a female in this new foster care family, and the behaviour that the girl exhibits to the male reflects the fact that she had been severely traumatised in what was an abhorrent living situation in her early years.

In discussing that with my constituent, she said that there has been a lot of intervention with that young girl, but it is almost like the neural pathways of that child have been very much damaged. She abused a family pet to the point where she drowned the guinea pig and did not seem to feel remorse for that. She is undergoing intensive family therapy in a range of ways. I think it will be a long haul to get this child back into a reasonable state of being, but it is so necessary. This just highlighted to me the importance of those therapeutic programs.

When we look at the damage that can happen to a child and the link between early trauma and mental health in our state, and indeed in terms of Ms Crozier's work in the Betrayal of Trust inquiry, we see the need to put those early interventions in once they are identified. A person who has been abused in childhood might continue to be abused again in adult life, or in later life they might mimic their experience and become perpetrators of sexual abuse and family violence, so often the link and the cycle continue. How important it is to break that cycle. It is certainly important from my point of view.

Clause 9 looks at increasing that intervention up to the age of turning 18. I think that is also really important. As I said before, the Gippsland Centre Against Sexual Assault provides a lot of support based in Morwell and also in Bairnsdale. It is very sad to note that over recent times there is still an increase in family violence by 10 per cent, and there is an increase in 8 per cent in mental health issues associated with that. The problem is still real and live.

Talking with the CEO of CASA today it was most interesting to understand that you need to fit the program to the person, and individualise that program. Certainly there are short, six to eight-week programs for education around sexting and early intervention programs, and they are adapted to the age of the child. They have also created a family support program that involves a family support practitioner who goes out and has intensive engagement over six months, supporting the family and getting upstream from that issue. They do not just deal with the child but they get upstream and deal with why this is happening in a family situation, working with the schools and child protection and community services. They are doing great things. They also said to me that that funding is not ongoing. They

created this program, but they are concerned that the funding is not ongoing. So that is a call that I put out to the government — to work with CASA to keep that funding.

Indeed one of the examples there involved a child who was inspired by the parent that this practitioner had worked with. The parent had gone back to school after leaving school so very early and not having any educational aspirations, and this child said, 'I can be like mum and go on to university'. So there can be some great outcomes.

I am also really interested in how therapeutic treatment programs can work with the outdoors to connect families in terms of being in an environment that stimulates and brings people together. Certainly Camp Connections and outdoor programs are very important. It is very important to me, and I am sure all of us in this place, that intervention and work on intervention continues and is supported by all sides of government.

I would also like to congratulate Ms Crozier on her work in terms of protecting people who may enter into a dangerous long-term relationship by their being able to check a person's background through the Right to Ask, Right to Know scheme. I think this is a very sensible and appropriate way to do things. We all need to be able to protect ourselves, and things are not always what they seem. In terms of our daily opportunities now we can go on internet dating sites. Although it all may seem fantastic and we can establish a wonderful relationship, there can be a lack of knowledge around that person apart from what is given across the internet and later through a personal meeting.

Once upon a time, in my childhood, the way to cross-pollinate was for a person to go into the next town and marry a person a little bit away from them, but certainly nowadays when we are looking to form long-term attachments they can go into unknown areas. So enabling a person or a concerned party to go to the police and fill out a full and accurate application to have the police investigate that person is a very wise and appropriate thing.

We need to be able to look at that in terms of areas that have high family violence. I know that Ms Crozier has identified some of those. Unfortunately the central Gippsland area features highly in family violence statistics, as per the Crime Statistics Agency. When that has been rolled out I would really like to see it in central Gippsland as well. I know it is working well in the UK and, as they say, forewarned is to be forearmed. It is really important that this continues.

There are some questions about the bill that I would like to ask in committee. These relate to how children or young people — adolescents — who may be on therapeutic orders and who are placed in out-of-home care situations are managed and how the program is safeguarded for young people in out-of-home care. How are the checks and balances on these programs structured?

The Nationals will not oppose this bill. This is a step in the right direction. I think there is a great deal more work to be done in this area and I look forward to working with my colleagues and Ms Crozier when we get into government to continue the work that has been done in the past.

Ms FITZHERBERT (Southern Metropolitan) (11:09) — Today our newspapers have depressing new stories of violence against women. I am glad that domestic violence is getting the attention it deserves in this Parliament and others. In Victoria this has stemmed directly from the work done by the cross-party committee chaired by Ms Crozier, and also from the royal commission.

The days of saying that an assault against what was usually a woman is 'just a domestic', and with police seeing no reason to intervene, are rightly over. But we still have a long way to go in fully addressing this problem, reducing the incidence of domestic violence in our community, dealing with it appropriately when hopefully it comes to light and ensuring that perpetrators face the consequences of the actions they take.

But it is wrong to conflate domestic violence and other forms of violence against women. Today we read of Samantha Fraser, whose body was discovered by police during a welfare check after she failed to collect her three children from their local primary school. She was a psychologist at the town's local clinic and was clearly a very respected and loved member of the community. We do not yet know what happened or who was responsible for this terrible crime.

We can also read today about a woman who was the victim of a violent carjacking in Narre Warren South at about 9.00 p.m. last night. She was driving her Volkswagen Golf along Harrington Drive in Narre Warren South when three young men hit her car from behind. Her son said:

They've come out the car with a pistol and basically assaulted her and took the keys from my mum.

He said that the group threatened her and assaulted her and forced her to give up the keys, which she struggled

with because she was in shock at what was happening to her. Her son also said:

They've hit her with what we believe is a pistol or a gun in the face and then pushed her around trying to get the keys off her.

She's obviously shaken up, we're taking her back to the doctors this morning ... there's a lot of bruising and swelling.

What a shocking and frightening experience for that woman. It is one that is all too common and just seems to keep happening despite the government's claim that they have everything under control and their efforts to shut down those who draw attention to violent crime, including gang crime.

The bill that we are considering today is one of a long series of legislative changes intended to combat domestic violence and to ensure that the legal processes that arise from domestic violence are more appropriate and effective. The bill responds in particular to six of the recommendations from the Royal Commission into Family Violence. It establishes the specialist Family Violence Court division of the Magistrates Court, extends access for young people to therapeutic treatment programs, enables applications for family violence orders to be filed online and includes dowry-related abuse and forced marriage as statutory examples of family violence in the Family Violence Protection Act 2008. It enables a trial of the scheme that allows for a recorded statement to be used as a victim's evidence-in-chief in proceedings for family violence offences and enables courts to make interim family violence intervention orders without a formal application if they believe that material in a criminal proceeding shows a victim survivor needs protection.

The bill also makes other amendments that are said to complement the royal commission's recommendations, including facilitating the electronic issue and transmission of court and tribunal documents, making changes to the counselling order provisions in the Family Violence Protection Act and promoting the practical operation of the power of the court to make family violence intervention orders on its own initiative, primarily to protect children.

I note that the bill abolishes appeals against interim intervention orders while putting in place a system that is intended to address mistakes and otherwise ensure fairness. This involves a new 'interests of justice' test, which will apply when a respondent seeks leave to vary or revoke an interim order that was made in their absence. If leave is granted under this new test, the court may be able to vary or revoke the interim order. Additionally there is a new power for the court to set

aside the interim order, which would have the effect of removing any record of the interim order ever having been made. This would be reserved, we are told, for exceptional circumstances. I look forward to learning in more detail about these provisions and the checks and balances that go with them in the committee stage review of this bill.

Ms Bath spoke earlier, I thought very eloquently, about the extension of therapeutic treatment, which is one of the issues that is within this bill, and she gave a very sad and practical example from her own community. Again it shows how far we have come as a community that these things are openly discussed in Parliament rather than literally being pushed into the darkness somewhere where they are not considered or addressed, let alone made the subject of attempts to correct some of the damage that is done through abuse.

When a therapeutic treatment order is in place a child is compelled to attend a therapeutic treatment program. This bill responds to recommendation 34 of the royal commission to amend the Children, Youth and Families Act 2005 to extend the therapeutic treatment order regime to children aged 15 to 17. To me this is a very sensible and practical change. It is not clear to me why it has taken so long to enact this particular recommendation, but at least it is now happening.

The bill establishes the specialist Family Violence Court division. Presently the Family Violence Court division only sits at the Heidelberg and Ballarat Magistrates Courts. The royal commission recommended extending the functions of the division to other courts and other locations; this was recommendation 60 of the royal commission. Therefore the bill inserts new provisions into the Magistrates' Court Act 1989 to establish the specialist Family Violence Court division, and it also amends the mechanism for designating a specialist Family Violence Court division venue.

There are also provisions that are about supporting the expansion or rollout — I think that is the term that is used — of online applications for family violence intervention orders. The royal commission recommended that the Magistrates Court expand its online family violence intervention order application across Victoria; this was recommendation 74. Currently a victim of family violence who initiates their own application for a family violence intervention order needs to make their application by oath or affidavit, both of which need to be witnessed. The bill provides that an application may now be made by a declaration of truth which does not need to be witnessed by another person and may be lodged with the court online.

I note that in the second-reading speech the Attorney-General said:

The integrity of the online application will be maintained, as it will be an offence to knowingly make a false statement in an application made by a declaration of truth.

He also indicated that the reason for this change is:

... the potential risks and trauma to an applicant associated with visiting a court in person to complete an application ...

I would imagine there are possibly also issues of urgency to do with a reasonable apprehension that someone may be in danger in some way — physically or in other ways.

However, it is a very serious thing to take this sort of action. We need to be confident that it will not be misused, or that if it is misused, there are appropriate ways to address this sort of occurrence. I guess what I am saying is that I want to be assured of appropriate checks and balances to avoid misuse, and I look forward to learning more about the practical application of these through the committee stage.

I heard Ms Crozier refer earlier to the new statutory examples of family violence which now will extend to dowry-related abuse and forced marriage. As Ms Crozier said, this is an issue which has been raised and about which concerns have been expressed for some time now. The royal commission looked at this issue and it heard evidence regarding dowry-associated violence and forced marriage. That is not to suggest that family violence is involved in every instance of the practice of dowries, but there was evidence heard that this occurs. The royal commission further heard that these forms of abuse may not be seen as family violence by some within the communities that practise it, so it is a delicate issue but one that needs to be addressed. It led to recommendation 156 of the royal commission, which is to expand the statutory examples of family violence within the Family Violence Protection Act and hence the changes that we are considering within this bill. The bill does not make the practice of taking and giving dowry illegal but focuses on certain abusive behaviours that are used to demand or receive dowry and may constitute family violence.

I would like to acknowledge the leadership of Ted Baillieu on this issue, in fact at a time I believe when he had ceased to be Premier, by tabling a petition in Parliament that called for the definition of 'economic abuse' in the Family Violence Protection Act to include coercive demands for dowry. I applaud the leadership that he showed on that point. I am pleased to see that his work and the work others have done in this space has led to this change before us today.

I was also pleased to see the royal commission recommendation in relation to own-motion interim family violence intervention orders in criminal proceedings being put in this bill as well. What this means is that under the terms of recommendation 79 of the royal commission, the bill provides a power to courts that are hearing criminal proceedings — including a bail hearing, a committal hearing, a trial, a sentencing hearing or an appeal — to act immediately at any point during those proceedings if they perceive it is necessary to manage any risk to the safety of a victim of family violence if material emerges in a criminal proceeding which suggests that the protection of an interim order is, on the balance of probabilities, necessary. This of course means it does not always fall to the victim to apply for an order and potentially give further evidence. Indeed it addresses the issue that there are many victims who, despite the evidence that is before in this case even a court, will not even contemplate taking that step for a variety of reasons. Due to the interim nature of an order that is made using that power, the matter will need to return to a court for final determination.

There are, I read, safeguards to the right of an accused to a fair trial. The bill provides that an own-motion interim order needs to be made on the material before the court in the criminal proceeding and that the prosecutor in the criminal proceeding in which an own-motion interim order is proposed to be made is not a party to the proceeding. It is intended to create a situation where the court can take action to protect a victim when certain matters come to their attention, but the fair trial of the accused and the independence of the prosecutor are not to be compromised.

There is only limited time available to me to speak on the bill, but can I say I have been pleased to see some of the changes that have come through in this bill. They represent a lot of work by a lot of people over a number of years. I have flagged a couple of concerns or, should I say, interests that I have in the practical applications of some of the new provisions that are included in this bill, but they do I think fall into the category of being a very nuanced and detailed response to family violence. This kind of approach to deal with a problem that I think many of us have known throughout our lives has support across the parties that are represented in this chamber.

We all have seen, as I said at the start of my comments today, enormous change in the way society views this issue. It is now something that has literally come out of the shadows and is being considered in the Parliament in a way that is intended to combat — which seems the wrong word to use — the incidence of domestic

violence. It will ensure that when people do speak out against it they do so within a framework that is cognisant of the practical limitations that many people have to fight back against the treatment they are receiving. I hope it will continue to ensure a fair process for all those who are parties to the proceedings.

With those words I am going to conclude my comments. I look forward to further discussion of the bill and its contents in the committee stage.

Mr ONDARCHIE (Northern Metropolitan) (11:23) — This morning, on this Friday, I rise to speak to the Justice Legislation Amendment (Family Violence Protection and Other Matters) Bill 2018. Can I start by commending the contributions today of Ms Crozier, Mr Morris, Ms Bath and Ms Fitzherbert on what is a very, very important matter and perhaps one of the most important matters we as a state could be dealing with right now.

I do want to take a moment to recognise the fact that part of this process is making sure that kids are looked after. We all have a responsibility, whether as a minister for children or a member of this Parliament, to look after the kids. We know, and we have been talking about this for three and a half years, that there are still some challenges to looking after children in this state, and the answer is not always to lock them up in an adult prison.

In speaking of children, can I just make the point how blessed I am to have five and now almost six beautiful children of my own — Marianne, Luke and Matthew —

Ms Bath interjected.

Mr ONDARCHIE — I will tell you why in a minute; don't get ahead of yourself, Ms Bath.

As you know I have five children, three of them born naturally to us and two that we brought into our home, and we are blessed by them as well, and the sixth is almost about to arrive. Can I say to Marianne, Luke, Matthew, Steven, Megan and now Katey what a blessing it is to have them in our family. I am really blessed, and I think I am the luckiest dad in the world.

The purpose of this bill is to amend the Children, Youth and Families Act 2005, the Family Violence Protection Act 2008, the Criminal Procedure Act 2009 and the Magistrates' Court Act 1989 to support the implementation of six recommendations of the Royal Commission into Family Violence, they being recommendation 34, to extend the therapeutic treatment order to young people aged 15 to 17 years of age;

recommendation 58, the trial of body-worn cameras to collect statements from family violence incident scenes; recommendation 60, to extend the functions of the Family Violence Court division to other courts; recommendation 74, the Magistrates Court's rollout of an online application form for intervention orders; recommendation 79, to empower courts to make interim family violence intervention orders on their own motion; and recommendation 156, to expand statutory examples of family violence to include forced marriage and dowry-related abuse.

This bill also amends other various acts to strengthen the response to family violence and facilitate the electronic issue and transmission of court and tribunal documents. Some of the main provisions include those within clauses 4 to 12, which expand therapeutic treatment orders; clause 15, which enacts forced marriage and dowry-related abuse provisions — new statutory examples of behaviour that may constitute family violence; clauses 17 to 21, which facilitate the use of an online application for family violence intervention orders; clause 19, which empowers courts to make own-motion interim family violence intervention orders during criminal proceedings; clause 36, which establishes the specialist Family Violence Court division in the Magistrates Court; clause 53, which facilitates the electronic issue and transmission of court and tribunal documents; and clause 116, which allows the use of prerecorded evidence-in-chief in proceedings for family violence offences.

I know that the wonderful work done by our shadow minister, Georgie Crozier, has included consultation with a number of organisations. Just while I am talking about Ms Crozier's contribution, can I continue to commend her on the outstanding work she did whilst in government in leading the inquiry into child abuse in this state. I had the blessing of sharing an office with Ms Crozier for six years, and while some of the discussions in the office were private and I removed myself from that office so those discussions could take place, I know the amount of work she did, I know the emotional hardship she went through and I know the amount of effort that she put into protecting children in our state. I take my hat off to you, Ms Crozier, and salute you for the great work that you did when we were in government.

This bill seeks to implement six recommendations of the Royal Commission into Family Violence. Parts of this bill also build on the work undertaken by the former coalition government in dealing with child protection matters, including the management of therapeutic treatment orders. I know that Ms Crozier

has spoken to a number of people and organisations, including No to Violence, McAuley Community Services for Women, Our Watch, Jewish Care Victoria, Safe Steps Family Violence Response Centre and Manjula O'Connor, the dowry advocate.

In regard to my own electorate of Northern Metropolitan Region, Acting President Patten, I know you share deeply with me a care and concern for what is a growing family violence issue in the northern area of Melbourne, particularly — and I know that you know this, Acting President — around the City of Whittlesea, where there was a significant increase in the period March 2014 to March 2018, based on the police statistics. There has been a significant growth in Whittlesea of family violence, and also in the City of Melbourne, in the City of Hume, in the City of Darebin and in Banyule, all of which take in part of the Northern Metropolitan Region. I know, Acting President, that you in your capacity, as do I, hear about this on a daily basis, and it is a growing concern. People who are ill informed would say to us, 'There is just more reporting', but the reality is that it is growing every day.

I just take this opportunity to pay tribute to Sergeant Chantel Vidler at Mill Park police station. Chantel is in charge of the family violence unit. She is a remarkable person — not just a great police person, but a remarkable human being. Her wonderful caring style, her empathy and her very supportive nature make her one of our great community leaders. Whilst we do not often single out individual police officers for the great work that they do in our state, Sergeant Chantel Vidler, you are doing an amazing job out there. I could not possibly be anywhere near as great as you at the work that you do in protecting and supporting families, particularly the women that have been affected by this. I know, Acting President, you would share my views about this.

Part of this also deals with organisations that can help families, and I remark at this time on the Alannah and Madeline Foundation, which for many years have done some wonderful work in dealing with family issues, dealing with child issues and also dealing with bullying. I am pleased to remind the house of the announcement by Matthew Guy that an incoming Matthew Guy government will reinstall a significant anti-bullying and support program into our schools this year in partnership with the Alannah and Madeline Foundation. I commend the great work of Matthew Guy in leading that.

I was honoured to be the founding chairman of the Bully Zero Australia Foundation, that still to this day works hard to deal with bullying and those who bully in

schools, community groups, sporting groups and workplaces. At the time we founded that organisation, the Honourable Jane Garrett in the Assembly was on that board with me. Jane and I, in putting our political thoughts aside, found that we shared a common view and a common care to deal with those who are bullied and for some reason those who do bully, because people do bully for a variety of reasons and they need some support as well. So the Bully Zero Australia Foundation continues to do that.

This bit of legislation also can deal with things like the challenges around siblings and bullying among siblings. Also, and we see this a little bit in our community now — and I know you are aware of this, Acting President — there is some bullying between children and parents as well. It is not only about teenagers necessarily; there is bullying at various levels, particularly with older Victorians as well.

This bit of legislation, which the coalition does not oppose, is important to Victoria. It builds on the great work that was started under the coalition government, and I acknowledge Ms Fitzherbert's references to that in her contribution today. We would like our families to be safer; we would like a much more harmonious society. Crime is a problem in this state; we know that. We as legislators have a responsibility for the safety and wellbeing of all Victorians. I commend this bill to the house.

Ms TIERNEY (Minister for Corrections) (11:32) — The government is continuing its historic work to transform Victoria's response to family violence so that victim survivors are better supported and perpetrators are held to account. We have committed to implementing all 227 recommendations of the Royal Commission into Family Violence, and through the 2017–18 budget invested an unprecedented \$1.9 billion for this important work. We have invested a further \$42.5 million through the 2018–19 budget to continue our efforts to address family violence.

We are now just over two years on from the royal commission, and it is important to reflect on the work to date. Much has been achieved, including the establishment of a dedicated family violence agency, Family Safety Victoria, which is establishing the support and safety hubs; the implementation of the new information sharing regime and the creation of a central information point to give frontline workers the information they need about perpetrators to keep women and children safe; and a boost in police resources, including the recruitment of 415 new specialist family violence police. So much has been achieved, but there is still much to do.

As we have heard, this bill is the second tranche of justice-related legislation in response to the royal commission. It responds to six recommendations and makes a range of other complementary reforms. I do thank members for their contribution in the debate, both in the other place and, this morning, in this chamber. Many members have spoken, very respectfully and sensitively, about these important reforms and the need to address family violence. Members have also spoken about how family violence affects their communities. I also note that the coalition indicated in the other place that it would not be opposing the bill, and Ms Crozier also confirmed that this morning in this place. I also note that the Greens have also indicated their support for the bill.

I am glad that we are taking a bipartisan approach to this bill. This is how it should be with these significant reforms. These reforms are an important part of the government's work to create a new system that protects victim survivors, holds perpetrators to account and changes community attitudes. I understand there are some members who have got questions in respect to this bill, and I look forward to those discussions in committee.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1

Ms TRUONG — The minister's second-reading speech mentioned the use of body-worn cameras, but there is no mention anywhere in the bill about these body-worn cameras or any specific equipment for taking recorded statements. Was that intentional?

Ms TIERNEY — I understand that it was intentional, and it was intentional on the basis that it is considered to be technology neutral.

Ms TRUONG — I am wondering: is it appropriate to introduce the use of body-worn camera recordings as evidence in family violence situations where there is currently no academic research that has examined the effect of these cameras on the victim's experience? The royal commission had outlined that the Victorian police have a record of poor police practices, and mistakes in this particular trial might limit the willingness of victims to report family violence matters. I am just wondering if you have thought about the appropriateness without the academic research.

Ms TIERNEY — The Royal Commission into Family Violence did consider body-worn cameras, and they believed that they offered, potentially, a number of benefits: for victims, by reducing the trauma associated with giving evidence in court; for police, by assisting with investigations and encouraging guilty pleas in appropriate cases; for prosecutors and courts, by providing higher quality evidence that might increase guilty pleas where appropriate; and for the community, who may have greater confidence that offenders are being held to account.

The bill provides for a trial and a review of recorded evidence-in-chief amendments. The Chief Commissioner of Police must arrange for an independent person to conduct the review. The bill sets out the matters that the review must consider. A report on the outcome of the review must be provided to the Attorney-General before the third anniversary of the commencement of the amendments for tabling in the Parliament. There is also a sunset arrangement in respect to that.

Ms TRUONG — I guess my question pertains to the experience of the victim during the recording and during the trial. I understand what the minister has outlined will happen after the trial, but in terms of protecting the victim from other forms of abuse or from being traumatised during the recording of statements — for example, say if the perpetrator is present or other such situations — are there any protocols associated with privacy or safety matters during the course of the trial?

Ms TIERNEY — There is a recommendation from the royal commission that the perpetrator will not be present, and police will manage and be trained on taking statements.

Ms TRUONG — Just relating to the trained police, given this is such a new practice, are there measures in the legislation or in the broader legislative framework that prevent the improper use of body-worn cameras, not just in terms of collecting the evidence but in terms of the powers and discretion of police officers in the ability to turn the recording on or off?

Ms TIERNEY — Some of these matters were actually contained in previous legislation that has been before the house in terms of body-worn cameras. But in terms of this technology the policy and procedures are contained within the police guidelines with respect to this.

Ms TRUONG — Thank you for your response. I will look up those police guidelines. The

second-reading speech mentions that the Chief Commissioner of Police can approve one or more training courses for police officers. In the speech the minister mentioned victim considerations, interviewing techniques and the nature and dynamics of family violence. We have spoken about dowry-related abuse and other such things. I notice that cultural competency was not mentioned, so I am wondering how the topics of the training will be determined and also recorded for the purposes of assessing the adequacy and appropriateness at the conclusion of the trial relating to the victim's experience.

Ms TIERNEY — It is a highly operational question, and I will seek advice.

There is a new centre for family violence training, and that is located at the police academy. With respect to recordings, a recorded statement may only be taken by a trained police officer. A trained police officer is an officer who has successfully completed a training course approved by the Chief Commissioner of Police. The proposed training for police officers participating in the trial consists of a face-to-face instructor-led mandatory course, which I think is really important. The learning outcomes of the training will include identifying the primary aggressor, demonstrating an understanding of the cycle of violence and family violence dynamics, and applying procedures and legal requirements. I am assuming, but I will check for the record, that in terms of people's cultural backgrounds that is also covered. It usually is, but for the record I will get that for you.

The information I have is that in terms of culturally and linguistically diverse (CALD) issues, definitely they will be embedded in the training. In terms of Koori awareness and cultural understanding, there has already been training delivered to over 8000 police in respect of that.

Ms TRUONG — Thank you, Minister. In terms of the second part of my question, how will the topics, the format and the materials of the training be documented so that at the conclusion of the trial, when we are seeing the outcomes and impacts on the victim's experiences, we can assess the adequacy and appropriateness of the training and whether it needs to be improved in any particular way?

Ms TIERNEY — Again, this is a very highly operational question. It is not a point in the bill, but I understand the situation that we have here and I will endeavour to get that answer. I would assume that the head of the centre of family violence training at the academy will be ultimately responsible for ensuring

that that material is documented and collated and then provided to the review.

Ms CROZIER — Minister, I just want to go back and clarify what I think was the very first question that Ms Truong asked in relation to recorded evidence around body-worn cameras and the technology to be used. You mentioned that the audio — and correct me if I am wrong; I just could not hear correctly — would be technology neutral; is that correct?

Ms TIERNEY — Police are not required to use their body-worn cameras, but they can do so.

Ms CROZIER — I am just trying to understand what 'technology neutral' means and how it will be applied. I understand the police do not necessarily need to wear the body-worn cameras, so does that mean that it can be both used and not used to provide evidence? I am just struggling to understand what 'technology neutral' means.

Ms TIERNEY — Cutting through it, it is a generic term that allows for any future or further advancements in technology that could be used.

Ms CROZIER — Thank you. That clarifies that, and I am pleased that I asked the question. If I could just go to another area in relation to clause 1. Obviously clause 15 deals with the forced marriage and dowry component. The figures that I have from the Australian Federal Police (AFP) in relation to forced marriage referrals are that in 2013–14 there were three; in 2014–15 there were 10; in 2015–16 there were 19; and in 2016–17 there were 10. How many forced marriage referrals were made to the AFP for 2017–18?

Ms TIERNEY — I certainly do not have that level of detail. I will inquire as to whether people in the advisers box might have that.

Obviously the question was in respect to the AFP. That is a federal body and so that would be the body that you would ask for that data from.

Ms CROZIER — Minister, the Department of Health and Human Services (DHHS) also have that information. It is my understanding that the AFP and the Department of Health and Human Services would have that information for obvious reasons. If there were instances that were reported to DHHS about forced marriage or any abuse of young girls or women — young girls in particular — then that would be reported. I am sure that somebody in your government does have that information, and I am just wondering if you would be able to provide the committee with the latest statistics and figures.

Ms TIERNEY — There are information protocols in place for exchange of information, particularly if it is to do with a child, but generally the figures, the numbers, do not just automatically come to the department.

Ms CROZIER — Thank you. I appreciate that, Minister, that they do not automatically come to the department, but if there were any child marriages, then they surely would?

Ms TIERNEY — My understanding is that it really depends on what the case is, so if it is a child protection issue, then it would go to DHHS and possibly the police but not necessarily to the Department of Justice and Regulation.

Ms CROZIER — Minister, if I could just go to the issue of the trial of online applications, I had some feedback from a stakeholder that said to me that they had heard that the Chief Magistrate recently said that a trial of online applications was not as successful as they had anticipated. I am just wondering if that is your understanding, if that is accurate or not and, if it is, what the concerns have been around that online trial that has been undertaken.

Ms TIERNEY — The Magistrates Court already offers online family violence intervention order applications at seven locations: Hamilton, Portland, Ringwood, Sunshine, Warrnambool and Werribee Magistrates Courts and the Neighbourhood Justice Centre. Currently a victim survivor of family violence whose nearest Magistrates Court is one of these seven locations can complete their application online but needs to attend a court location to complete their application by making an oath, affidavit or affirmation. This requirement can present difficulties for some applicants, particularly those in rural and regional areas.

The changes will enable the Magistrates Court to develop a truly online application process where victim survivors of family violence can complete and submit their application online. The Magistrates Court is rolling out the online application form progressively across Victoria. There is a continuous improvement process that is fed into this rollout.

Ms CROZIER — Thank you, Minister. On that progressive rollout that you have just highlighted to the committee, could you provide to the committee what has been put in place in relation to the service design, the issues around service design, cybersecurity and staff training arrangements for it to occur? Is that part of the \$89.2 million that was allocated in the budget recently?

The ACTING PRESIDENT (Mr Melhem) — On that note, I interrupt business for question time. I think the minister can take that question on notice.

Business interrupted pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

Feral cat control

Mr YOUNG (Northern Victoria) (12:00) — My question today is for the Leader of the Government, representing the Minister for Energy, Environment and Climate Change. Minister, yesterday the government made the long-awaited announcement that feral cats will be declared a pest species. Unfortunately the government also said this in their press release:

Recreational hunters will not be permitted to hunt feral cats on Crown land ...

Recreational hunting occurs in many areas in Victoria for many other pest species. Can you please explain how preventing a hunter from shooting a feral cat whilst legally hunting other pest species is going to help the 466 million reptiles and 272 million birds that are killed by feral cats every year in Australia?

Mr JENNINGS (Special Minister of State) (12:01) — I thank Mr Young for his question. In fact I think — no, I know — that I thank him for the frame in which he asked the question in terms of a conservation outcome that he may not actually credit as being part of his thought process. But I congratulate Mr Young for identifying the major benefit in relation to conservation of biodiversity that is embedded in his question. I appreciate that, and that is the way in which I will encourage my ministerial colleague who provides a substantive answer to this question to respond to it, which is about recognition of the way in which we can remove feral cats from destroying biodiversity values in Victoria and those values can be protected in a way that removes the threat and the effect of feral cats.

I am pleased that Mr Young has identified in his question that there is a benefit from the eradication of feral cats. The only issue that is of concern to him that we actually need to have policy reconciliation about is the differentiation between hunters being able to eradicate feral cats on private land compared to public land. It is a point that I am certain my colleague will provide you with some advice on, but I note the conservation ethos that underpins your question.

Supplementary question

Mr YOUNG (Northern Victoria) (12:03) — I appreciate the noting of that conservation ethos, because it has taken quite a while for us to get that message across that hunters are often motivated by conservation. Thankfully the government is finally listening to that, and it could go some way to explaining how this situation occurred. But in the interests of getting some of that advice back, I will ask a question in very simple terms that could portray a scenario. Minister, how can you reconcile that a hunter could be in the same place at the same time and presented with two different species that are both equally recognised by the government as pests and only be allowed to legally remove one of them?

Mr JENNINGS (Special Minister of State) (12:03) — Well, in terms of deconstructing that question, I know that a hunter is only in one place at one time, so I agree with that proposition. But in terms of the species and in terms of the way in which this is practically undertaken, I think it would be worthy of consideration and a more detailed response.

Clergy mandatory reporting

Ms PATTEN (Northern Metropolitan) (12:04) — My question is to the Attorney-General, represented in this house by Minister Tierney. On 11 July 2018 this government released its response to the child sexual abuse royal commission’s 409 recommendations, accepting in full or in principle 239 of them, including the expansion of mandatory reporting laws. That response indicates:

The Victorian government will give further consideration to the key recommendation that mandatory reporting laws should not exempt people in religious ministry from being required to report information disclosed in a religious confession.

Where, for example — and drawing on evidence from the royal commission — Father Michael McArdle admitted that he confessed to an estimated 1500 sexual assaults to approximately 30 priests over 30 years and none reported him, and Father Rubeo, upon a child disclosing abuse by him, immediately confessed to Father O’Donnell and received absolution, only to immediately state, ‘Now you cannot report me’, my question is: what is left to consider?

Ms TIERNEY (Minister for Training and Skills) (12:05) — I thank Ms Patten for her question and her ongoing interest in this area. This matter is a matter for the Attorney-General, and he will respond in writing within the required time frame.

Sustainability Fund

Ms TRUONG (Western Metropolitan) (12:05) — My question is for the minister representing the Minister for Energy, Environment and Climate Change. The Victorian Auditor-General’s Office yesterday delivered an audit report showing the closing balance on the Sustainability Fund was \$513 million as of 30 June 2018. The report highlights that the public reasonably expects that this levy is collected and spent for its intended purposes under section 70F of the Environmental Protection Act 1970 — namely, for environmentally sustainable uses of resources and best practices in waste management and on community action or innovation in relation to the reduction of greenhouse gases or climate adaptation or adjustment in Victoria. My question is: why hasn’t the government spent the money in full for the purposes it is put aside for?

Mr JENNINGS (Special Minister of State) (12:06) — I thank Ms Truong for her question. In fact we may beyond question time actually have a conversation about this in the near future. We have planned to have that conversation for some time, and I think we might talk at greater detail over a cup of tea about what might be some of the impediments that we have had in terms of the industry taking up access to the fund. There are two elements to this story. One is, yes, there has been an accumulation of funds that come from the landfill levy that have the purpose that you have actually described associated with that fund in terms of achieving a more sustainable Victoria and driving investment in outcomes that increase on an industrial scale our ability to recycle and re-use material in this state. It is also for some broader environmental purposes.

During the life of that fund, when I was the Minister for Environment and Climate Change I increased the landfill levy significantly. In fact it was the last time that it significantly rose, and I appreciated at that time the value of what might be the step change in the resource recovery and recycling industry. You will know that since that time our government left office in 2010, and during the period of 2010 to 2014 there was basically no drawdown of that Sustainability Fund at all, and then when this government came to office there were significant allocations in the forward estimates about a drawdown of money. It would be unwise of me to use the number off the top my head, but hundreds of millions of dollars have been allocated during this term to finally start drawing down on those accumulated funds in the Sustainability Fund. That is the case; there are funds committed in the forward estimates —

Mrs Peulich — Three and a half years.

Mr JENNINGS — Mrs Peulich, thanks for your interjection. I can take it as an opportunity to remind the house that there was no drawdown of the fund during the period of the coalition. I can say that it was only this government that actually started to invest in this important area, and there is a commitment to draw down the fund to respond to the concerns that Ms Truong brings to the chamber. Part of the challenge is to support industrial-scale investment in the resource recovery and recycling industry. That strategy has been released recently. There is an additional element: there needs to be market development of product lines and an aspect of the economy where in fact there is a take-up and a commercial viability of product lines that come through resource recovery and recycling.

That is a challenge in terms of the application and the use of products, and we need to drive greater investment and opportunity to see that occurring. It is not good enough to just increase recycling rates without being concerned about how industry takes up that opportunity and turns that into a commercial opportunity and then ultimately how those products are used and re-used throughout our economy. That is the purpose that the fund is being focused on, and that will increasingly see investment over time.

Mrs Peulich interjected.

Mr JENNINGS — Thank you so much for your intervention, Mrs Peulich. You have helped enormously!

Supplementary question

Ms TRUONG (Western Metropolitan) (12:10) — I thank the minister for his response. Given that the continued underspend of this levy is now very public and front of mind for the Victorian community and this may also lead to public questioning as to why the levy is so high or collected at all, reducing the opportunity for us to make some big moves in the waste sector, when does the government plan to spend the Sustainability Fund in full on much-needed waste infrastructure?

Mr JENNINGS (Special Minister of State) (12:11) — Part of the discussion we might have later on is in fact the relative merits —

Honourable members interjecting.

Mr JENNINGS — No, I am happy to share it with the chamber, but I am actually just thinking I get a minute now to explain the concept. The logic of

industry development is that in fact the landfill levy, despite the way that you have actually described it in your question, may be too low to derive the commercial imperatives that underpin industrial development — too low. So in fact the landfill levy in Victoria, despite the way that you have described it, is lower than in other jurisdictions and may lead to a lack of investment in the private sector. The state cannot actually build — well, it has not chosen, on policy grounds, to build — industrial-scale recycling facilities. It actually requires co-investment or commercialisation of this. The landfill levy plays an important role, and the logic of that is that it should be higher rather than lower.

The PRESIDENT (12:12) — Can I take this opportunity to draw to the house's attention that in the public gallery today we have the Honourable Paul Green, MLC, a member of the Legislative Council in the New South Wales Parliament and a member of the Christian Democratic Party, the Fred Nile group. Welcome to the Parliament.

Dame Phyllis Frost Centre mothers and children program

Ms PENNICUIK (Southern Metropolitan) (12:12) — My question is for the Minister for Corrections, and it is with regard to the November 2017 Ombudsman's report *Implementing OPCAT in Victoria: Report and Inspection of the Dame Phyllis Frost Centre*. Concerns were raised by the inspection team about the access of Aboriginal women to the Dame Phyllis Frost Centre's mothers and children program, and the information provided by Corrections Victoria confirmed that the last successful application to the program by an Aboriginal woman was in 2014. Between 2015 and 2017, 12 applications were made but did not proceed for various reasons. The inspection team heard concerns that the process for assessing the applications may be culturally inappropriate but was not in a position to determine that. It made recommendations regarding the departments — that they identify barriers to Aboriginal and Torres Strait Islander women participating in the Dame Phyllis Frost Centre's mothers and children program. My question is: what progress is the department making on that?

Ms TIERNEY (Minister for Corrections) (12:13) — I thank Ms Pennicuik for her question. She touches on an issue that I am very committed to in terms of understanding that there is an over-representation of Indigenous people in our corrections system. Indeed there is an over-representation of women with an Indigenous background. As a result of that interest in this particular area I have had a close look at a number of things, and indeed my ministerial women's advisory

committee has been undertaking a number of activities in the area of women who are incarcerated and the unique barriers and additional difficulties that they face as a result of being women, and also of course of some being mothers. I have asked for a report to give me an overall view of what is available and what in practice occurs. I also am looking forward to working with the new commissioner for corrections, Dr Emma Cassar, who I also note has got a particular interest in this area. Together with the department and the general managers of Dame Phyllis Frost and Tarrengower Prison, I am sure that we will be able to work through issues that have been there for some time and bring about some positive change.

Supplementary question

Ms PENNICUIK (Southern Metropolitan) (12:15) — Thank you, Minister, for your answer. The recommendation was that the Department of Justice and Regulation (DJR) work with the Department of Health and Human Services, the commissioner for children and young people and the Victorian Aboriginal Child Care Agency to identify the barriers to Aboriginal and Torres Strait Islander women participating in the mothers and children program and to develop strategies and programs to support Aboriginal and Torres Strait Islander women's participation in the program, and the department accepted that. You have given me some information as to your interest in the area and calling for a report. I wonder if these specific recommendations about the working together of those departments and agencies have been put in place, because it is now coming up to a year since this was identified, and whether any Aboriginal women have been able to access the program in that time.

Ms TIERNEY (Minister for Corrections) (12:16) — Again I thank Ms Pennicuik for her question and her interest in this area. This work is being done with other work. It is not just the program, so it is taking a little bit longer, but there is definitely dialogue occurring between the relevant departments. It is not just DJR; it is justice, health and a range of other agencies and divisions.

Melbourne Polytechnic

Ms FITZHERBERT (Southern Metropolitan) (12:17) — My question is to the Minister for Training and Skills. Minister, former minister Steve Herbert resigned in disgrace after it was revealed he got his taxpayer-funded car and driver to chauffeur his pet dogs to his country residence. Today we learned that Steve Herbert has been rewarded by having a building

named after him at a TAFE. Minister, did you authorise this decision?

Ms TIERNEY (Minister for Training and Skills) (12:17) — I thank the member for her question. This has been a decision of Melbourne Polytechnic, and I understand that there is an event later this week that will be to officially open the building.

Supplementary question

Ms FITZHERBERT (Southern Metropolitan) (12:18) — Minister, isn't this decision, that I gather you did authorise, just another case of the Labor Party honouring those who rot and cheat the Victorian community?

Honourable members interjecting.

The PRESIDENT — Thank you! Enough! Ms Tierney, without assistance.

Ms TIERNEY (Minister for Training and Skills) (12:18) — I reaffirm that this was a decision of Melbourne Polytechnic, and in terms of the other aspects of that question, I will not entertain them.

Pest animal control

Mr O'SULLIVAN (Northern Victoria) (12:19) — My question today is for the Minister for Agriculture. Minister, last week the Greens leader, Samantha Ratnam, told a Victorian Farmers Federation conference that the Greens do not support efforts to eradicate feral pest species such as rabbits, foxes, wild dogs and pigs. Minister, can you assure Victorian farmers that the Andrews government will not give in to the Greens policies to ban 1080 and also to ban leg-hold traps?

Ms PULFORD (Minister for Agriculture) (12:20) — I thank Mr O'Sullivan for his question. This is a ridiculous question, asking me my opinion about Greens policy, but if you want to go there, specifically on 1080, the advice that we have and the position that we take is that it is the most humane option available for its purpose. That is the view of the RSPCA and that is certainly my view as well. If there were a better option, then maybe we would contemplate that, but right now that is a pretty hypothetical sort of a proposition.

We do not take our policies for our primary industries from the Greens. We also do not take them from the National Party, because the approach that they take is very much a rear-view-mirror approach of not supporting our industries to innovate and to change and

proposing absolutely brutal cuts to biosecurity that put at risk our access to export markets.

We are perfectly capable of coming up with our own approach in very, very close consultation with the sector, with farmers and with others in our primary industries to determine our own policies — not the Greens, not the National Party. We stand up for this \$13 billion sector that supports the employment and the prosperity of so many people in so many communities right across the state. So thanks again for the Dixer, Mr O’Sullivan, but I can absolutely rule out us taking policy suggestions in the agriculture portfolio from anyone in the Greens.

Supplementary question

Mr O’SULLIVAN (Northern Victoria) (12:22) — Thank you, Minister, for that answer. We got the first half of it, so hopefully we will get the second half in a written response. Minister, you have had an on-again, off-again relationship with fox and wild dog control. You appointed a dingo conservationist to the wild dog committee and your government threw everything but the great forest national park at the Northcote by-election. Minister, why should Victorian farmers trust this government to put their interests ahead of the Greens’ interest groups?

Ms PULFORD (Minister for Agriculture) (12:22) — I am going to need an extension of time on this, President. On the wild dog bounty, it is bigger and better than it has ever been before. We have funded it properly; you did not. On fox control, again, it is something that has continued. Those bounties in fact were established by the former Labor government and not properly supported by The Nationals. On wild dog control, we have doubled aerial baiting.

On why we ought to be trusted to support farmers, I would encourage you to have a look at our work in putting climate change on the national agenda at the ag ministers level, our \$200 million Agriculture Infrastructure and Jobs Fund, the work that we are doing to help farmers reduce energy costs and the work that we are doing to help our farmers — a \$27 million package worth of ag tech initiatives, and making Victoria the centre of ag tech in the state. We have supported our dairy farmers through incredibly challenging times and have supported farmers in north-western Victoria, and at the moment we are working very closely with those in eastern Victoria through drought.

TAFE funding

Ms BATH (Eastern Victoria) (12:23) — My question is for the Minister for Training and Skills. Last week the chief executive of Holmesglen and the chair of TAFE Directors Australia, Mary Faraone, told the VET Policy Forum that your free TAFE policy was policy on the run in an election year. The Australian Council for Private Education and Training (ACPET), the peak body for private providers, has said that they were not consulted about free TAFE. Adult and Community Education Victoria (ACEVic), the peak body for community education providers, was not consulted, and now the chair of TAFE Directors Australia says that it is policy on the run. Minister, can you provide a list of people outside the Premier’s private office and your department that you did consult with before you announced your so-called free policy on TAFE?

Ms TIERNEY (Minister for Training and Skills) (12:24) — I thank Ms Bath for her question. The fact of the matter is that our free TAFE initiative, our free TAFE policy, is one of the most popular and progressive policies that this government has introduced. Not only is it popular, it actually has lots of dollars behind it. When you talk to ACPET, when you talk to ACEVic, when you talk to Learn Locals and when you talk to private providers, they get it. They all support the policy. They all understand that this government needed to put a peg in the ground when it came to vocational education and training in this state. We do not apologise for putting that peg there with TAFE, making sure that TAFE is going to be at the heart and be the engine of the training and education sector in this state.

Every single person — even if you are a Learn Local and there is some impact in relation to free TAFE — still agrees that they support free TAFE. Under Labor it is free TAFE. We are pro-TAFE. Under the Liberals it is no free TAFE and indeed there will be no TAFE.

Supplementary question

Ms BATH (Eastern Victoria) (12:26) — Minister, I note in your response that you did say that there was an impact, and I note that you did not say who you consulted with outside the Premier’s office. My supplementary question is this. Ms Faraone also said that the policy had a direct impact on midyear enrolments in TAFE. Minister, has anyone from the TAFE sector raised concerns that your policy about making TAFE free from 2019 has suppressed this year’s enrolments?

Ms TIERNEY (Minister for Training and Skills) (12:27) — Goodness me, again. Again I thank Ms Bath for her question. You know, when governments make a policy change and they put a date when a new program commences that is 1 January, there is a basic requirement that you allow enough time for those programs to be organised and implemented, and so that there is sufficient infrastructure in place. You need facilities, you need classrooms, you need teachers and you need learning materials. The fact of the matter is people have recognised the importance of getting it right and have agreed that 1 January is understood as the date. Yes, when you have got a market-driven vocational education and training system, when there is a change there is going to be a reaction in the market. It is common sense. It happens. It is a fact of life, and this is what is occurring. But everyone is on board with free TAFE, and it is starting on 1 January.

Minister for Small Business

Mr ONDARCHIE (Northern Metropolitan) (12:28) — My question today is for the Minister for Small Business. Minister, I refer you to your answer in this house on Wednesday, 25 July, in relation to your attendance at a chamber of commerce fundraising event with small businesses where you used an electronic payment device to solicit donations for political purposes.

Given your statement, and I quote:

... that in fact it was an event that was a fundraiser for me as a member of Parliament and had nothing to do with my ministerial responsibilities —

did you travel to and/or from the event in your ministerial car with your ministerial driver?

Mr DALIDAKIS (Minister for Small Business) (12:29) — I thank the member for his question. My recollection is that I went to the event using public transport.

Supplementary question

Mr ONDARCHIE (Northern Metropolitan) (12:29) — Minister, has the EFTPOS device used for Labor political fundraising purposes ever travelled in your ministerial car with you?

Mr DALIDAKIS (Minister for Small Business) (12:30) — I will have to check my EFTPOS terminal's travel logbook!

Minister for Small Business

Mr DAVIS (Southern Metropolitan) (12:30) — My question is also for the Minister for Small Business. Minister, as you will understand, given your responsibility for small business statewide, electronic funds transfer and credit card swipe facilities are an important part of revenue collection for many small businesses statewide, including, for example, retailing businesses. I therefore ask, given your recent admitted prowess with electronic swipe machines, whether you will demonstrate for the Legislative Council your capacity with the electronic swipe machine.

The PRESIDENT (12:31) — Mr Davis! Mr Davis, keep going — 15 minutes.

Mr Davis withdrew from chamber.

QUESTIONS ON NOTICE

Answers

Mr JENNINGS (Special Minister of State) (12:31) — I have to say, President, that was a little bit of an anticlimax, but what I can suggest to you is that there have been 15 responses by the government to questions on notice: 11 474, 11 480, 11 488, 11 496, 11 502, 11 511, 11 519, 11 525, 11 533, 11 541, 11 547, 11 555, 11 563, 11 569, 11 577.

QUESTIONS WITHOUT NOTICE

Written responses

The PRESIDENT (12:31) — In respect of today's questions I direct written responses to Mr Young's question to Mr Jennings's substantive question, in two days; Ms Patten's question to Ms Tierney, the substantive question, two days; Ms Truong's question, the supplementary question, to Mr Jennings, two days; Ms Pennicuik's question to Ms Tierney, the supplementary question, two days; Ms Bath's question to Ms Tierney, the substantive question, one day; and Mr Ondarchie's question to Mr Dalidakis, the supplementary question, one day.

Mr Ondarchie — On a point of order, President, I raise for your attention a matter related to a reinstated question that you ordered the Minister for Small Business yesterday to produce a written response to today. The reason for that reinstatement was that his initial answer was unsatisfactory. I have got a response from him that is exactly the same as the one that he provided the day before. This represents an absolute flouting of your ruling of yesterday, President. I am not

sure the capacity exists for a further reinstatement. However, it is my view that the nature of this reinstated response is unsatisfactory, disrespectful of the Chair and a diminution of the standing of ministers of the Crown. I am not sure if you have the capacity to reinstate, but ask you to deal with it accordingly.

The PRESIDENT — I am aware of the answer that was provided on the second occasion. It is true that under standing orders I do not have an opportunity to reinstate the question a further time. It is my view that in reality my ruling was not flouted because all I did was ask for a further written response and I have got one, so therefore the ruling itself was not flouted. Nonetheless I think the answer that was provided on the second occasion was discourteous to the member who asked the question and indeed therefore, by extension, to the house.

When I ask for a written response I do expect a more considered response. It is the reason why the standing orders provide me with that power. I think for the most part members would believe that where I seek further written responses I do so in a considered fashion and I give fair consideration to the question and the response. Members will note that on occasions when asked by members of the opposition for a further written response I actually decline because in my view ministers have satisfactorily answered the question and they have been apposite, they have been relevant and they have been accurate in terms of the facts provided.

As Chair I try to discharge that responsibility with impartiality and with due consideration. Therefore when I do make a ruling for a further written answer I really do expect a greater courtesy to the house. It is not a matter of flouting my ruling, but it is certainly a matter that ministers ought to give some consideration to in terms of the answers that they do provide in respect of my request.

Ms Symes — On a point of order, President, and I do not seek to question your ruling in relation to suspending Mr Davis from the house for 15 minutes, but it is a well-known fact that we are all aware of that props are not permitted in the chamber at any time. Taking a prop and approaching another member of the house I believe is quite serious conduct, and I am just questioning whether 15 minutes is an appropriate deterrent for such behaviour. If members are only going to be kicked out for 15 minutes I think we will see more props from the opposition in the future.

Honourable members interjecting.

The PRESIDENT — Order! It is a fair enough point. To some extent my 15 minutes decision was a kneejerk reaction and on consideration I might well have extended it. Certainly if there are further incidents you can be assured, Ms Symes, that the penalty will be extended beyond 15 minutes. So let this one be a warning to members. I think it was outrageous behaviour in this place and again a discourtesy to the house.

CONSTITUENCY QUESTIONS

Western Metropolitan Region

Mr FINN (Western Metropolitan) (12:36) — My constituency question is to the Minister for Police. Despite constant assurances by the Premier that gangs do not exist, residents of the western suburbs are greatly alarmed about the impact of violence inflicted upon local communities by gangs. Whether it be home invasions, carjackings, mass theft or general street violence, large sections of the west are now no-go zones for law-abiding citizens. Although this is most certainly the case after dark, it is now often the case during daylight hours as well. It is not at all unusual for victims of gang crime to be deleteriously affected for extended periods of time. Given the often-stated view by the Premier that such violence is imagined and fear is all in the community's mind, does the government have any intention at all of protecting my constituents from rampant gang crime?

Western Victoria Region

Mr MORRIS (Western Victoria) (12:37) — My constituency question is directed to the Minister for Roads and Road Safety, and it relates to the Mair Street, Ballarat, redevelopment that the government is proposing to undertake. This redevelopment is nothing short of an absolute disgrace. It is going to remove in the order of 200 car parking spaces from Ballarat's CBD when we know that, despite the minister's claims, there is a significant issue with the lack of car parking in Ballarat's CBD and the impact that that is having on local businesses. These local businesses I speak of are being left in the dark with regard to what this redevelopment is going to look like. VicRoads have flatly refused to release their plans for what is going to happen to Mair Street to these traders.

So the question I ask is: will the minister immediately release the plans for the Mair Street redevelopment to the traders and to the community more broadly so they can have a very clear understanding of the exact impact this disastrous redevelopment will have on their businesses?

Eastern Metropolitan Region

Ms DUNN (Eastern Metropolitan) (12:38) — My constituency question is for the Minister for Roads and Road Safety, and it is in relation to the north-east link. I have a constituent who requested information from the North East Link Authority, and I think we are getting up to nearly 18 months ago — not quite 18 months. The North East Link Authority have said they have a turnaround of five working days on public requests for information and 10 days for more complex queries. They have been asked a range of questions by my constituent, who is still waiting for this particular answer to a question. Minister, I ask if you could provide me with the data on the origin and destination of traffic by vehicle type on Rosanna Road?

South Eastern Metropolitan Region

Mrs PEULICH (South Eastern Metropolitan) (12:39) — My constituency question is for the Minister for Police. Under Labor, crime in City of Casey is out of control. After extensive doorknocking, that is the absolute issue at the forefront of everyone's mind. And it is no wonder, because since December 2014 — comparing that quarter with the most recent quarter — home invasions have increased in Berwick by more than 63 per cent, crimes against the person have increased in Narre Warren by more than 29 per cent, common assaults have increased in Hampton Park by more than 27 per cent and assault in Narre Warren North is escalating. Only overnight we heard of a woman being assaulted in a carjacking in Narre Warren.

This government made a promise to have a 24-hour police station in Endeavour Hills. I ask the minister: how long does the community have to wait before their police stations provide desk service 24 hours a day so that in an instance of carjacking people have somewhere to go?

Western Victoria Region

Mr RAMSAY (Western Victoria) (12:40) — My constituency question is to the Minister for Roads and Road Safety. It is in relation to the Drysdale bypass and in respect of when this project will commence — and I raised this with the minister some time ago. This was initially announced by the Napthine government as a \$104 million project and again by the Labor government; both committed to this project. The planning stage was due in 2017 and construction in 2018. I understand now the budget has blown out by an extra \$6 million and in fact there are some problems associated with potential Aboriginal artefacts that have

been found along the route of the bypass. Obviously businesses in Drysdale are concerned and worried about the ongoing delays to this project. The question I raise with the minister, particularly on behalf of Drysdale residents, is: when will this most important road project commence?

Northern Metropolitan Region

Mr ONDARCHIE (Northern Metropolitan) (12:42) — My constituency question today is for the Minister for Public Transport, and it concerns the Bell Street–Moreland Road intersection where they are looking to remove the level crossing. There is some consideration by the Level Crossing Removal Authority of building sky rail over that intersection, and a number of people are concerned, including a local resident, Mr Bradshaw, who is worried that should they build sky rail over Bell Street, that bridge will come right across his balcony. He will almost have his own little station there so he can step right onto the train. The question I ask the minister in relation to the removal of that crossing is: will she rule out sky rail in that area?

JUSTICE LEGISLATION AMENDMENT (FAMILY VIOLENCE PROTECTION AND OTHER MATTERS) BILL 2018

Committee

Resumed.

Clause 1 further discussed.

The DEPUTY PRESIDENT — We continue on the Justice Legislation Amendment (Family Violence Protection and Other Matters) Bill 2018. I believe the minister has to respond to a question from Ms Crozier.

Ms TIERNEY — Thank you. The Magistrates Court have engaged the University of Melbourne to undertake an evaluation of the online family violence intervention form to ensure the form improves and simplifies access for court users. It is anticipated that the online form will be rolled out statewide by the middle of next year, Ms Crozier.

Ms CROZIER — Thank you for that clarification and confirmation, Minister. Could I just ask as a follow-up to that question: while that is going on what impact will that have on the family violence information sharing scheme and the IT aspects and evaluation et cetera that will be undertaken with the family violence information sharing component? Will it have any impact or will it work in parallel with it?

Ms TIERNEY — It will be run in parallel and it is based on continuous improvement where there is feedback. It makes sense. There will be modifications made to improve the general system.

Ms CROZIER — Thank you, I appreciate that. During the committee stage of the Children Legislation Amendment (Information Sharing) Bill 2017 it became very apparent that it is a complex body of work that needs to be undertaken. I think the minister at the time, Minister Jennings — and I do not want to put words into his mouth, because it was quite some time ago — was talking about the IT capacity of agencies to speak to one another and departments being able to speak to one another. Again it goes to that capacity or ability of these online IT requirements to be robust enough to be adhered to in those time frames that you are speaking about; you said ‘middle of next year’. I do not have that knowledge of where the family violence information sharing is in relation to those issues that were raised in the committee with Mr Jennings and the ability for agencies and departments to communicate with one another, hence I raise that issue with this.

I note that you said it is working in parallel. You may not be able to answer this, but I think that the courts are an important aspect of this online component and surely that will have a feed into the family violence information sharing IT requirements too. I just want to make that point, because it is complex and I am not sure that we have got the full answers as to how that robust and very significant piece of work will be rolled out and undertaken. I take your point that it is being undertaken in parallel, so I presume that all those checks and balances for the family violence information sharing have been addressed and there are no more issues with that between the agencies. Is that your understanding?

The DEPUTY PRESIDENT — Are there any further questions on clause 1?

Ms CROZIER — In the minister’s second-reading speech he spoke about the interim orders that can be made in a respondent’s absence. I know that new section 60 goes into some detail about interim orders, but the minister said that to address these issues a new — and I quote — ‘interests of justice test’ will apply when a respondent seeks leave to vary or revoke an interim order that was made in their absence. Could you highlight to the committee what the interests of justice test is and how it will apply?

Ms TIERNEY — I understand that it is a universally understood legal test and that it is so

well-known that it does not require definition in legislation. It needs to be flexible for obvious reasons.

Ms CROZIER — I was just wondering why it was not defined in the bill and you have answered that question. Thank you for the clarification; I appreciate that.

If I could just go to another point, and it relates to Ms Truong’s concerns around videoconferencing. Are there any issues to address any poor quality recording of any evidence that might be provided in those body-worn cameras?

Ms TIERNEY — Again this is a very, very operational question. It will be the responsibility of the police to have arrangements in place or a fallback plan.

Dr CARLING-JENKINS — In relation to clause 1, the minister’s second-reading speech referred to the counselling regime which underpins the court-mandated men’s behaviour change program. There is more detail to this in clauses 26 and 27, but what I am asking here is around the intent of this. I note that part 5 of the Family Violence Protection Act 2008 which this bill amends is not limited in its application to adult respondents who are men, but is aimed more broadly at all respondents — that is, subjects of family violence intervention orders or safety notices. However, I further note that according to the *Family Violence Bench Book* of the Judicial College of Victoria, present programs have only been prescribed for men who are or were in intimate heterosexual relationships and no programs have been approved for female respondents, sibling relationships, parent-child relationships — and I am particularly concerned here about elder abuse that comes under this — and no programs have been developed or approved for same-sex relationships. Can you confirm the intent of this bill: whether it is to narrow the scope as seems to be indicated in the second-reading speech to men’s behaviour change only, or if the intent is to provide programs to address this broader cohort?

Ms TIERNEY — There is no intention to narrow the scope.

Dr CARLING-JENKINS — Thank you very much, Minister; I appreciate that answer. So if it is to expand then — because at the moment, as I said, there are no programs approved for issues like elder abuse — what steps are being taken to develop these programs and have them approved?

Ms TIERNEY — There is broader work around perpetrator interventions and counselling. Men’s behaviour is just one area.

Dr CARLING-JENKINS — So broader work is being done around those areas I mentioned?

Ms TIERNEY — That is the intent.

Ms CROZIER — This question again goes to the issue around body-worn cameras. I note that you say that is an operational issue, but I am just wondering, Minister. There were concerns raised by various stakeholders who have got concerns about complainants having the information either abused or not being able to have that recorded appropriately. They have said that they have suggested the department of justice explore various software models which would prohibit any sharing of audiovisual material. We know that there are penalties in place, the bill lays that out, but I am wondering if that was the case. Did the department of justice explore various software models, and if so, what were they?

Ms TIERNEY — This is very operational and it is not —

Ms CROZIER — Well, it is a stakeholder query. Safe Steps have asked the question.

Ms TIERNEY — So the material will be managed by Victoria Police, and it will be held in a secure database called evidence.com.

Ms CROZIER — Thank you for the answer, Minister. I am sure that Safe Steps will be relieved to know that that is where the software will be housed and monitored, presuming that very robust security that Victoria Police have.

Minister, if I could just go back to Minister Pakula's second-reading speech. He spoke about the bill making two amendments to the counselling order provisions in part 5 of the bill, and giving the Children's Court the ability to make counselling orders. Could you provide to the committee what the wait times currently are for children who are awaiting counselling, specifically how this bill refers to sexual behaviours and others, but counselling in general, I would suggest.

Ms TIERNEY — Ms Crozier, can I have some clarification? Is that question in relation to the therapeutic treatment orders for children?

Ms CROZIER — This is talking about the ability, according to the second-reading speech, for court-mandated men's behaviour change programs, but it also talks about two amendments to the counselling order provisions in part 5 of the bill:

Firstly, it allows the Minister to specify venues of the Children's Court that may make counselling orders, by notice published in the Government Gazette.

So I am asking what are the wait times for counselling for children through that process from the Children's Court, because I think there is — you might need to take it on notice.

Ms TIERNEY — I am advised that this is not about ordering children into counselling; it is about adults.

The DEPUTY PRESIDENT — Have you got any further questions?

Ms CROZIER — No. I just wanted the wait times on counselling, whether it is for children or adults. I know that it is through the Children's Court, but I am wanting the wait times are for both, because there are delays and I think there are lots of stakeholders that are very concerned about those wait times.

The DEPUTY PRESIDENT — Are you going to follow up with other questions, or is that it?

Ms CROZIER — Yes.

The DEPUTY PRESIDENT — Well, I think it is a good time now to break for lunch. I will resume the chair at 2 o'clock.

Sitting suspended 1.00 p.m. until 2.03 p.m.

Clause 1 further discussed.

Ms TIERNEY — Ms Crozier asked me a question in terms of court orders and waiting times. The response is that the reporting is complex due to the number of providers and the difficulty in crossmatching with court orders. To rectify this there was \$500 000 in the 2015–16 budget for additional places and there was also \$11 million in the 2016–17 budget to review and expand the program. There were an additional 500 places over four years for the men's behaviour change program to respond to the demand, but I am advised that the department does not have the actual wait times.

Ms CROZIER — Thank you for that answer, Minister, and for providing me the information during the break. I was talking about the court management system earlier and the family violence information sharing bill, and I think at the time you said that they were running in parallel. Is the \$89.2 million that has been attributed to the court management system also the funding for the family violence information sharing, or is that separate, do you know?

Ms TIERNEY — In the 2017–18 budget the \$89.2 million included the new case management system, and that encompasses all of the activities of the Magistrates Court.

Mrs PEULICH — I also rise to just tease out some of the implications of this particular legislation, especially in relation to the expansion of examples of behaviour that may constitute family violence from a multicultural perspective. Obviously there is a lot of concern within multicultural communities, in particular the second generation, about some harmful cultural practices. I just wanted to tease out with the minister what this particular amendment may cover. Obviously it is complex and there are a number of criteria that are outlined in part 3 in terms of the definition of violence, but I am just focusing on clause 1. In asking the question I would like to pay tribute to Manjula O'Connor and her team for all of the work they have done in relation to concerns about coercive dowries in particular. Obviously there are some traditional cultural practices that reflect values and beliefs that have been held by members of the community for periods spanning generations that we do not consider to be acceptable, and increasingly members of that community do not either, because of the harmful effects that they have, and in many instances they are on women and girls.

In terms of forced or early marriage, that is the most obvious one and unfortunately that does happen far too often, despite the figures that the minister provided to Ms Crozier. I think those numbers are much greater. I think this is a really important issue. As a former schoolteacher in a very multicultural area, it was not unusual for me to lose students who were pubescent. They would not return to school, and then the next time I saw them they would be pregnant and pushing a pram down the street at the age of 16, never to return to school.

I am particularly interested to see what sort of programs are in place to capture not just the statistics once it is exposed, or someone blows the whistle, or someone is caught out doing it, but what sort of programs are in place in terms of early intervention, in terms of education in order to discourage people and make it quite clear that forced marriage is not acceptable, especially when we are talking about minors.

Ms TIERNEY — My understanding is that in terms of the area of forced marriages and activity around those, a lot of it is actually being led by the federal government. It is a program called My Blue Sky, and the states interact with that. The NGO sector is very active in that space as well as the Department of

Human Services. There are also programs in place with multifaith leaders that are having the discussions and working out the best way that we can bring communities together and advise them of what their pathways or opportunities are in this area.

Mrs PEULICH — Obviously, no-one wants to see a person forced into marriage under duress. Unfortunately I have received reports of children of migrant or even refugee backgrounds often being coerced into marriage in an attempt to secure citizenship in Australia. The important thing is to be able to spot those early warning signs of forced or unwanted marriage, and I am glad to hear that there is some collaboration between federal agencies and state services. One of those very important bits of information that is needed is a number that people can call, that young women and girls can call, when something occurs.

My former office manager's son married into a family where this was commonplace. One of her grandchildren was lured into an overseas holiday. Unbeknownst to her it was a forced arranged marriage, and she came back a married woman despite being under-age. They did have suspicions, but they actually did not know to whom to turn. A readily accessible number, apart from 000, that people could turn to would actually be something very useful. Can you advise me that that is circularised by agencies or by organisations that provide services to people from multicultural backgrounds?

Ms TIERNEY — Obviously 000, but My Blue Sky does actually have that service, and there is a direct phone line.

Mrs PEULICH — I guess, as the shadow Minister for Multicultural Affairs, it is nice to know, but if I did not know about it, it basically means that it is not circularised widely enough. Perhaps that could be taken on board. In addition to that, I would imagine that, looking at the definition of family violence under clause 15, which is referred to in clause 1, honour-based violence would also be captured by this, because any physical or psychological violence that is committed in the name of honour, predominantly against women or girls, for actual or perceived immoral behaviour or behaviour that may be seen to have shamed the family or community would be captured by this. Could you please just comment on that?

Ms TIERNEY — If it is within the scope of family violence — it is fairly broad in terms of controlling behaviour and all those sorts of things — then that would be covered.

Mrs PEULICH — The answer is yes. Obviously we had, very recently, a case that gained some media coverage of a young girl who was brought here with false documentation. She had been married overseas and brought here. And recently we read that in actual fact she had, at a very early age, come to her death. Clearly this would have been, hopefully, captured as well. It is embedded in some sort of cultural practice which is no longer acceptable. I think that education is just so important. What I find heartening is women who themselves have, for example, been subjected to female genital mutilation committing and promising for that never to happen to their daughters, or their children. Female genital mutilation is, obviously, not an acceptable practice. Is this further captured by this provision here?

Ms TIERNEY — Yes.

Mrs PEULICH — Could the Minister clarify for me, and this comes out of a forum that I recently attended — a very well run forum in Eastern Metropolitan Region — what the penalties are for those who take a female overseas in order to undergo female genital mutilation?

Ms TIERNEY — There is a state offence, and we are just checking in terms of whether there is a crossover with federal offences as well. In terms of anything more detailed, we are more than happy to provide that to you today.

Mrs PEULICH — Perhaps whilst those inquiries are being made with the advisors in the box, you could advise the chamber, if you are aware, of how many convictions have occurred for female genital mutilation here in Victoria over the last five years, or perhaps 12 months, just to give us an indication as to whether it is indeed just a law, or whether in actual fact it has got some teeth.

Ms TIERNEY — Deputy President, I put to you that, on this occasion, this has strayed beyond the scope of the brief of the legislation before us.

Mrs PEULICH — I believe that it well and truly fits under the further examples of behaviour that may constitute family violence — very much so — and I am disappointed to hear that in actual fact the minister does not agree. We do support this legislation, and as the shadow Minister for Multicultural Affairs, I am very keen to see harmful cultural practices ended. The ones that have been raised with me most often are forced marriage, honour-based violence, female genital mutilation and polygamy.

Perhaps I can end with a last question in relation to polygamy, given that the definition under clause 15, but referred to in clause 1, includes:

... using coercion, threats, physical abuse or emotional or psychological abuse to cause or attempt to cause a person to enter into a marriage ...

I have heard of instances where a bride — a wife, a spouse — who has entered into marriage subsequently learns that, indeed, there are other spouses. Could you explain, Minister, perhaps with advice from the box, whether this would also capture polygamy — where perhaps a wife may reject polygamy but be coerced culturally to endure it?

Ms TIERNEY — So again the My Blue Sky program assists in this area. Whatever individual circumstances you might be in, there are pathways through Blue Sky. It provides a host of resources that can assist in terms of what that individual might be able to do.

Mrs PEULICH — Clearly there are, as I said, a number of unacceptable harmful cultural practices that I and the community would welcome a greater focus on and greater resources for, and while I am aware of the federal program and the resources that attracts, I am not sure whether in actual fact there are sufficient resources in other portfolios. I know that it is not within the multicultural affairs portfolio to draw attention to these practices, to deliver education programs and services and to raise awareness about this and the fact that they are unacceptable practices in modern-day Australia. Could the minister perhaps enlighten us as to what sort of resourcing exists specifically to deal with harmful cultural practices that would be captured by this legislation, either existing or in future?

The DEPUTY PRESIDENT — I think the minister has already answered this, but I am happy to ask the minister if she would like to add anything.

Ms TIERNEY — I have not got anything further to say.

The DEPUTY PRESIDENT — Okay. We will move on.

Ms CROZIER — If I can just follow on from Mrs Peulich's questions and what I have raised previously in relation to dowries, Minister, could you provide to the committee details of what funding is going to be provided to support the community around education, which includes, obviously, social media? Are there any campaigns or any plans around education about dowry-related abuse?

Ms TIERNEY — In terms of the training packages, the Office of Multicultural Affairs and Citizenship, the Multifaith Advisory Group and the Victorian Multicultural Commission, in partnership with expert family violence support practitioners are developing packages on family violence and sexual assault for faith leaders and communities. These packages should build on existing work reflecting leading practice in responding to family violence and including information about referral pathways for victims and perpetrators. The training should be suitable for inclusion as part of the preservice learning in various faith training institutes as well as ongoing professional development of faith leaders. So this is being developed. It does cover off on the issues that have been raised —

Ms CROZIER — Is there a time frame for when it will be completed?

Ms TIERNEY — The time frame is March next year, and it is not the Department of Justice and Regulation that is driving it; it is actually the Department of Premier and Cabinet.

Mrs PEULICH — Obviously it is the Department of Premier and Cabinet where multicultural affairs sits. I was aware of that. Are you able to indicate how much has actually been dedicated towards the development of those materials for religious and multicultural leaders?

Ms TIERNEY — No, I am not in that position.

Ms FITZHERBERT — Just further to the questions on dowry-related abuse, are those parts of this bill — and forgive me if this question was asked earlier or otherwise explained — based on similar provisions from another jurisdiction? I am just seeking a bit of insight into why this specific format has been used.

Ms TIERNEY — I think it is a well-accepted fact that we are in advance of other jurisdictions, and so there is nothing else, really, that we can rely upon. As I understand it, we have had to create it, and we have done so with extensive consultation with stakeholders.

Ms FITZHERBERT — Are there specific cases that have involved dowry abuse that have influenced the drafting of these clauses, and if so, could you explain which elements are being relied upon? I am particularly interested in this given your comment that this is fresh ground.

Ms TIERNEY — Obviously the royal commission dealt with this issue. Since that time we have gone out and had that consultation that I have just talked about in terms of the stakeholder groups, and of course some of

those have had direct experience of dowry issues and they have obviously assisted in formulating views in terms of general approaches to and understanding of family violence.

Ms FITZHERBERT — Further on that, given the nature of the quite personal interchanges that might occur within a family or a family grouping in relation to dowry abuse, how is it anticipated that these crimes, as they will be, will be detected through the use of these clauses?

Ms TIERNEY — The overall objective is to raise the issues and for people to understand what abuse is and generally what is acceptable and what is not acceptable. The priority is making sure that we have got all the people and all the organisations connected up and talking to each other as well as government and government services so that we can get that higher understanding in the community and that earlier detection can be picked up and recognised by individuals as well as organisations and indeed government and police.

Ms FITZHERBERT — If I could just explore that further: how is that early detection expected to occur? Could you give us a practical example of how that might work in real life?

Ms TIERNEY — Again, I do not think that this has got all that much to do with the direct aspects of clauses of this bill, but one would expect, as I have said, that it would be a general approach of a heightened understanding in the community and by community groups and individuals about what is acceptable and what is not acceptable in terms of general behaviour. Then we would also understand that people would be directed or know more about the available resources, and then one would assume in terms of building that capacity within the community that we would have people knowing that they can ring certain numbers or have access to certain websites so that they can determine what is the best course of action for themselves or other members in their community in assisting and providing that information.

Mrs PEULICH — I am aware that dowries that have been paid as part of a marriage overseas, if the couple migrated here and the marriage breaks down, can actually have ramifications where one side may attempt to retrieve the dowry from the families of people overseas. Are you following?

Ms Tierney — Yes.

Mrs PEULICH — Often women may stay in relationships that are fairly violent because of the

implications of the retrieval of a dowry by, say, the woman's parents in a village somewhere remote. Does this particular provision capture that type of example at all, and is there any recourse?

Ms TIERNEY — This bill is not about getting dowries back. It is about identifying that certain behaviours are not acceptable, and it is about ways in which you can identify and then make application for family violence orders and a range of other things. In terms of offshore dowries, it is a matter for police and other elements of the justice system; it does not pertain to this bill.

Mr O'DONOHUE — I move:

That progress be reported.

During the course of the lunch adjournment, Victoria Police confirmed that the fraud and extortion squad of Victoria Police have launched a formal investigation into the red shirts staffing rorts. As members of the house know, the Ombudsman's report into this matter disclosed the involvement of numerous government members of this house, including that of three ministers — the Leader of the Government, Minister Jennings; Minister Mikakos; and Minister Tierney. The Ombudsman referred to this scheme as an 'artifice'. Following the evidence of the Chief Commissioner of Police at the Public Accounts and Estimates Committee, on behalf of the Leader of the Opposition I wrote to the chief commissioner on 13 July requesting that a further investigation into this matter take place. Victoria Police has confirmed that a formal investigation is now on foot.

I make the point that the opposition — none of us — should draw any conclusions about guilt or innocence. This is now a matter for Victoria Police. What is important is that these ministers stand down.

This is a well-practised precedent. Mal Brough, when he was under a police investigation, stood down. Mr Theo Theophanous, when he was under police investigation, stood down. Minister Somyurek, when he was under a Department of Premier and Cabinet investigation, stood down. Indeed Mr Melhem, when he was under investigation, stood down as the Government Whip. And of course Mr Eideh, the then Deputy President, also stood down as the Deputy President in the form of hearing proceedings and retaining salary when the IBAC investigation was on.

The opposition believes that with this investigation on foot the Premier should do the right thing and stand down those ministers who were identified in the Ombudsman's report as being part of this artifice. As I

say, in this place they are Minister Jennings, Minister Mikakos and Minister Tierney. And we know from the Ombudsman's report that Minister D'Ambrosio, Minister Eren and the Attorney-General, Minister Pakula, were also identified by the Ombudsman's report. The Ombudsman also identified the police minister as a participant in the artifice, as the whistleblower was working from her office. These are matters of public record as established by the Ombudsman.

As I say, the Victoria Police fraud and extortion squad are now conducting a full investigation into this tawdry matter, a matter which the Andrews government has sought to downplay and to stymie. Victoria Police will now conduct their investigation, but what those three ministers must do, consistent with the precedent of then Minister Mal Brough in the federal Parliament and others that I have previously identified, is stand down pending the outcome of this police investigation.

Deputy President, I have moved that the house report progress on this committee stage of the bill so that an urgent motion can be debated by this house.

Ms SHING — I would like to take this opportunity to respond to a number of the matters that Mr O'Donohue has raised in moving this motion this afternoon. At the outset, it is important to go back to fundamental principles of evidence. What we know at this juncture is that we have an Ombudsman's report which found that members of Parliament who were investigated did not seek to deceive, and acted in good faith.

Honourable members interjecting.

The DEPUTY PRESIDENT — Order! Members, please! Mr O'Donohue was heard in silence. Allow your colleague to be heard in silence as well. Thank you.

Ms SHING — We have an Ombudsman's report, which found no acts of bad faith or intentions to deceive by those who have been named in various outlets. We have evidence from the Chief Commissioner of Police at the Public Accounts and Estimates Committee which indicated that, as per a letter drafted and sent to the Ombudsman which was set out in the Ombudsman's report, there was no cause to investigate further, but that the chief commissioner had investigated and VicPol had investigated and found that there was nothing further.

What we also have in addition to this is evidence from the chief commissioner at the Public Accounts and Estimates Committee in which he confirmed that he

had not been in receipt of any information which would cause him to change his mind in relation to conclusions reached as part of the position set out in that letter.

What we also have now today by way of primary source material, rather than the speculation of those opposite in various media outlets or standing and hovering at the steps of Parliament waiting for a camera to come along, is a statement from VicPol.

It is dated 1.18 p.m. this afternoon, and the media unit of Victoria Police states as follows:

Good afternoon.

Please see below investigation update.

Victoria Police undertook —

Mr Morris — On a point of order, Deputy President, Mr Leane in an interjection earlier used a very unparliamentary term, which he threw across the chamber. I ask him that he withdraw it.

The DEPUTY PRESIDENT — I did not hear anything. Mr Leane?

Mr Leane — No.

Honourable members interjecting.

The DEPUTY PRESIDENT — Order! I will check the *Hansard* and get back to it, unless Mr Leane would offer to withdraw if he said anything.

Mr Leane interjected.

Mr Finn — On the point of order, Deputy President — and it is great to call you that — I heard what was said. It was clearly offensive, it was clearly in breach of the standing orders, and I believe that Mr Morris is totally within his rights to expect not just a withdrawal but an apology as well.

The DEPUTY PRESIDENT — Thank you very much. I said I would check the *Hansard* and get back to the house.

Ms SHING — With the remaining time that I have available, given the number of interjections from those opposite, I would like to complete the reading of the statement from Victoria Police dated 1.18 p.m. today:

Please see below investigation update.

Victoria Police undertook reassessment of the material in relation to allegations of misuse of parliamentary budget entitlements to determine if further investigation was required.

This assessment has now been completed and a formal investigation will now be conducted by the fraud and extortion squad.

As this is an active and ongoing investigation, it would not be appropriate to provide further comment at this time.

Now, what we have here is Victoria Police indicating very clearly that this is a matter in relation to allegations of misuse of parliamentary budget entitlements to determine if further investigation was required.

And what we see here is that there is no reference to MPs, there is no reference to ministers — in fact there is no reference to the \$9.5 million that the last government used to have staff working on the ground while they were being paid by the Liberal Party to campaign on their behalf. So the scope of this investigation and this assessment will be interesting. It may well come back to bite those opposite, because in the event that Victoria Police decides to go beyond what the Ombudsman looked at because you voted against having yourselves investigated — in the event that that \$9.5 million expenditure with only four people taking leave in the campaign period of the last election, whereby people were paid, something which you appear immune to acknowledging, that comes back to bite you — it will be unfortunate indeed.

The DEPUTY PRESIDENT — Thank you. Time, Ms Shing.

Mr DAVIS — I support the motion moved by Mr O'Donohue that this house report progress, given the extraordinary events of the day and the decision of the police to investigate further this red shirts rorts scandal. Let us be very, very clear on what is going on here. There are a series of government members and ministers who are pointed to directly in the Ombudsman's report. On page 63 of the Ombudsman's report, people like Mr Jennings and the minister —

Ms Shing — On a point of order, Deputy President, Mr Davis has inadvertently misled the house by referring to the police statement, which does not in fact name any MPs or ministers. He has misled the house and then interchangeably referred to the Ombudsman —

The DEPUTY PRESIDENT — Thank you very much.

Honourable members interjecting.

The DEPUTY PRESIDENT — Order! There is no point of order.

Mr DAVIS — What is clear is that the Ombudsman's report names a number of ministers and a number of MPs. The point today is that ministers cannot remain in that position while they are under police investigation. It is extraordinary —

Honourable members interjecting.

The DEPUTY PRESIDENT — Order!

Ms Shing — On a point of order, Deputy President, Mr Davis has misled the house by implying that there are a number of ministers under investigation. That is not what the police statement from 1.18 p.m. says. He would do well to read it.

The DEPUTY PRESIDENT — There is no point of order.

Mr DAVIS — Deputy President — and I congratulate you on that position — Ms Tierney has been in this chair dealing with a very important bill — a justice bill — pursuant to her responsibilities in this chamber representing the Minister for Police and the Attorney-General from the other chamber. Now, it is very clear that she is answering questions about criminal matters that are the subject of this bill. It is also clear that the police have begun a set of investigations about the red shirts affair. It is also clear that in the Ombudsman's report Ms Tierney is named on a number of occasions as having authorised the expenditure of public money for the wrong cause, for the wrong activity, and now those exact expenditures are the subject of police investigation. I have to say —

Ms Shing — On a point of order, Deputy President, Mr Davis has yet again misled the house by indicating that these are matters which are the subject of an Ombudsman's investigation, when it is in fact not clear that that is the case from the Victoria Police statement.

The DEPUTY PRESIDENT — Ms Shing, please. That is not a point of order.

Ms Symes — On a point of order, Deputy President, I would like to get some guidance. I can never hear Ms Shing's points of order because Mr Morris is screaming 'Sit down!', very inappropriately.

The DEPUTY PRESIDENT — Again there is no point of order, but I ask members to be quiet when other members are speaking.

Mr DAVIS — It is completely and utterly untenable for a minister to remain in their position — in fact acting in a ministerial responsibility in this chamber, answering questions on a bill because she is

representing a minister from the other chamber in this chamber — at the same time —

Ms Shing — On a point of order, Deputy President, Mr Davis is making allegations against an individual member of this chamber, which he should do by way of substantive motion in the event that he seeks to continue.

The DEPUTY PRESIDENT — Again, Ms Shing, there is no point of order.

Mr DAVIS — The key point is that where there is an investigation that may well deal with a minister in this way it is completely untenable for the minister to remain in that ministerial position. They must resign today, and in this chamber that minister, who has been there answering questions on this bill, is in a position that is completely untenable —

Ms Shing — On a point of order, Deputy President, can we get some clarification from you in relation —

Honourable members interjecting.

The DEPUTY PRESIDENT — Order! I want to hear the point of order, please.

Ms Shing — We have got a number of allegations being made against individuals. In the event that they are wished to be put by the opposition, that should be by way of substantive motion and not in the course of this procedural matter.

Mr DAVIS — On the point of order, Deputy President, the point is that there is an investigation underway and for that reason the ministers should step aside. It will be a matter for the police to decide whether charges are laid in any respect. It will be a matter for the independence of the police. But the fact is that where there is an investigation of this type, it is completely untenable for the minister to remain in that position.

The DEPUTY PRESIDENT — Order! I believe Ms Shing had merit in her point of order.

Mr DALIDAKIS — Can I point out that we are currently still in the early to middle stages of our parliamentary day today. There is a long way to go, and in order for us to undertake the business of the house we have to work through a very important piece of legislation in relation to family violence. We have a great deal of time available to us to complete the bill that we are working through right now in regard to our family violence situation and the legislation before this place. We will have ample opportunity to then deal

with the matters that Mr O'Donohue has put to this place. I am not in any way prefacing what the house will decide or otherwise. I am just making the point that we have enough time to deal with the legislation before us and then deal with the motion that Mr O'Donohue wants to proceed with.

I think there are times in this place when we need to recognise that the legislation that we are dealing with actually should have priority, and the Justice Legislation Amendment (Family Violence Protection and Other Matters) Bill 2018 is one such example where the legislation before us should take some precedence. It gives me no delight to be standing here debating Mr O'Donohue's motion. I take no delight in having to now suggest why a piece of legislation against family violence —

Mrs Peulich interjected.

Mr DALIDAKIS — Let me also add that alongside colleagues in this place on the Privileges Committee we are currently dealing with a reference from this exact chamber in relation to the matters that Mr O'Donohue would like to debate. I am very happy, as far as I can be in relation to being extraordinarily careful about making public commentary about the privileges, but we have a reference to us from this place, and that includes Mr Rich-Phillips, Ms Wooldridge, Mr O'Sullivan, Ms Symes, Mr Mulino and also of course the Chair, Mr Purcell, and the Deputy Chair, Ms Springle. That means that we have to be very careful about what we say in this chamber because the Privileges Committee, which is already underway, has already had both closed hearings and public hearings and has got a reference from this place to undertake. So can I suggest that we get back to the matter of this house, pass this piece of family violence legislation and then deal with the motion of Mr O'Donohue at that point in time. Bear in mind that we are dealing with a reference about members of the Legislative Council — dealing with Mr O'Donohue's motion — at the Privileges Committee in this place right now.

Mr MORRIS — I too rise to support Mr O'Donohue's motion. The revelations of today are not insignificant. They really do cut to the core of this government and the trust that the people of Victoria can have in, in particular, the ministers in this place who have been named in the Ombudsman's report. There has for a long time been a significant precedent that ministers who are being investigated by police stand down from their positions as a result of —

Ms Shing — On a point of order, Deputy President, Mr Morris just referred to a longstanding precedent

relating to ministers, to quote him, 'who are being investigated'. This is not in fact anything more than an allegation.

Honourable members interjecting.

The DEPUTY PRESIDENT — Order! I cannot hear.

Ms Shing — He has made an allegation against ministers of this place that they are being investigated. If he wishes to move that by way of substantive motion, he should do that separately.

The DEPUTY PRESIDENT — Order! There is no point of order, Ms Shing.

Mr Finn — On a point of order, Deputy President, Ms Shing has gone out of her way to make vexatious points of order — six of them, I am told — throughout the course of this debate. I ask you to draw her to order and to take action against her if she continues.

The DEPUTY PRESIDENT — Thank you. Mr Morris to continue.

Mr MORRIS — Thank you, Deputy President. I can understand it is very hard for Ms Shing to hear what has occurred today. I understand the truth does hurt the government, but there is no —

Honourable members interjecting.

The DEPUTY PRESIDENT — Order! Ms Shing, this point of order had better be good.

Ms Shing — On a point of order, Deputy President, for the avoidance of any doubt, it is not at all difficult for me to hear what Victoria Police has said. It is the extrapolation from that that is the issue here. And the allegations here —

Honourable members interjecting.

Ms Shing — You are calling me a liar, Mr Morris. You are calling me a liar. Be careful. They are not conclusions that are open —

The DEPUTY PRESIDENT — Ms Shing, there are two ways I can deal with this issue. You can keep putting your points of order and I will extend the time for Mr Morris, or —

Ms Shing interjected.

The DEPUTY PRESIDENT — Did you hear what I said? I will extend the time for Mr Morris or your

point of order has to be a valid point of order. Thank you. Mr Morris to continue.

Mr MORRIS — Thank you, Deputy President. I can understand that it is difficult for those opposite to comprehend what has happened today. It is a significant revelation and one that is somewhat unprecedented in terms of its magnitude, but there is significant precedent for ministers who are under investigation to stand down, and there has been significant precedent for this over a long period of time. The announcement by Victoria Police today that the fraud and extortion squad is now going to undertake an active and formal investigation into Labor's red shirts rorts affair does indeed mean that we need to have confidence —

Honourable members interjecting.

Ms Shing — On a point of order, Deputy President —

Mrs Peulich — It's not a point of order.

Ms Shing — It is a point of order. Misleading the house pursuant to the standing orders is a valid point of order which I am entitled to make. Mr Morris is making assertions which are fundamentally incorrect.

The DEPUTY PRESIDENT — Again, Ms Shing, it is debate and I am not going to accept it.

Mr MORRIS — Ms Shing will try to continue to run the protection racket. She will try and shut down those on this side of the house who are merely speaking the truth —

The DEPUTY PRESIDENT — Order! Mr Morris, I think you are inviting Ms Shing to make a point of order. Please continue without —

Ms Shing — On a point of order, Deputy President, I would seek that he withdraw that allegation. I take offence at being referred to as running a protection racket here when we are debating a procedural motion.

The DEPUTY PRESIDENT — Order! Mr Morris, I ask you to withdraw.

Mr MORRIS — I withdraw.

The DEPUTY PRESIDENT — Mr Morris to continue, with an extra minute.

Mr MORRIS — It is a shameful state that we are in at the moment with this government refusing to have this incredibly important matter dealt with by the house —

Mrs Peulich — Attempting to shut it down.

Mr MORRIS — Indeed, Mrs Peulich, attempting to shut down this debate is very concerning. Not only does this particular matter extend to ministers in this place, but now we also know that there are candidates from the Labor Party, such as Michaela Settle in Buninyong, who are now caught up in this investigation by the police.

Honourable members interjecting.

Ms Shing — On a point of order, Deputy President, Mrs Peulich, who has got some history here, just referred to me as being 'like a little spoilt brat'. I would seek that she withdraw.

The DEPUTY PRESIDENT — In this case, Mrs Peulich, I ask you to withdraw.

Mrs Peulich — I won't ask you to read *Hansard*, but I do withdraw.

Mr MORRIS — I go on to say that it is not just ministers and members, it is also candidates for the Labor Party who are caught up in this massive rort and this police investigation. We have seen that the Labor Party has rewarded people who rorted Victorian taxpayer money with candidacy in seats at this upcoming state election — and ministerial positions and adviser positions. Those candidates must answer questions. We know the significant direct financial benefit that those opposite have received out of this artifice, out of this rort.

It is incredibly important, it is vital, that the house support Mr O'Donohue's motion to see that debate on his motion does proceed, so that the Victorian people can have confidence that those who are under police investigation are not acting in those offices.

Ms PATTEN — To speak briefly on the motion, which is to report progress, this is a bill about family violence protection and other matters. We also have a bill around integrity and accountability that I was hoping we might get to today, on the Friday that we are sitting here. I am committed to actually putting legislation forward through this house, listening to debate, and allowing this house to debate and put forward legislation. I cannot believe that this house is discussing not passing the Justice Legislation Amendment (Family Violence Protection and Other Matters) Bill 2018. I cannot believe that this house is again postponing integrity and accountability legislation that would assist with whistleblowers. I cannot believe that we are doing this. We are here on a Friday: we should be finalising this bill.

Ms CROZIER — I also rise to support Mr O'Donohue's very important motion.

Ms Shing — More important than family violence, is it?

Ms CROZIER — This is absolutely important. We are talking about the biggest scandal to hit in Victoria's parliamentary history — the red shirts rorts. Three ministers who have been named in this report by the Ombudsman are not in the house. They are not even here listening to the debate. They are hiding behind closed doors, not wanting to know what is going on.

Ms Mikakos, one of the main ministers named in this report, signed off 70 time sheets. She rorted \$21 148. The guilt of the government is so apparent with their behaviour during the debate on this motion. You can see that with Ms Shing's constant interjections. This motion is incredibly important. This goes to the integrity of our democratic process. It goes to the integrity of the Parliament.

The Premier, his ministers and others have completely failed Victorians. The police's fraud and extortion squad has announced an active and formal investigation into Labor's red shirts rorts affair. That is what is being undertaken, and I would say again that we need to be having this debate on Mr O'Donohue's motion because this goes to the heart of the integrity of our parliamentary process. This government has shown its true colours. They are trying to hide from the biggest rorts scandal this state has ever seen.

Various ministers have tried to deny their involvement, while there is one minister, Minister Mikakos, who previously has said, 'A fish rots from the head'. Isn't that the truth? As the Leader of the Opposition has said, this government stinks to high heaven. This red shirts rorts scandal is an absolute disgrace.

Mr O'DONOHUE — This is a report progress motion. As Minister Dalidakis noted in his contribution, the sitting day is but young and we can return to this important bill once this issue of these three ministers is dealt with. I hope we can achieve that position so this important legislation can be passed. It is unfortunate that this bill was not listed for debate on Tuesday or yesterday and we are debating it today. We want to see this legislation passed. We are ready to do it, but we believe this untenable situation requires that we report progress so we can debate an urgent motion.

This is a very, very serious issue. Some members of the government seem to be trying to make light of the gravity of this situation. The fact that the fraud and extortion squad are now investigating this issue is a

very serious issue. It is critical that Minister Jennings, Minister Mikakos and Minister Tierney step aside, and isn't it instructive that none of them are here? We are debating a report progress motion on the bill and Minister Tierney, who has carriage of the bill, has fled the chamber. I thank members for their contribution to the debate, as the house must report progress to deal with this issue and then we can return to the important legislation that is on the agenda.

The DEPUTY PRESIDENT — The question is:

That I report progress and seek leave to sit again.

Question agreed to.

The DEPUTY PRESIDENT — President, I report progress and seek leave to sit again.

The PRESIDENT — The Deputy President advises me that the committee has sought to report progress and seek leave to sit again.

Mr O'Donohue — I desire to move, by leave:

- (1) that this house notes that Victoria Police's fraud and extortion squad has announced an active and formal investigation into Labor's red shirts rorts affair; and
- (2) calls on the Premier to stand down the Leader of the Government, Gavin Jennings; the Attorney-General, Martin Pakula; the Minister for Police, Lisa Neville; the Minister for Families and Children, Jenny Mikakos; the Minister for Corrections, Gayle Tierney; and the Minister for Energy, Environment and Climate Change, Lily D'Ambrosio from their ministerial positions pending the outcome of this criminal investigation.

The PRESIDENT — Mr O'Donohue is seeking leave. Might I indicate that, in taking Mr O'Donohue at that point without actually determining my position in the chair, I thought this was a point of order being raised. Nonetheless I have called Mr O'Donohue and Mr O'Donohue has sought leave to put this motion. Is leave granted?

Leave refused.

The PRESIDENT — The reason why I indicated that I had called Mr O'Donohue on what I thought was going to be a point of order was that I had not finished dealing with the report on progress. I saw the member rise in his place and I thought there was a point of order coming, so I had not completed this process.

Progress reported.

ADJOURNMENT

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

That the house do now adjourn.

ConnectGV

Ms LOVELL (Northern Victoria) (15:09) — My adjournment matter this afternoon — very early, because this government is escaping scrutiny — is for the Minister for Housing, Disability and Ageing. The action that I seek from the minister is for the minister to give a commitment to provide funding of \$1.5 million towards the planned redevelopment of the ConnectGV facility at 11 Bowenhall Street. This facility was established in 1954. ConnectGV is a registered national disability insurance scheme (NDIS) provider and the largest disability service within the Goulburn Valley. The current facility at 11 Bowenhall Street has several structural defects that make it unsafe for staff and clients. The floor has dropped throughout the facility and a wall has separated from the building structure. ConnectGV is contributing \$3 million of a planned redevelopment and is seeking funding of \$1.5 million from the state government to complete the project.

Honourable members interjecting.

The PRESIDENT — Thank you, from the top.

Ms LOVELL — My matter is from for the Minister for Housing, Disability and Ageing, and we are on the adjournment very early tonight because the government is trying to escape scrutiny —

The PRESIDENT — Order! Just get on with the adjournment.

Ms LOVELL — The action that I seek from the minister is for the minister to give a commitment to provide funding of \$1.5 million towards the planned redevelopment of the ConnectGV facility at 11 Bowenhall Street. Established in 1954 ConnectGV is a registered NDIS provider and the largest disability service within the Goulburn Valley. The current facility at 11 Bowenhall Street has several structural defects that make it unsafe for staff and clients. The floor has dropped throughout the facility and a wall has separated from the building structure. ConnectGV is contributing \$3 million of a planned redevelopment and is seeking funding of \$1.5 million from the state government to complete the project. The redevelopment will see the construction of a contemporary, fit-for-purpose building that will deliver all programs on one site.

On 8 May I asked the minister a constituency question to commit funding of \$1.5 million to this project. The minister's response ignored this request and his reply failed to address the planned redevelopment in any way. In his response, the minister stated that the Department of Health and Human Services (DHHS) had an 80 per cent perpetual interest in the property at 11 Bowenhall Street. Inquiries with ConnectGV reveal this 80 per cent interest relates to a state government grant of £13 600 to purchase the original land site in 1954. If the minister is claiming 80 per cent ownership based on a grant from 1954, maybe he should contribute 80 per cent of the planned redevelopment. The minister also stated in his reply that DHHS had provided more than \$1.5 million in capital funds to ConnectGV over recent years.

Connect GV management advise that this \$1.5 million was funded in 2009 for construction of two residential facilities in Middleton Street and not for the facility they are seeking funds for now, where they provide their day activity program to clients. Management also advise that no capital funding has been provided for the facility at 11 Bowenhall Street since 1985.

After answering my previous question on this issue with a response littered with inaccurate and misleading information, the action that I seek from the minister is to give a commitment to provide funding of \$1.5 million towards the planned redevelopment of the ConnectGV facility at 11 Bowenhall Street. This is a vitally important service in our community that provides services to some of the most vulnerable people in the community — those with disabilities. While they are at day facilities, it gives important respite to their families. The facility really is well below standard. As I said, parts of the wall have dropped away and separated from the building structure. It is very cold in Shepparton at the moment, there is a draught coming in, and these clients deserve better than this government is delivering.

Poker machines

Ms PATTEN (Northern Metropolitan) (15:14) — My adjournment matter today is for Minister for Consumer Affairs, Gaming and Liquor Regulation. The action I seek relates to the electronic gambling figures that were released today by the Victorian Commission for Gambling and Liquor Regulation.

Last year saw the biggest increase in spending on Victorian poker machines for the last decade. Spending on poker machines has now increased to \$2695 million, which is a 3.3 per cent increase on the 2016 spending. In my electorate alone this is \$445.4 million spent in

the last financial year, with the local government area of Whittlesea spending \$95 million in eight venues. The two highest spending locations are both situated in my constituency, with a combined total spending of over \$40 million — \$40 million! — in two venues.

Unfortunately these figures are not surprising, and if the current regulation continues we are only going to see these figures increase. We also know that problematic gambling is related to family violence, and sadly we have just been stopped from finalising the debate on family violence when we know that family violence is one of the most important issues facing my electorate.

This week I spoke at the 'Mayors unite against poker machines' rally outside Parliament. They are mayors who have seen the damaging effect of poker machines in their municipalities, as have all of us in our electorates. They have spoken to local residents who are suffering the financial and emotional effects of these machines. I do not think there is a single person in this house who has not met someone who has been affected by problematic gambling on poker machines.

The action I am seeking from the minister is for change. I am seeking that the minister ensure that maximum bets are reduced to \$1 and the operating hours of these venues are curtailed.

Hopkins Road, Truganina

Mr FINN (Western Metropolitan) (15:16) — I raise a matter this afternoon for the attention of the Minister for Roads and Road Safety, and it concerns a road in my electorate which started off as what could probably best be described as a country lane but is now a major thoroughfare. Unfortunately the infrastructure upgrade has not occurred to provide for the added traffic. I am referring to Hopkins Road in Truganina, which has been the scene of a number of fatal head-on collisions and fatal accidents, particularly between Boundary Road and Greigs Road. In fact three of the four accidents on Hopkins Road involved head-on collisions.

It is just appalling when we see the lack of support and the lack of infrastructure upgrade for so many of these sorts of roads, particularly in the outer west. It is in my view totally negligent of the government not to have upgraded these roads. It leads me to believe that when people say that Labor neglects the west in fact they are correct, and when people point out to me that Labor does not really care about its safe seats I have a tendency to agree. In fact I tend to agree with those who are currently pushing in the western suburbs to make those seats out in the west marginal.

There was a very good article in the *Australian* — there often is in the *Australian*, it is a good read — on 17 July from Chip Le Grand. It outlined a number of tragedies where people's lives have been lost, where children have been orphaned, and all because this road is just totally inadequate in every way. In fact I remember when I was first running for preselection for the Western Metropolitan Region I was taken to Hopkins Road by a local constituent called Wendy Bitans — I think Mr Rich-Phillips may actually know her — and I saw that road firsthand. It was appalling then, and here we are 12 years later and it is still appalling.

What I am asking this afternoon is for the minister, as a matter of priority, to provide the funding for the upgrade of Hopkins Road in Truganina to provide for a safe thoroughfare for traffic on the road.

Merri Creek

Ms DUNN (Eastern Metropolitan) (15:20) — My adjournment matter is for the Minister for Planning, and it is in relation to erosion and sediment in the Merri Creek. The Merri Creek Management Committee identified potential sediment from Kalkallo Creek near Donnybrook. Kalkallo Creek is notorious for its erosion gullies, metres deep, in its headwaters near Old Sydney Road. Less well known are the highly erodible sodic subsoils in the flatter parts of the catchment. The management committee has seen these subsoils rapidly lose their structural integrity when wetted. They report that the soils appear to be extensively eroded under the new residential and employment areas being developed west of the Hume Highway.

The management committee goes on to report that standard measures do not work well enough in terms of planning controls for such dispersive soils. The particles of these soils are extremely small — less than 1 micron, and often less than 0.5 micron — and can pass through standard silt fences. Vegetation cannot be relied on to filter out such fine sediments, and because of their geochemistry the particles do not easily settle.

The management committee highlight that these failures urgently need correction, which is a matter I have also raised in this place for the attention of the Minister for Water. The management committee suggests that this has contributed to the blighting of Merri Creek with excessive sediment. Erosion in the rural headwaters has also made a major contribution. Although they do not retrospectively apportion blame, they do consider that these are significant matters when it comes to the sediment currently in the Merri Creek

and the rural erosion in the headwaters that has been active for many, many decades.

The exposure of sodic dispersive subsoils in development areas is a relatively new source of sediment to Kalkallo Creek. It is also an area of activity that is probably very amenable to immediate improvements in erosion control measures.

So the action I seek is that the Minister for Planning urgently review planning provisions in relation to sediment and erosion management to ensure that issues like this one are avoided through appropriate planning conditions applied in the future to new development areas.

Casey Hospital

Mrs PEULICH (South Eastern Metropolitan) (15:22) — I wish to raise a matter for the attention of the Minister for Health. It is in relation to a number of complaints, the most recent being a complaint that I received by email from people I will call Mr and Mrs C, because they have actually asked for their names to be withheld. They have, however, forwarded me a photograph of Mrs C lying on the floor of the emergency department at Casey Hospital. Their experience of that particular incident was that Mrs C was taken ill and went to the Casey Superclinic at around 7.00 a.m. on 3 July, apparently feeling very sick. With six patients ahead of her and only one doctor on duty, she waited for an inordinately long period of time. There did not appear to be appropriate triaging. Mrs C had to lie on the floor of the waiting room because there was nowhere else to do that. Eventually when she saw the doctor they did not even have the painkiller to get her severe migraine under control. She then had to be taken to Casey Hospital's emergency department, which had only one triage nurse on duty, to receive an appropriate treatment. Obviously, given the growth, that was considered to be fairly poor.

The question that Mr and Mrs C also want answered is: given the growth, what action is the government taking? I know that there are very long and overdue plans to expand Casey Hospital, to which there was a commitment made before the last state election, but are there plans to expand the Casey Hospital's emergency section with extra beds, obviously to meet that growth?

On their experience, I think Mr C uses one word, and that was 'woeful', on many fronts, not only in terms of the staffing but also in terms of the facilities. I would have thought that, given the age of the hospital and the growth of the hospital, it would have been better serviced. So I ask the minister to investigate whether in

actual fact the additional works that are being done are actually going to make it possible for the hospital to meet the growth needs of that area.

RTR-Planeta

Mr DAVIS (Southern Metropolitan) (15:25) — My adjournment matter tonight is for the attention of the Minister for Housing, Disability and Ageing. It is of great interest, though, I think, to the Minister for Multicultural Affairs, too. It concerns Russian television, which is put into —

Mr Ondarchie interjected.

Mr DAVIS — No. Via arrangements by the state government, it is put in through a free TV channel to Russian-speaking Victorians in public housing. This is called RTR-Planeta — planet — and via cable or satellite, it is put into a number of locations, including at 25 King Street, Prahran, and 1 Surrey Road, South Yarra, both public housing blocks. A number of people in that area have spoken to my office about the issues that they have with the transmission coming into their home. This is a matter of concern for older Russian-speaking constituents who have had a longstanding arrangement where they have had this television channel. Recently this has not been reliable and they have had trouble getting suitable reception.

Mr Dalidakis — Do you want them to have Foxtel?

Mr DAVIS — You may laugh, Mr Dalidakis. These are legitimate residents in your electorate and mine whose access to this longstanding service of Russian television into their house is now under threat, and I am legitimately seeking that the Minister for Housing, Disability and Ageing, perhaps with the support of the Minister for Multicultural Affairs, act to repair what is a problem in the transmission into those units of flats at 25 King Street, Prahran, and 1 Surrey Road, South Yarra. In that block at Surrey Road, there are five people with similar problems getting access to the free TV channel for Russian-speaking Victorians. In the one at 25 King Street, Prahran, there are eight people with the problem in getting the free TV channel for Russian-speaking Victorians. I say that this is a legitimate issue. We are a multicultural society. Older people from that particular Russian background I think have a legitimate expectation that the service will continue. I do not think flippant comments from ministers who ought to know better and ought to be respectful of those multicultural groups help.

My request of the minister is that he intervene — as I said, perhaps with the support of the Minister for

Multicultural Affairs — to ensure that those services are provided seamlessly to those locations and others. I think those multicultural communities do have a right to the continuation of that service. I for one would not want to be part of closing that service off, as seems to be the intention of the Minister for Housing, Disability and Ageing now.

Jumps racing

Ms PENNICUIK (Southern Metropolitan) (15:27) — My adjournment matter this evening is for the Minister for Racing. On Wednesday by way of a members statement I raised the issue of the terrible events that witnesses at the Mosstrooper steeplechase race day in Bendigo on Sunday had to see. In a program of six events, as I said, seven horses fell, five of those in the very first two events. Twelve horses did not make it to the end of their races, three of which were 3.2 kilometres long and three of which were 3.6 kilometres long, including jumping hurdles and steeples. Something to Share did not make it out alive.

The stewards report of race 6, as I said, stated that the gelding made a ‘faulty’ jump at the 12th obstacle and suffered a catastrophic injury and then of course was euthanised on the track behind the green screen, a spectacle that is often seen at jumps racing events. The stewards report that also in that same race King Kamada was brought down — or ‘bought down’, as they said — by the stricken horse that later died. A vet examination revealed that that gelding had blood in both nostrils that was attributed to that trauma.

All in all, 14 horses were injured, five were described as lame, two had blood in the nostrils, one had a pulmonary haemorrhage and others had a range of injuries. All were referred to the vets for clearance. I wonder, though, how many of those will never be seen again, including horses that were declared as lame. Seventeen horses were referred to the jumps review panel including Something to Share, who was killed on the track.

This debacle also prompted claims from trainers and others that Racing Victoria had put the health and safety of horses at risk because of the hard track conditions. Racing Victoria had been warned two weeks before that the track was too firm. I agree that it has put profits before animal welfare. It ignored the advice and it did not, after the first two events where five horses fell and were injured, cancel the following four events, which saw more horses injured and one horse, Something to Share, killed.

Now, I wondered whether the Minister for Racing had said anything about it, so I checked his media releases. The most recent one was on 19 July, in which he talked about the Andrews Labor government investing in country racing to improve safety for jockeys and horses, but there was no mention of what happened in Bendigo. So the action I seek from the minister is to conduct an investigation into what happened in Bendigo last Sunday. Of course the Greens always call for an end to jumps racing, but I would like to see an investigation by the minister into those events.

Illegal tobacco

Mr O’SULLIVAN (Northern Victoria) (15:31) — My adjournment matter this afternoon is for the Minister for Police, and the action that I am seeking is for the state government to legislate to take over the enforcement of illegal tobacco undertakings in this state. The federal government’s Black Economy Taskforce final report states that ‘We consider that state governments could do more to tackle illicit tobacco’ and that illegal tobacco is ‘dominated by organised criminals’.

Mr Melhem — On a point of order, President, the action Mr O’Sullivan is seeking is to legislate. It is not part of standing orders to actually ask for legislation to be enacted.

The PRESIDENT — Mr Melhem is exactly right. You cannot use the adjournment debate to call for legislation. Mr O’Sullivan, you might consider a different action.

Mr O’SULLIVAN — Thank you, President; my apologies for that. I tried four different words in my notes and I had ‘legislation’. I should have gone with one of the earlier ones. That the minister take over responsibility for enforcement activities of illegal tobacco in Victoria is perhaps where I should have gone. My apologies.

The Tobacco Act 1987 delegates tobacco enforcement to local council health officers, and yet the federal government’s Black Economy Taskforce states that:

These officers are unlikely to be trained or have the resources to tackle entrenched criminal enterprises —

that are involved in the illicit tobacco trade.

That is a reasonable prospect, because clearly councils do not have the resources to take on significant criminal gangs that can be involved in these activities, in particular in a lot of regional council areas illegal tobacco is grown, chopped up and perhaps reduced into

cigarettes. It is undertaken in the country, and councils there would not have the resources in terms of manpower to undertake these sorts of activities. So I think it would be appropriate for the state government to work closely with local government to ensure we have a much better enforcement regime in terms of tackling illicit tobacco in this state.

Crime syndicates are heavily involved, as the federal government's task force report has found, and we need to do a lot more to get rid of this scourge from our communities. There is a lot of lost revenue for government in terms of excise which could go into much more appropriate things in health, education, roads and many other things. It is also a substantial cash flow for these criminal organisations which may or may not be used for illicit or illegal activities, as well as some of their probably legal activities. I think we need to have parallel offences along with the federal government to ensure that when people are caught for their involvement in illegal tobacco activities they are not only up for federal crimes and offences but for a whole range of local crimes and offences in the state of Victoria as well. So I ask the Minister for Police to undertake that action, please.

Waurm Ponds train stabling depot

Mr RAMSAY (Western Victoria) (15:34) — My adjournment matter is to the Minister for Public Transport, the Honourable Jacinta Allan. The matter I want to raise with the minister — and I will come to the action shortly — is with respect to the Larcombe family in Waurm Ponds. I have visited Stan Larcombe over a number of years with respect to a proposal by the Department of Transport, Planning and Local Infrastructure to acquire some of his land to allow the Andrews government to fulfil its commitment to relocating the North Geelong stabling yards to Waurm Ponds.

This is a project with a \$115 million commitment that was announced three years ago. The ongoing discussion with the Larcombe family was that the government would need to acquire some of their land, most likely dividing the property between where 5000 sheep graze on the south side to where all the buildings are on the north side. This will actually have a significant impact on his ability to be able to continue his farming operation, particularly when you have got the infrastructure on one side, most likely stabling yards in the middle of the property and then you have got the better pastures where the sheep graze.

Now, the poor old Larcombe family have been in discussions with the government for over 1000 days

now, with still no resolution as to what might happen with the property. You can only imagine some of the grief that that family is going through at the moment not knowing whether they are going to have a property at all if in fact the government decides to compulsorily acquire certain parts of it, given the current proposal to divide that land and separate the infrastructure and assets from the productive grazing land.

I do appreciate that this issue has been raised in the *Geelong Advertiser* today. I and the member for South Barwon, Andrew Katos, have met the Larcombe family on many occasions, and I have in fact raised it in the Parliament with the minister on many occasions but unfortunately to no end result.

Again, the action I seek is that the minister fast-track resolution of whatever statutory impediments are in the way of resolving this matter so the Larcombe family can get on with the business of farming in the belief that they do have a long-term capacity to do that, or in fact make the decision about whether land will have to be compulsorily acquired to provide for the relocation of the train stabling yards committed to.

Gippsland Centre Against Sexual Assault

Ms BATH (Eastern Victoria) (15:37) — My adjournment matter this afternoon is for the Honourable Natalie Hutchins, the Minister for the Prevention of Family Violence. The action I seek from the minister is for the continuation of funding for the family support practitioner program that is run out of the Gippsland Centre Against Sexual Assault, the Gippsland CASA unit. It is part of their therapeutic treatment program that supports children and also families against those behaviours where there has been abusive sexual behaviour with the child that has been, unfortunately, stimulated from the family unit. In speaking with the CEO today, she identified that this is a three-year program that has been a wonderful program. They saw a gap in the market, as it were, a need for this type of program. It is a holistic program where their aim is to really break the cycle, but not just with the child, not just with that young adolescent, but also with the family unit.

On average there is one practitioner doing this program and they see 10 families on a weekly basis, and that program then lasts with those families for a six-month period. That has a really good longitudinal effect, really getting into the nitty-gritty of what the problem is and, as I said, it is supporting them and stabilising that family unit in a very positive way. They work with the child, they work with the school, they also will work with the child protection agency and they will work

with the family in whatever form that it exists. So it is a really multilevel approach, and they have had some great support. It has been running for three years and they have assessed it and they would really like it to continue.

The other thing that the program does is also look at creating educational aspirations in the family unit. So not only with a child to keep them at school and inspire them to stay there and get their head in the right place, but also with the family unit, whatever that looks like — the mother or the father or both — to give them some confidence and gain some life skills so that they do not have to work in an abusive or violent situation but can actually empower themselves to go back to school or go and seek a job. They upskill them in that space.

I think it sounds like an incredibly worthwhile program. I congratulate the Gippsland CASA for doing this and I congratulate Fiona Boyle for working on this. I really ask the minister if she could support them and continue the funding, and if possible look at growing that practitioner program.

Hawkstowe railway station

Mr ONDARCHIE (Northern Metropolitan) (15:40) — My matter on the adjournment today is for the Minister for Public Transport, and it concerns the Level Crossing Removal Authority (LXRA) works at Hawkstowe estate in South Morang in my electorate of Northern Metropolitan Region. Yesterday at 1.15 p.m., due to the LXRA works, Panton Gap Drive in Hawkstowe was completely blocked. You could not get in from Hawkstowe Parade and you could not get in from The Parkway. If you cannot get in from those two intersections, you simply cannot get into Panton Gap Drive. There was no resident access, there was no access for the elderly and there was no access for emergency services vehicles.

There were distressed residents, many of whom have contacted my office. There is no other way into that estate when this area is blocked. You cannot get in and you cannot get out. People were unable to make doctors appointments, people were unable to do a pick-up from school where a child was in the sick bay and people were unable to leave for work for their afternoon shift. As a result, one particular resident could not go to work at all that day. The same thing happened last Saturday afternoon at 4 o'clock, when those two entrances were blocked and the people living in that estate could not get in or out — and I remind you that neither could emergency services vehicles get in or out. It is unacceptable.

The action I seek from the Minister for Public Transport is to visit the Hawkstowe estate residents and listen to their issues, and then work out a way to provide access for them to get in and out of their homes, as well as for emergency services vehicles, and to advise me of the outcome.

Responses

Mr DALIDAKIS (Minister for Trade and Investment) (15:42) — We have had adjournments this afternoon from Ms Lovell to the Minister for Housing, Disability and Ageing asking for funding towards the redevelopment of ConnectGV; from Ms Patten to the Minister for Consumer Affairs, Gaming and Liquor Regulation in relation to reducing bets and machines; from Mr Finn to the Minister for Roads and Road Safety in relation to Hopkins Road in Truganina; from Ms Dunn to the Minister for Planning in relation to Merri Creek; from Mrs Peulich to the Minister for Health in relation to Casey Hospital; from Mr Davis to the Minister for Housing, Disability and Ageing asking for new cable channels to be provided; from Ms Pennicuk to the Minister for Racing to investigate a recent horse death in Bendigo; from Mr O'Sullivan to the Minister for Police asking for the police minister to have police take over enforcement of tobacco from local government; from Mr Ramsay to the Minister for Public Transport in relation to land planning for residents of Waurin Ponds; from Ms Bath to the Minister for the Prevention of Family Violence regarding continued funding for the Gippsland centre dealing with sexual abuse; and from Mr Ondarchie to the Minister for Public Transport in relation to the South Morang level crossing works.

I also have written responses to adjournment debate matters raised by Mr Finn on 20 February 2018.

The PRESIDENT — On that basis, the house stands adjourned until 7 August.

House adjourned 3.43 p.m. until Tuesday, 7 August.

