

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT

FIRST SESSION

Thursday, 23 August 2018

(Extract from book 12)

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By authority of the Victorian Government Printer

The Governor

The Honourable LINDA DESSAU, AC

The Lieutenant-Governor

The Honourable KEN LAY, AO, APM

The ministry (from 16 October 2017)

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Deputy Premier, Minister for Education and Minister for Emergency Services	The Hon. J. A. Merlino, MP
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Minister for Public Transport and Minister for Major Projects	The Hon. J. Allan, MP
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Minister for Trade and Investment, Minister for Innovation and the Digital Economy, and Minister for Small Business	The Hon. P. Dalidakis, MLC
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Minister for Families and Children, Minister for Early Childhood Education and Minister for Youth Affairs	The Hon. J. Mikakos, MLC
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Minister for Agriculture and Minister for Regional Development	The Hon. J. L. Pulford, MLC
Minister for Finance and Minister for Multicultural Affairs	The Hon. R. D. Scott, MP
Minister for Training and Skills, and Minister for Corrections	The Hon. G. A. Tierney, MLC
Minister for Planning	The Hon. R. W. Wynne, MP
Cabinet Secretary	Ms M. Thomas, MP

Legislative Council committees

Privileges Committee — 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.

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

Law Reform, Road and Community Safety Committee — (*Council*): 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

Assembly — Acting Clerk of the Legislative Assembly: Ms Bridget Noonan

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

Parliamentary Services — Secretary: Mr P. Lochert

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

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Deputy President:

Mr N. ELASMAR

Acting Presidents:

Ms Dunn, Mr Gepp, Mr Melhem, Mr Morris, Ms Patten, Mr Purcell, Mr Ramsay

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The Hon. G. JENNINGS

Deputy Leader of the Government:

The Hon. J. L. PULFORD

Leader of the Opposition:

The Hon. M. WOOLDRIDGE

Deputy Leader of the Opposition:

The Hon. G. K. RICH-PHILLIPS

Leader of The Nationals:

Mr L. B. O’SULLIVAN

Leader of the Greens:

Dr S. RATNAM

Member	Region	Party	Member	Region	Party
Atkinson, Mr Bruce Norman	Eastern Metropolitan	LP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
Barber, Mr Gregory John ¹	Northern Metropolitan	Greens	Morris, Mr Joshua	Western Victoria	LP
Bath, Ms Melina ²	Eastern Victoria	Nats	Mulino, Mr Daniel	Eastern Victoria	ALP
Bourman, Mr Jeffrey	Eastern Victoria	SFFP	O’Brien, Mr Daniel David ⁸	Eastern Victoria	Nats
Carling-Jenkins, Dr Rachel ³	Western Metropolitan	Ind	O’Donohue, Mr Edward John	Eastern Victoria	LP
Crozier, Ms Georgina Mary	Southern Metropolitan	LP	Ondarchie, Mr Craig Philip	Northern Metropolitan	LP
Dalidakis, Mr Philip	Southern Metropolitan	ALP	O’Sullivan, Mr Luke Bartholomew ⁹	Northern Victoria	Nats
Dalla-Riva, Mr Richard Alex Gordon	Eastern Metropolitan	LP	Patten, Ms Fiona ¹⁰	Northern Metropolitan	FPRP
Davis, Mr David McLean	Southern Metropolitan	LP	Pennicuik, Ms Susan Margaret	Southern Metropolitan	Greens
Drum, Mr Damian Kevin ⁴	Northern Victoria	Nats	Peulich, Mrs Inga	South Eastern Metropolitan	LP
Dunn, Ms Samantha	Eastern Metropolitan	Greens	Pulford, Ms Jaala Lee	Western Victoria	ALP
Eideh, Mr Khalil M.	Western Metropolitan	ALP	Purcell, Mr James	Western Victoria	VILJ
Elasmar, Mr Nazih	Northern Metropolitan	ALP	Ramsay, Mr Simon	Western Victoria	LP
Finn, Mr Bernard Thomas C.	Western Metropolitan	LP	Ratnam, Dr Samantha Shantini ¹¹	Northern Metropolitan	Greens
Fitzherbert, Ms Margaret	Southern Metropolitan	LP	Rich-Phillips, Mr Gordon Kenneth	South Eastern Metropolitan	LP
Gepp, Mr Mark ⁵	Northern Victoria	ALP	Shing, Ms Harriet	Eastern Victoria	ALP
Hartland, Ms Colleen Mildred ⁶	Western Metropolitan	Greens	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Herbert, Mr Steven Ralph ⁷	Northern Victoria	ALP	Springle, Ms Nina	South Eastern Metropolitan	Greens
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Symes, Ms Jaclyn	Northern Victoria	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Tierney, Ms Gayle Anne	Western Victoria	ALP
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;
AC until 3 August 2018

⁴ Resigned 27 May 2016

⁵ Appointed 7 June 2017

⁶ Resigned 9 February 2018

⁷ Resigned 6 April 2017

⁸ Resigned 25 February 2015

⁹ Appointed 12 October 2016

¹⁰ ASP until 16 January 2018;
RV until 14 August 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;
FPRP — Fiona Patten’s Reason Party; Greens — Australian Greens; Ind — Independent; LP — Liberal Party;
Nats — The Nationals; RV — Reason Victoria; SFFP — Shooters, Fishers and Farmers Party; VILJ — Vote 1 Local Jobs

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Thursday, 23 August 2018

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

PRODUCTION OF DOCUMENTS

The PRESIDENT (09:35) — I have a statement to make in regard to the replacement of electronic files provided in response to a production of documents resolution. As members are aware, we are receiving some information in the form of reports and so forth from government departments in an electronic form as well as in most cases in a hard form. There have been some issues, as we have previously reported to the Parliament. So on this occasion I wish to advise the house that the Clerk has received a letter from the Secretary of the Department of Environment, Land, Water and Planning requesting that certain electronic documents received by the Council in relation to a production of documents order on 7 October 2015 be replaced. The request has been made in relation to documents provided by the government in relation to the Port Phillip planning scheme amendment C107. The electronic documents provided and published on the Parliament's tabled documents database were incorrectly redacted in that some of the redacted data is searchable within the documents.

The Clerk has consulted with the Leader of the Government in this house, the Leader of the Opposition in this house and the sponsor of the documents motion in relation to this request. The electronic files will be replaced today and an email will be sent to all members of the house advising that this has occurred and providing a contact at the department where questions about the replacement documents should be directed to. In making this change the electronic file that will be on the tabled documents database will reflect the original hard copy documents tabled in the house on 9 February 2016. These original officially tabled papers have not changed.

I now call on the Clerk to table the letter from the secretary in relation to this matter.

The Clerk (09:38) — I have received a letter from the Secretary of the Department of Environment, Land, Water and Planning relating to the resolution of the Council of 7 October 2015 relating to the production of documents relating to the Port Phillip planning scheme amendment C107.

The letter requests that Parliament replace the PDF version of certain documents in the tabled documents database to ensure the redacted data is not searchable

within the PDF version of the documents. The letter confirms that the replacement PDF versions of the documents exactly match the hard copy versions tabled in Parliament. The letter nominates a contact person for anyone who may have any questions about the replacement PDF documents.

Mr Davis — On a point of order, President, I think the house is owed an explanation of some type by the Leader of the Government, to whom the motion was directed. I wonder if the leader would explain what has occurred here.

The PRESIDENT — I have actually been apprised of the motion, and it was not directed to the Leader of the Government at all; it was directed to the government. It was not directed to any specific minister. I am happy to ask the Leader of the Government if he would like to make a comment on behalf of the government, but my point is that the actual motion was directed to the government in the broad, not referenced to any specific minister.

Mr Jennings — On the point of order, President, I am happy to respond to the issue and to make clear what has occurred in this instance, as a layperson listening or hearing or reading this may actually be confused about what this matter is about. The government has provided the Parliament with a range of documents consistent with a request from the Parliament that related to a planning matter. Those documents were tabled in a hard copy form and they were also provided to the Parliament in an electronic form. The hard copy form was redacted, which means some information was removed in the name of providing privacy protections to individuals and others who may be disclosed inappropriately through the release of the information.

Even though the electronic copy had been intended to be in exactly the same form, due to the way in which the data was processed and then could be reconstructed once it was provided to the Parliament, there is an ability to manipulate the redacted version in an electronic form and to disclose information that would otherwise be private. This was drawn to the attention of the Parliament by the department secretary, who wanted to remedy that situation. The Parliament then took action in consultation with me and members of the opposition, including the member who has raised this point of order himself, in relation to those circumstances to explain the reasons why that was important to do. That has been undertaken by the Parliament, and I believe that is the appropriate action.

The government then wanted to ensure that departments are aware of the ability for electronic information to be manipulated in certain ways that may disclose information that should not be disclosed in a public setting. The departments are on notice to take the appropriate action to ensure that that does not occur into the future.

The PRESIDENT — I might also just add that this in no way reflects on any of the processes of the Parliament. In fact the two clerks have worked on protocols to address this matter for the government departments, and it depends obviously on who is processing the material and their understanding of the IT aspects of the documents and whether or not they can be recovered by some manipulation or suchlike. Obviously we dealt previously with the issue raised by Mr Morris by way of points of order, and we reported on that at that time. Before Mr Morris's point of order and certainly subsequently there has been quite a bit of work done in terms of the Parliament's process to make sure that we can try and overcome these sorts of issues in future through our own protocols, but we are still in the hands of departments if the information is provided in a form so that people can actually get into those electronic documents and uncover redacted information.

Mr Davis — On a further point of order, President, in the documents that came back an extract from the Minister for Planning's diary was refused. A specific date from the diary of 14 October 2015 was sought, and the reason for refusing it was given. Executive privilege was claimed over the document on the basis that its release 'would be prejudicial to the public interest, as it would reveal a private document that is not of a "public and official" character'. I just simply do not understand how an extract from the Minister for Planning's diary, having his Minister for Planning activities, could be of a non-public and non-official character. I wonder if the Leader of the Government would explain why the Minister for Planning's diary public matters were not disclosed.

The PRESIDENT — I am a little bit uneasy about this particular question in the sense that this response to the production of documents motion was tabled last February — so that is February 2016?

Mr Davis — That is right. Correct.

The PRESIDENT — So we are talking about two and a half years ago. If there was a concern that the minister's diary entry was not provided back in 2016, I think it is rather extraordinary to be going back to that particular aspect now by way of a question to the minister. I will allow the minister to answer, but as I

said, I have some concerns about the aged aspect of this particular request by way of a point of order. Minister, do you wish to make a comment on it?

Mr Jennings — I will just make a comment. Yesterday morning at 8.40 I had a doctor's appointment. It appeared in my diary. Is it any of your business?

Mr Davis — Further to the point of order, President, the minister could simply redact that matter but leave any public matters there, and if there was nothing in the diary other than personal matters, it would be blank.

The PRESIDENT — That was not a point of order. That was a debating point.

PETITIONS

Following petition presented to house:

Wyndham Vale railway station

Legislative Council electronic petition:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council the concerns of the local community that the regional rail link (RRL) station located in the suburb of Manor Lakes is named Wyndham Vale station.

The station was named Wyndham Vale prior to Manor Lakes being created as a bounded locality (suburb). By the government's own naming guidelines, infrastructure should be named after the suburb in which they are located. The change of name has the support of the Wyndham City Council, who, in August 2017, wrote to the Minister for Public Transport requesting it be renamed.

The station is located just off Manor Lakes Boulevard and serves Manor Lakes College, Manor Lakes shopping centre, Uniting AgeWell Manor Lakes, Manor Lakes football and cricket clubs. There is a future station planned on the RRL line which, when constructed, will be located in the suburb of Wyndham Vale and should be so named.

Benefits to the community include —

- (1) recognition and identification;
- (2) connection to place;
- (3) emergency service response and natural disaster relief;
- (4) urban and regional planning;
- (5) navigation; and
- (6) service delivery.

The existing North Melbourne station will be renamed West Melbourne to better reflect its location, and the recent public submission process to name the five new Metro Tunnel stations indicated that most Victorians wanted names that

reflect the location of the stations (media release, Hon. Daniel Andrews, MP, Premier, 29 November 2017).

The petitioners therefore request that the Legislative Council call on the government to rename Wyndham Vale station as Manor Lakes station to avoid confusion, to comply with naming guidelines and to better reflect the location of the station.

By Mr FINN (Western Metropolitan)
(374 signatures).

Laid on table.

Ordered to be considered next day on motion of Mr FINN (Western Metropolitan).

OFFICE OF THE PUBLIC ADVOCATE

Community visitors report 2017

Ms MIKAKOS (Minister for Families and Children), by leave, presented government response.

Laid on table.

PRIVILEGES COMMITTEE

Matters relating to misuse of electorate office staffing entitlements

The PRESIDENT (09:46) — Just before I call Mr Purcell, can I indicate that I have been advised that one of the television stations last night reported on this report and seemed to have a fair knowledge of what is contained in this report. This is the first time this house has had a Privileges Committee formed to deliberate on matters that certainly are in the public interest but are covered by the standing orders and the expectations of this house that in fact committee reports ought not to be leaked to the media. Yet again, as on a number of occasions this year, we have had committee deliberations and the contents of reports or some of the progress of committees reported in the media before they are tabled in this house.

It is a discourtesy to the house. I regard it as a contempt, and I think that, as we might all reflect, it breaks down the trust between members of Parliament if we have people who are deliberately flouting our standing orders for whatever purpose that they see they gain from such a leak. I certainly do not have any problem with the media being fully informed on matters regarding the processes and deliberations of this house and indeed its committees, but all at the appropriate time, all at a time when in fact members have had an opportunity to receive properly and rightfully the reports that have been commissioned by this house and to give some

consideration to them in the proper processes outlined in our standing orders rather than reading it or hearing it or seeing it in the media ahead of the courtesy of this house receiving those reports.

Ms Wooldridge — On a point of order, President, it is a very serious matter and I appreciate you highlighting that it is considered a contempt of the house, especially for a Privileges Committee. In the previous Parliament a member in the other house, in fact a minister, resigned their commission after it was claimed they had leaked a Privileges Committee report. Given you are highlighting that it is a contempt under standing orders, can I ask you, President, to consider investigating the matter of the leak. It is completely unacceptable, and I —

Honourable members interjecting.

The PRESIDENT — Order! Thank you. Given the fact that I made remarks on this, and members would be aware that I only make such comments — I would hope, at any rate — when I want to draw to the attention of the house the importance of a matter, when a member actually by way of a point of order addresses me with some remarks in respect of the comments that I have made, I expect that member to be heard in silence. I think I got the gist of it, Ms Wooldridge, but —

Ms Wooldridge — President, given that it is a clear breach of the standing orders and a potential contempt of this house, I ask if you will investigate the matter of the leaking of this Privileges Committee report.

Mr Dalidakis — On the point of order, President, I concur with Ms Wooldridge. The issue of the leaking from the Privileges Committee has not just been in relation to the issue that you raised last night but indeed about two earlier leaks from the outset when the Privileges Committee met that were reported in the *Herald Sun*. Should you look into this further —

Honourable members interjecting.

Mr Dalidakis — Let me state for you, President, out of respect for the words that you put forward moments ago, that whilst we cannot talk about deliberations inside of the Privileges Committee, and for the record very clearly, any time you wish to have a truth or lie detector used on any member of the committee, I will fully support that use. Will you, you or you?

The PRESIDENT — Order! I understand Mr Dalidakis's comments, although they do not really constitute a point of order as such. Ms Wooldridge's point of order I also understand, but members of the house would no doubt be aware that I really do not have

any power to investigate leaks from committees. In the past those committees that have felt aggrieved by leaks have in fact sought to in some cases establish their own processes to try and establish how information was released inappropriately, and I guess that is within the opportunity of the Privileges Committee on this occasion. I certainly do not, as I said, have any power under standing orders to pursue leaks from committees, but everybody certainly, I think, is well aware of my view of leaks.

Ms WOOLDRIDGE (Eastern Metropolitan) (09:53) — I desire to move, by leave:

That this house empowers the President to investigate the leak of the findings of the Privileges Committee and report back to the house as soon as possible.

Leave refused.

Mr Jennings — On a point of order, President, can I just say to you that my denying leave had only respect and regard for the standing of the chamber and your position in relation to this matter. You know that I came to you after the first one or two meetings of the Privileges Committee and I spoke to you privately about my concerns that matters had been leaked inappropriately out of this committee. You were not aware of the media reports that had occurred at that time, but you assured me that you would take that matter seriously. I had understood from that time to this that you may have had similar private conversations with members of the committee and had prevented it from leaking like a sieve, as it did on meetings one and two. I thought that was appropriate recognition on your part and private action that had been taken to remedy this situation. The more that people have an expectation of you in a formal sense then the more people will realise that changing the nature of the powers of the Presiding Officers in relation to these matters in a spontaneous way is an unwise thing to do. We should look at the forms of the house and the relationships within the house to find the best way to comply with these issues.

Honourable members interjecting.

The PRESIDENT — Thank you.

Mr Leane interjected.

The PRESIDENT (09:55) — Mr Leane, I do not know how you have your coffee, but it is waiting — half an hour.

Mr Leane withdrew from chamber.

The PRESIDENT — Leave was denied on that motion, so now I will ask Mr Purcell to present the report.

Mrs Peulich interjected.

The PRESIDENT — Mrs Peulich, please! I expect this report to be delivered in silence — absolute silence.

Mr PURCELL (Western Victoria) presented report, including appendices, extracts of proceedings and minority reports, together with transcripts of evidence.

Laid on table.

Ordered that report be published.

Mr PURCELL (Western Victoria) (09:57) — I move:

That the Council take note of the report.

I am pleased to present this report of the Privileges Committee which examines matters relating to the misuse of electorate officers' entitlements. This was a challenging inquiry in many aspects. A Privileges Committee of this type has not previously convened in the history of the Legislative Council. There is no body of custom and practice to draw from, though the committee was able to look at other houses of Parliament for proceedings and precedents. The committee's reporting time frame was short and the inquiry was delayed while procedural matters, including the election of the chair and deputy chair, were resolved by this house.

In the course of the inquiry Victoria Police determined to reinvestigate matters following a complaint from a member of the opposition. The police made a number of arrests, although all were released without charge. There was almost daily speculation in the media and in the Parliament on the police investigation and inquiry. However, the task set out in the terms of reference was straightforward.

The Ombudsman found in her report on matters relating to the misuse of electorate officer entitlements, tabled March 2018, that several past and present members breached sections of the Members Guide. Mr John Lenders, the architect of the scheme in question, was found to have crossed the line in what was acceptable under the guide. The committee was asked to determine whether a contempt of Parliament had been committed.

The committee resolved that it would not attempt to reinvestigate a matter that took over a year to finalise

and that utilised the expertise of four full-time Ombudsman's officers, a part-time QC and the Ombudsman and Deputy Ombudsman themselves. Nevertheless, we did consider it necessary within time constraints and to the extent possible to gather evidence for our inquiry, which had a different focus to the Ombudsman and, I emphasise, a different focus to the police investigation.

The committee held almost all hearings in public rather than behind closed doors. I note this is unusual for a Privileges Committee and that public hearings expose witnesses to the glare of media and to difficult questioning. However, it was important the inquiry was conducted transparently. Public hearings also gave witnesses the opportunity to respond to the adverse comments in the Ombudsman's report. In the end the committee focused on the task set by the house and made findings accordingly:

We find that the conduct of the members in question does not constitute a contempt of Parliament, even though in some cases the conduct was not up to the standard expected from members of Parliament.

On behalf of the committee I wish to thank the secretariat, which at different times included Mr Keir Delaney, Assistant Clerk — Committees; Ms Vivienne Bannan, bills and research officer; Mr Matt Newington, inquiry officer; Ms Anique Owen, research assistant; Ms Christina Smith, administrative officer; and Ms Kirra Vanzetti, chamber and committee officer. The Clerk, Mr Andrew Young, and the Deputy Clerk, Ms Anne Sargent, provided procedural advice and assistance to the committee. It would be remiss of me if I did not specifically acknowledge Keir Delaney for his work with this committee. I have no doubt we would not have concluded this committee without his advice, background research and attention to detail.

I thank the committee for their hard work, in particular the deputy chair, Ms Nina Springle, who was always available to provide a balanced view on the inquiry and proceedings. The committee hearings and meetings took up a substantial amount of time, often during and after Parliament sitting times, in non-sitting weeks and over the phone, and often at very, very short notice. However, at every hearing and meeting there was 100 per cent attendance by committee members. Finally, I thank all my fellow committee members for the bipartisan and cooperative manner in which this inquiry was conducted.

Ms SYMES (Northern Victoria) (10:01) — I too would like to commend the report to the house. In doing so I also commend the members of the committee on their ability to work productively on this

report, particularly the chair and deputy chair. The inquiry had the very real potential of becoming inflamed by political toxicity, but I am pleased to say the committee worked very well together. Like Mr Purcell I would like to pay my thanks to the numerous staff that helped us with this report, particularly Keir Delaney and Matthew Newington.

As we know, the Ombudsman's report found that 13 current and former members of the Legislative Council breached clauses of the Members Guide, and she found that they had acted in good faith in doing so. Ms Glass confirmed at our public hearing:

... I accepted the assertions of those who gave evidence — that they believed the arrangement was a legitimate use of their budget entitlement. It was not in fact an extension of a traditional pooling arrangement, which is why I concluded they were wrong. But the fact that pooling had existed in a legitimate form since the 1990s gave credibility to their assertions that their actions were in good faith.

The committee did not find any evidence to dispute the Ombudsman's conclusions as such, and members unanimously supported the finding on page 28:

... the committee did not receive evidence that the members named in paragraphs 45 to 50 of the Ombudsman's report wilfully breached the code of conduct under the Members of Parliament (Register of Interests) Act 1978. Accordingly their actions do not constitute a contempt under that act.

Consistent with the Ombudsman the committee also considered Mr Lenders's actions separately to those of the remaining members. Despite the legal advice being less than definitive, the committee proceeded on the basis that the code of conduct could be applied to former members of Parliament, and as such we were able to find him in contempt.

The committee also found that there was no contempt in relation to Mr Lenders's actions. This again was because we did not receive evidence that proved that he acted wilfully to breach the code. The evidence we received from Mr Lenders was that he proposed a 60-40 split to engage employees to be paid for two days as electorate officers and to be paid for three days as ALP field organisers — a legitimate proposal in its own right. Mr Lenders came to the public hearing and explained that he was there to answer for his behaviour and:

... what motivated me to believe my behaviour was appropriate in 2013, 2014. I am answering for my engagement of two electorate officers and my belief that other MPs could do so legitimately under the rules.

Ms WOOLDRIDGE (Eastern Metropolitan) (10:03) — What the Labor Party did with the red shirts rorts scheme was wrong. The Ombudsman found that

and the Privileges Committee found that was the case too. We found that the actions of Labor members of Parliament brought discredit to this Parliament. Even further, for John Lenders, the minority voted that he should have been found in contempt of this Parliament, but this unfortunately was not supported by the majority — Labor and the Greens. What a surprise! His actions were contrary to the standards expected, and he acted with deliberate disregard to the Parliament and to the Members Guide. His actions have adversely affected the reputation of this Parliament.

It is clear John Lenders was highly culpable. He set up the artifice. He intentionally did not disclose the scheme to the Department of Parliamentary Services, and very senior Labor MPs went along with him. Jenny Mikakos bulk-signed time sheets in advance. Gavin Jennings failed to check despite knowing this was fundamentally different to the pooling arrangements. We heard evidence that John Eren discussed with his field officer the distinction between the field officer and electorate officer roles, and it is clear that Daniel Andrews knew all about this scheme as well. He had a casual electorate officer and he kicked off the training.

This was a deliberate scheme to divert public funds to Labor campaign activities. The referral to the Privileges Committee was also flawed, and Labor knew that as well. That is why they encouraged the Greens with their motion and that is why they voted to support it. The Privileges Committee was never the committee and the code of conduct was never the test.

In leaking the outcomes, as we have discussed, I think every member of the ALP needs to stand up in this house and admit that it was not them, because they are the ones who would seek to benefit from the leaking of this report in advance. It is atrocious behaviour to leak this. It started at the end of this inquiry, but it also sets us right back to the beginning of this inquiry when there was atrocious behaviour as well. Labor rorted the system for their own gain. They acted with contempt for the people of Victoria and brought discredit on the Parliament. Let the police fraud and extortion squad now show the real truth in relation to Labor's rorting.

Ms SPRINGLE (South Eastern Metropolitan) (10:06) — I would like to echo the congratulations to the chair of the committee and give my heartfelt thanks to the secretariat for this report. It was a difficult inquiry, as any inquiry is going to be when you are investigating your colleagues, but I think they came to it with such professionalism and hard work and thoroughness that we were able to get through the process in a fairly measured and conciliatory way.

I would like to just point out that this was a Greens motion. It was put forward independent of any of the other parties in this place. It certainly was not encouraged by any other party, be it the government or otherwise. We do stand by that, that this was the best mechanism for this investigation.

As we can see in the report, which is based on the testimony and proof that we saw throughout that process, it was not quite as simple as it all seemed. What stood out to me were the grey areas that allowed this and enabled this situation to occur. I think, as I have pointed out in my minority report, it goes to the absolute dire need for us to establish better mechanisms in terms of accountability and systemic reform within this place to hold us all to account — each and every one of us. I would hope that from this particular inquiry we can platform off to some better reform of our current systems, which are very lax.

Mr RICH-PHILLIPS (South Eastern Metropolitan) (10:07) — I am pleased to speak to the report this morning. At the outset I would like to thank Mr Purcell for undertaking the challenging role of chairing the inaugural Privileges Committee inquiry in the Legislative Council and also thank Keir Delaney and his team from the Department of the Legislative Council for their work in putting this inquiry together.

President, I am mindful of your comments at the outset about the disclosure of the report last night on Channel 7 news. I think members need to reflect on that and indeed reflect on who was the beneficiary of that disclosure on Channel 7 last night.

When this proposal was put to the house on 28 March this year it was the coalition's view that this was the wrong jurisdiction for this inquiry. In fact we proposed the establishment of a select committee to fill the gaps in the evidence that had been available to the Ombudsman, but the government and the Greens proposed this referral to the Privileges Committee to investigate a breach of the code of conduct for members of Parliament and to investigate the potential for a finding of contempt of Parliament by the members involved in this scheme. However, there was a fundamental mismatch between what the evidence pointed to and what the committee was asked to do. It is analogous to the police believing that someone has been involved in a break and enter and investigating them for assault. There was a fundamental disconnect between the substance of the inquiry and the framework through which the committee was asked to investigate it.

Members who have looked at the code of conduct will know that the code of conduct for members of Parliament relates largely to matters of conflict of interest — for members of Parliament to avoid conflicts of interest — which of course was always irrelevant to the subject that we were asked to investigate. So, not surprisingly, no breaches of the code were found, because the code was largely irrelevant.

Nonetheless, the members involved in this scheme have done wrong. The Ombudsman has found that, and the police by virtue of their investigation are also pointing to that. It is worth noting that, through evidence obtained by the committee, the Chief Commissioner of Police indicated that Victoria Police had looked at offences including:

... make false document, use false document, false accounting, conspiracy to cheat and defraud, and misconduct in public office under common law.

Those matters are still alive before Victoria Police, and we should be mindful of that.

Mr MULINO (Eastern Victoria) (10:10) — I reiterate comments of earlier speakers who have congratulated the staff who worked to very short time lines on producing what I consider to be a report that rigorously examines sensitive issues. I also applaud the work of the chair and the deputy chair in managing a committee process that was difficult at times. Notwithstanding the tone of some of the comments this morning, I think if one is to look at the proceedings of this committee, it was a committee that in dealing with very sensitive issues dealt with them in a way that was very balanced and sober, and that reinforces what I think are sound findings.

As Ms Symes said earlier, the core findings of this report are that the members referred to in the motion are not guilty of contempt. They are sound findings based upon a rigorous examination. Can I also say that this report reinforces the Ombudsman's findings and a key recommendation that there be a removal of the prohibition on political activity, because the current rules are unclear. Members were making decisions in an environment where there was a lack of clarity as to the Members Guide. The key recommendation arising from this report reinforces that recommendation from the Ombudsman's report, and that followed on from evidence that we heard from many members and from other sources of evidence. That is important.

This report builds upon the Ombudsman's finding in that respect — that members were making decisions in an environment where the rules themselves were very unclear, and the distinction between parliamentary

activity and political activity is very clear. For example, the Ombudsman said:

Electorate officers' work is inherently political in some respects ...

That is something that we found to be the case. So I support the key findings, which were unanimously agreed to in this report. They are important findings, notwithstanding some wishes that some of the terms of reference had been tweaked. There have been some references from previous speakers that the terms of reference were clear, and the findings are crystal clear from this report — that the members it referred to were not in contempt.

Mr O'SULLIVAN (Northern Victoria) (10:12) — It is an absolute disgrace that the details of the Privileges Committee report were leaked to the Channel 7 news last night.

Trying to establish a breach of the code of conduct to the level of proof that constitutes a contempt of the Parliament was a near impossible task. The task the Privileges Committee was given was like playing a game of golf with a tennis racket with no strings. The Privileges Committee is the wrong body to sit in judgement of the wrongdoing that occurred, and there was considerable wrongdoing through the Community Action Network and the red shirts rorting scheme.

The Privileges Committee was constrained in its inquiry by the terms of reference. The code of conduct for members of Parliament relates predominantly to matters of avoiding and managing conflicts of interest rather than the misuse of public funds, which occurred in this case. The lack of contempt findings against members of Parliament involved in the scheme does not indicate that there was no wrongdoing. Victoria Police's fraud and extortion squad investigation is now the most appropriate path forward to deal with these matters.

Premier Daniel Andrews was aware of the red shirts scheme and had concerns raised about the scheme with him by at least one of the Labor Party members of Parliament. A number of Labor members of Parliament have subsequently derived personal benefit from this scheme through appointments as ministers and parliamentary secretaries. This report does not absolve any of the MPs involved in the red shirts scheme from any wrongdoing that they did. Clearly John Lenders was the main architect of this artifice that helped Labor win the 2014 state election. John Lenders's actions, in the view of the minority report, were in contempt of the Parliament, and that was not supported by other members of the Parliament.

Mr DALIDAKIS (Minister for Trade and Investment) (10:14) — Can I start by sharing the thanks of other members of the committee to the secretariat led by Keir Delaney. As my colleague Mr Mulino said, it was a challenging time line that was put forward by this house in order to look at the referral by this chamber. It was done in a relative spirit of bipartisanship in the committee, by and large. Can I say that the findings are unanimous and complete. This chamber made a very serious referral to the Privileges Committee. Can I say at the outset that I do not agree with former members of this place who claimed that they somehow were not subject to Privileges Committee investigations because they were no longer members of this place. I want to make it very clear to any member of this place now or in the future that if you do something wrong, if the Privileges Committee of a future Parliament looks to investigate you, then of course you are potentially subject to it should your actions have brought Parliament into disrepute or should you be in contempt.

Honourable members interjecting.

The PRESIDENT — I have asked for silence, and I am serious about it. I noticed that some people uttered a single word across a couple of the speeches. That does not constitute silence. The minister to continue.

Mr DALIDAKIS — Can I say that members are accountable for their actions in this place, whether it is in this current Parliament or a future Parliament, and I think that is something that again, as our committee found, is important. Our committee did find that there was no contempt of Parliament. Our committee did find that under the Members of Parliament (Register of Interests) Act 1978 there was no constitute of contempt. This is important. This is why the committee was established.

In my final few seconds can I rest with the comments of Mr O’Sullivan, where he said in a question to —

Mrs Peulich — Time!

Mr DALIDAKIS — Well, you took up time —

The PRESIDENT — And there were interjections, so let me call the clock, not you.

Mr DALIDAKIS — Thank you, President. He said to Mr Lenders:

I have one final question ... I understand that you fully believed that this was legitimate.

Let me say no more.

Mr DAVIS (Southern Metropolitan) (*By leave*) (10:17) — This inquiry into matters relating to the misuse of electorate office staffing entitlements is a shameful whitewash.

Ms Mikakos interjected.

The PRESIDENT — Ms Mikakos!

Mr DAVIS — I have worked my way through this as the debate in the chamber has ensued, and it is clear that it has missed the mark in discussing many of the key issues. I think that far from bringing credit to the chamber, it brings discredit to the chamber —

Ms Mikakos interjected.

The PRESIDENT (10:18) — Ms Mikakos, 15 minutes.

Ms Mikakos withdrew from chamber.

Mr DAVIS — and if people want to see the discredit to the chamber as faced through this, they should read from page 45 on and see the extracts of proceedings, where they will see Mr Purcell and the Greens and Labor — that group — voting one way to cover up and to prevent information getting into the public domain. This is a shameful report on some of the worst malfeasance in public life that I have seen in my time in this Parliament. It is shocking that this government under Daniel Andrews and its predecessor, with John Lenders as leader in this house, contrived an artifice, as the Ombudsman said, to effectively defraud the people of Victoria of money that should have been spent in electorates —

Mrs Peulich interjected.

The PRESIDENT (10:19) — Mrs Peulich, 15 minutes.

Mrs Peulich withdrew from chamber.

Mr DAVIS — I say that at its heart this is about a grubby preference deal that is going to be done between Labor and the Greens, and I think, Mr Purcell, you will be a beneficiary of this too. I say, shamefully, that has led to this cover-up in this circumstance. This report is deeply unsatisfactory. The community wanted more. They want high standards in public office. They want a proper signal sent, and they want to hear that what was done was deeply wrong and needs proper sanctions. I hope the police get to the level that they need to, and I think that they —

The PRESIDENT — Thank you, Mr Davis.

Mr Dalidakis — On a point of order, President, I waited until the member finished his contribution lest it be seen as partisan, but I do seek your guidance. He has reflected on the chair of the committee. He has reflected on all members of the committee, regardless of which political party they come from. I believe that when he made his allegations of a cover-up that should have been done by substantive motion. It has reflected poorly, as I said, on all members of the committee.

The PRESIDENT — Order! I might take that point of order on notice and give that some consideration, and I might actually take an opportunity to have a look at the *Hansard* as well. I am not sure Mr Davis was necessarily reflecting on the committee as part of a cover-up, but I will have a look at the words. It is a valid issue to raise.

Mr Davis — On the point of order, President, I would ask that as you consider that you look closely at pages 45 to 47, the extract of proceedings, and see the voting patterns that occurred there. I think that is important.

The PRESIDENT — Mr Davis, that is a totally inappropriate comment. Do not tell me how I am going to have a look at this matter. I will look at it with my usual approach, which is an objective approach, and it will be based on the words that you have put to the house, which is what Mr Dalidakis has questioned by way of point of order. Much of your contribution this morning was debate on the broader issue rather than on the Privileges Committee itself and that process. I will look at this in due course.

Ms PENNICUIK (Southern Metropolitan) (*By leave*) (10:21) — I just wanted to reiterate comments made by Ms Springle, the deputy chair of the committee, that the motion to refer this matter to the Privileges Committee was entirely a Greens decision. Whether or not the Labor Party supported that decision was a matter for them. It was our decision and our judgement that the Privileges Committee was the only available mechanism that we could use to investigate this particular issue in the absence of an independent commissioner for standards. The Greens have put that motion to this Parliament for the Procedure Committee to look at, along the lines of the independent Parliamentary Commissioner for Standards in the United Kingdom, where that particular office not only provides advice to members of Parliament but also enforces the standards and investigates breaches of the standards. If breaches are found, that commissioner can refer people to either internal parliamentary committees such as the Privileges Committee or external agencies such as the police.

We do not have anything like that in the Victorian Parliament. As Ms Springle said in her contribution, there are a lot of grey areas, and even with the most recent guidelines issued to MPs I do not think there has been a lot of improvement in some of those grey areas. Also, as Ms Springle has pointed out in her minority report, the way the standards and rules have been implemented across my time in the Parliament has not been done in a fair and balanced way for all parties, and some parties had arrangements that were allowed by the Department of Parliamentary Services that other parties knew nothing about. So there is a lot of room for improvement here.

I would just like to finish by saying thank you to the committee and the committee staff. I think the report is a good one that everybody should familiarise themselves with.

The PRESIDENT (10:24) — Can I just take the opportunity to also express my thanks to the committee for the work that they did and to the committee staff. This has been a remarkable Parliament in respect of many of the circumstances that have occurred in the course of deliberations since 2014. The Privileges Committee met for the very first time in the history of this house, and clearly in a very contentious matter, a very public matter. The way in which members did conduct themselves for the most part, the leaks excepted, was very responsible, and I do thank them for the time that they invested in the various hearings and in preparing for and assessing this matter with due diligence. Of course I do join with particularly the chair of the committee in thanking the staff of the Parliament who resourced this Privileges Committee in this matter.

Motion agreed to.

PAPERS

Laid on table by Clerk:

Victorian Equal Opportunity and Human Rights Commission — Report on the operation of the Charter of Human Rights and Responsibilities, 2017 (*Ordered to be published*).

Parliamentary Committees Act 2003 — Government response to the Law Reform, Road and Community Safety Committee's Report on the Inquiry into Drug Law Reform.

Statutory Rules under the following Acts of Parliament —

Firearms Act 1996 — No. 114.

Subordinate Legislation Act 1994 — No. 112.

Victorian Plantations Corporation Act 1993 — No. 113.

STATEMENTS ON REPORTS AND PAPERS**Notices****Notices given.****MINISTERS STATEMENTS****TAFE funding**

Ms TIERNEY (Minister for Training and Skills) (10:27) — I rise to update the house on the Andrews Labor government's game-changing free TAFE for priority courses initiative. I was delighted to join the Premier and Deputy Premier at Melbourne Polytechnic, Greensborough campus, for the opening of the Banyule-Nillumbik Tech School, a campus reopened by this government after being shut by the former Liberal-National coalition government. This is the sixth tech school to open in Victoria as part of the government's \$128 million investment to establish tech schools and make Victoria the Education State.

At the same time, the Premier and I were pleased to announce the next 10 free TAFE courses for high-demand industries, ranging from community service courses to construction and cybersecurity. The new TAFE priority courses include the certificate III in commercial cookery, certificate IV in cyber security, certificate IV in child, youth and family intervention, certificate IV in youth work, advanced diploma of building surveying, certificate III in rail infrastructure, certificate IV in alcohol and other drugs, certificate IV in civil construction supervision, diploma of justice, certificate III in tourism, and two new preapprenticeship courses. The Premier and I announced the two new preapprenticeship courses — the certificate II in building and construction and certificate II in production nursery.

The announcement of the \$172 million free TAFE initiative in the Victorian budget 2018–19 mentioned the 30 TAFE priority courses. This initiative that I have raised identifies the last 10 of those 30 courses, but it also adds two further preapprenticeship courses, of which there are now 20, making a grand total of 50 tuition-free TAFE courses available to Victorians from 1 January 2019.

Asia Gateway voucher program

Mr DALIDAKIS (Minister for Trade and Investment) (10:29) — I rise to update the house on the Andrews Labor government's most recent investment to assist more Victorian companies to succeed in the emerging markets across Asia. Last week I was pleased

to join the member for St Albans from the Assembly at Picnic Dairy Foods, a producer of premium traditional dairy and dip goods, which is among the recipients of our most recent round of Asia Gateway voucher program. While successfully exporting to the Middle East, this company has identified interest in Singapore and Malaysia, where Middle Eastern foods are part of the multicultural diversity. Being awarded an Asia Gateway voucher will enable them to do exactly that: develop a targeted entry strategy to break into the growing market of Malaysia and also boost sales in Singapore.

Creswick Woollen Mills is another Victorian business that will directly benefit from an Asia Gateway voucher in developing a China engagement and digital marketing strategy, helping to expand its presence across China and further engage with the 50 000 Chinese consumers that currently visit its stores.

With a total of \$2 million allocated as part of the Asia Gateway program, engaging more than 50 businesses, this co-funded initiative is about ensuring Victorian businesses remain competitive in these rapidly expanding markets. I have said it before and I will say it again: global engagement is vital for Victoria, as it is for the nation as a whole. Exporting boosts growth, skills and jobs. That is why our public submission to the commonwealth's review on the utilisation of free trade agreements by SMEs, or small and medium enterprises, strongly outlines the need to secure greater market access outcomes for our service exports and our investors.

I wish to thank all of the Victorian companies that have presented at the commonwealth's hearings over the last week, including Mr Genc from Picnic Dairy, who stated:

The Victorian state government through their trade missions have been fantastic supporters of allowing businesses within the northern corridor, food and beverage mainly, to access those markets. This year alone, since we obtained our export licence, we've been to four trade shows: Gulfood in Dubai, SIAL in China, Foodex in Japan and FHA in Singapore.

Victoria is the home of the best of the best, from our products to our services —

The PRESIDENT — Thank you, Minister.

MEMBERS STATEMENTS**Home and community care**

Ms WOOLDRIDGE (Eastern Metropolitan) (10:31) — I am very pleased to inform the house that a Liberal-Nationals government after 24 November will invest in and deliver a massive \$175 million expansion

of home and community care — support for people with chronic diseases and other conditions who can be safely treated outside the hospital in the comfort of their home and in their community.

This is where we will have doctors and nurses coming to people in their homes, where they can be safely treated, so that people can actually be surrounded by their family and have that positive environment. It is often an environment that is safer. It is an environment where patients report greater satisfaction and carers and families report greater satisfaction, and it also helps to take pressure off our hospital services. This is a genuine alternative to hospital care. It means people can be discharged earlier, they can be diverted from emergency departments and they can even be referred directly by their GPs or from residential aged care into a home hospital environment.

Hospital in the home services have had significant support over many years, but this is a very serious expansion, a ramping up, to make sure that it is a genuine part of our healthcare treatment services and system. This is where growth is going in the future. We will of course always need wonderful hospitals to support our acutely ill patients, but having alternatives in the home and community is absolutely vital.

This announcement just builds on the investments that a Liberal-National government will make in relation to our healthcare services — things like our massive investment, \$140 million, in palliative care, our investments in new hospitals in West Gippsland and a redevelopment at Warrnambool as well. This is a Liberal-National government after 24 November that will invest in the health of all Victorians.

Vietnam Veterans Day

Mr RAMSAY (Western Victoria) (10:33) — I was honoured to attend the national Vietnam Veterans Day commemoration march and service last Saturday in Queenscliff; 18 August is the actual national day for Vietnam veterans, with services being held throughout the state. It is indeed a privilege to have the opportunity to reflect on the great sacrifice our men and women have made throughout history in protecting us and in fighting for freedom throughout the world. The service I attended focused on the battles at fire support bases Coral and Balmoral, marking the 50th anniversary of some of the largest, longest and bloodiest of epic battles.

In particular I wish to acknowledge the master of ceremonies, Vietnam veteran Graham Christie, who has suffered many health battles over the years yet

steadfastly and resolutely dedicates so much time and energy to ensure his mates and all those brave individuals are never forgotten. He is a lovely, dedicated man. I give my heartfelt thanks and respect to him for his and his colleagues' service to this country and all those who bravely fought with him at such an unsettled time in Australia's history.

Hon. Fiona Richardson

Mr DALIDAKIS (Minister for Trade and Investment) (10:34) — Today I rise with my members statement with no joy at all to recognise and acknowledge the life of Fiona Richardson. Fiona passed away 12 months ago today. She was a friend, she was a colleague and she was a mentor. She was somebody who always took life on and was never, ever afraid to champion the causes that she believed needed to be championed. I said much on her passing in this place. I still remain sad in each and every day that she is not around. The world is poorer for her passing but will always, always be better off for her being. May she rest in peace and may those whom she leaves behind, including Stephen and their children, her mother and her brothers, eventually over time not mourn her loss but celebrate her life, for her life was one indeed that we should remember and celebrate.

Climate change

Dr RATNAM (Northern Metropolitan) (10:36) — Nero fiddled while Rome burned. It is a phrase I have heard a lot this week as the spectacle in Canberra captures national attention. All the while bushfires are raging in New South Wales and Queensland. One hundred per cent of New South Wales has been declared to be in drought, and it is still winter. Europe just saw record heatwaves and wildfires. Norway, Sweden and Finland all saw temperatures that they had never seen before on any date. Algeria hit 51 degrees Celsius. On the west coast of the US 90 fires have raged, causing death and destruction. Japan has had its highest ever recorded temperature this summer, and the death toll is still rising. Seventy people have died in the Canadian heat wave, 79 lives were lost in fires in Greece and 65 people have died in Japan's 41-degree heatwaves. Just this week the oldest and thickest sea ice in the Arctic started to break up for the first time in recorded history. There are even heatwaves in our oceans, with the highest ever seawater temperatures recorded off the coast of California.

All the while here in Australia our politicians have dug their heads in the sand. This week even the diluted aim of a 26 per cent emissions reduction target we agreed to for the Paris agreement was torn up, and the coal and

gas industry continued to exercise control over our governments of all stripes. Every time we talk about climate change in this place we hear the taunts and heckles. But do not worry; we take note and will never forget who the climate deniers are. Your names will be writ large in the history books as the people who let the planet burn. History will show that you stood in the way as we rebuilt the way we live on this planet. They will remember you as the people who failed, because we will win — we have to win — this battle for the health of our planet.

Country Fire Authority Epping brigade

Mr ONDARCHIE (Northern Metropolitan) (10:37) — On Friday, 17 August, I was pleased to join the Epping Country Fire Authority (CFA) brigade for their annual awards dinner held in Epping. This is a 100 per cent volunteer brigade that do wonderful work out at Epping, and I pay tribute to captain Rob Saitta and to the many volunteer members of his team, including Rohan Stevens, secretary Leanne O'Malley, Deb Azzopardi and the awarded Firefighter of the Year at Epping CFA, Liam Gallagher. That wonderful volunteer brigade, who give so much of their own time and lives and who often sacrifice their own careers for the sake of the community, are to be applauded. In particular I want to acknowledge the wonderful work of firefighter Ken Jeffrey, former captain of Epping CFA, who has just clocked up 60 years as a volunteer with the Country Fire Authority. I think 60 years is a momentous and fantastic record, and I pay tribute to Ken and his family for the wonderful work that he does.

Endeavour Foundation Keon Park

Mr ONDARCHIE — I was pleased to officially open the Endeavour Foundation's new learning and lifestyle centre in Keon Park last week. I was pleased to join acting CEO Paula Mayson and the many workers and staff there at Keon Park to open this wonderful facility providing opportunities, work experience and life experience for many of those with disabilities.

Joe Pearl

Ms TIERNEY (Minister for Training and Skills) (10:39) — I rise to honour Joe Pearl. Joe Pearl arrived in Australia in 1953 from rural Turkenagh in County Clare, Ireland. Joe's Gaelic name, Seosamh ó Seoid, means 'jewel', perhaps explaining the family name, Pearl. Joe looked to Australia for opportunity, bringing with him a lifelong love of learning despite limited formal education. He did hard work all his life: he was a farmhand then construction worker in Ireland, a fettler laying railway tracks in Queensland, a rigger in

Victoria. Joe was a committed unionist in a tough industry, a shop steward in the Builders Labourers Federation defending workers' rights and safety. Despite a severe workplace injury and three years recovery, the construction industry and fighting for the betterment of his peers remained in his blood.

Joe's deep belief in the importance of social justice led him and wife Wendy to become active ALP members. Above all, Joe believed in contributing to his community. Joe and Wendy were founding members, and later life members, of the Geelong Irish Society. In 2003 Joe was thrilled to be honoured with a Centenary Medal, recognising his efforts for Irish migrants in building a new life in Geelong while celebrating their culture. With his lovely Clare brogue, his favourite sayings and his warmth and genuine interest in those with whom he was speaking, Joe showed his love for people.

He and Wendy made a happy home in Corio with four children, embracing their extended family. Joe's biggest love outside his family and Ireland was greyhound racing, and Joe and Wendy were very successful. Their work saw them become life members of the Geelong Greyhound Racing Club and the National Coursing Association of Victoria. Joe was a strong and resolute man, but above all a good bloke — a jewel. Vale, Joe Pearl.

DISABILITY SERVICE SAFEGUARDS BILL 2018

Committee

Resumed from 21 August.

Clause 1 further discussed.

Mr JENNINGS — Between the commencement of the committee stage and this morning's consideration by the committee, Dr Carling-Jenkins raised with me that she sought some further clarification or just perhaps a crystallisation of something that I talked to her about in the committee the other day. In her contribution and her question to me about the use of the word 'impairment' she had indicated a number of clauses where the word impairment had been used within the bill. In my response I chose to contrast the way in which impairment was understood to be applied within a couple of clauses, which led either her or somebody who had been listening to the debate to have potentially confused the issue that I was trying to clarify.

So I take the opportunity now, this morning, to indicate that in clause 58 the example that I had given of the way that the word impairment is used in clause 58 and how I had been advised it would be given effect would be that impairment in the sense of a worker who may have an impairment would only be subject to an assessment in this clause about whether that impairment prevented them from being able to safely acquit their responsibility. That would be the critical test rather than a preclusion of that worker being employed in disability work on the basis of their impairment.

In clause 10, where we discussed the board being established under this piece of legislation, the only issue where the word impairment, as I teased out, may be relevant in any shape or form would be on the basis of communication skills or the ability to be able to acquit the task of sitting and participating in board meetings and contributing to discussion. In that context I had raised that communication may be a relevant factor, but I at the same time acknowledged our obligations to support the maximum participation in community life of people with disabilities, including in relation to some degree of impairment in relation to communication skills or ability. We should look to ways in which we can support them to actually be able to be full participants.

To crystallise that down, now that Dr Carling-Jenkins is back in the committee —

Dr Carling-Jenkins — I'm sorry.

Mr JENNINGS — No, that is okay. I have given you enough time, in the way in which I have described the issues, for you to be in the committee. To crystallise it, an impairment in the context of employment relates to safety issues in relation to participation, but even if somebody was a worker who was not able to fully acquit or was assessed to not be able to fully acquit their work because of that impairment, that would be no impediment to or would not preclude them participating in a board where safety was not an issue — but it may be a matter of effective communication. That would not be used as a test to actually impose any restrictions on participation in community life or participation on a board. It would not be used in that way.

Ms WOOLDRIDGE — Minister, if I can take you back to Tuesday evening, we were discussing funding for the commission. I would just like to explore that a little bit further, if we can. I think, if I can paraphrase, you had said that the funding would be taken from within budgets that are existing but subject to future budget requests. I am just trying to get an idea of the order of magnitude of the commission and what it is

going to take to run it. Understanding that it may be happening within existing budgets, is there yet an estimated budget for what the commission, let us say in its first year, will cost to run? What would be that total amount?

I had also asked in a previous question, which you had only got to answer half of: how many staff do you think will be in the commission in relation to the workforce, even if they are being transferred from within the Department of Health and Human Services (DHHS)?

Mr JENNINGS — I will go and have a subsequent conversation about that.

I have teased out with our friends in the advisers box a range of issues that come from your question. The first thing they encouraged me to address when I arrived at the table is something I did not take the opportunity to respond immediately to. In your question you talked about the transfer of staff from DHHS, and I am just going back for completeness. That is not what I said the other day. I said that whilst staff may be recruited from DHHS, in fact the authority to establish the commission's function would be determined once the establishment occurs, so it will not be a transfer. I just want to clarify that matter.

We then teased out, based upon what I reported to the committee the other day and which was embedded in your question, the combination of existing resources, what funding may be available in the future in relation to the transfer of functions from the state to the new commission, the registration responsibility that the commonwealth will assume and what fees might be associated with the registration of workers. There will be a variety of funding sources now and into the future and there will be some budget considerations. So you would expect in the future the functions to include an administrative core that is actually funded by the state, complemented by funding that will come through the registration responsibilities that the commonwealth assume, and then there will be individual fees paid by workers, with a fee to be determined. They ultimately will be the sources of income to acquit those responsibilities and there might be a need for additional budget supplementation into the future.

The way in which we visualise the work is that recently the government committed to increase the responsibilities of the disability services commissioner and at that time for the additional functions we provided an additional 12 positions to acquit those responsibilities. So that indeed was a transfer of resources recently. We estimate that there would need to be an increase in staffing in that order of magnitude

for the functions that are now coming under this commission's responsibility, but we have not absolutely determined what that number will be. So let us just start from a base of the existing footprint: the 12 people who acquit that responsibility. You may increase that by something in the same order of magnitude again on the basis of how many registrations of workers you need to build up over time. In terms of the negative licensing arrangement, which will have an important quality assurance function but not as extensive as the registration side of the equation, you probably only need a staffing resource less than the 12. That is the type of thinking that we are currently working our way through.

Ms WOOLDRIDGE — Thank you, Minister. If I can once again just try to simplify that, so we have got the existing staff of the disability services commissioner plus 12 who have gone in already to expand functions. You expect the next group in terms of the registration to be somewhere in the order of 12 to 15 — the numbers you used — and then for the negative licensing less than 12 but roughly in that order of magnitude, so potentially 25 in addition to the 12 that have been added? Okay, great. Does that lead to a rough budget number about how much it is going to cost to run this commission every year?

Mr JENNINGS — In terms of this I have not been provided with a rough number, but you can start working your way through the maths of that. At the end of the day in terms of the equivalent full-time (EFT) numbers that would be associated with that work, ultimately with the registration system in part there will be a supply and demand question in relation to how many registrations and how many positions come through the scheme, and that is probably where the biggest variant in that resourcing requirement will be — how many people just come through. Again in the committee the other day we teased out how much of this responsibility Victoria will have alone. We are establishing a foundation, which we are happy to do in terms of providing quality assurance and a regulatory environment here. How much of it is overtime shared as part of the national disability insurance scheme (NDIS) quality and safety commissioner's work? How much of it actually is funded through commonwealth forms of registration? We do not want to get too far ahead of those matters, where there are a number of moving parts, and that is the reason why I am encouraged not to be specific.

Ms WOOLDRIDGE — Thank you, Minister. Do you expect it to be just one centralised office in Melbourne or do you expect that there may be some

satellite offices around the state in terms of how it will be configured?

Mr JENNINGS — My friends in the advisers box instantly recognise that there will need to be inspectors that work in regional areas, so there will be a need for a number of the workforce to be decentralised in that sense and to have a base and a catchment of services that they work through, but that has not been delineated in the organisational chart or organisational structure at this minute. We do recognise that there will have to be activity that takes place in the field.

Ms WOOLDRIDGE — Can I just clarify then, would you expect there to be people located in Melbourne and travelling in cars or, given this is a workforce initiative, would your expectation be that they will actually have permanent bases within the community which they are supporting and working with?

Mr JENNINGS — My answer was to allow for both of those opportunities —

Ms Wooldridge — That is why I am asking.

Mr JENNINGS — but it has not been predetermined how it is best to do it. If people are working in service network catchments, the closer they can work to that catchment and minimise the time using transport — and we are talking about service spread in regional areas — there would be some logic in having a workforce that is in the regions. But that has not been predetermined.

Ms WOOLDRIDGE — Minister, you did take a question on notice on Tuesday in relation to the number of workers on the exclusion scheme, and I am wondering if you or the staff have had a chance to gather that number in the intervening two days?

Mr JENNINGS — Yes, and that number is 164.

Ms WOOLDRIDGE — Just to clarify, that is 164 disability staff on the exclusion scheme unable to work, or their names will come up through the process?

Mr JENNINGS — Yes.

Ms WOOLDRIDGE — Thank you very much for following that up. I have one last theme to conclude, and it is really just about the complaint-making process itself. The question is: can you outline the process for maintaining confidentiality in relation to a complaint when it is made?

Mr JENNINGS — Right. I might go and have a conversation about that.

There is recognition that protocols must be developed to ensure that situation. I have been encouraged to make an offer — which would probably be wise, rather than me getting too far out in the predictive sense about how this works — that the department will consider this matter and provide you with something in written form. Whilst we have to be mindful of privacy provisions in terms of both complainants and those who are the subject of complaints, or other considerations of how this scheme will work, given that there are mandatory reporting requirements we will have to work through how it intersects with protected disclosure considerations. So whilst the privacy considerations are straightforward there may be some intersections with other legislation that have to be incorporated into the protocols. The department is happy to provide some advice on consideration to give you a steer about where those protocols are likely to conclude.

Ms WOOLDRIDGE — I just have a couple of further questions on this matter. It might be that the answers get wrapped into that briefing or that you are able to answer them together. I am also interested in what assistance could be provided to an individual who may request assistance in relation to complaint notifications. Given the nature of the community that this legislation applies to, what assistance can be provided? To follow on, the second question is: once again, if assistance is provided and a third party is engaged in the process, how will the confidentiality of the complainant be protected? What will be in place to ensure that?

Mr JENNINGS — On the second part of the question, I think that will be covered in the matter that we are volunteering to provide to you. In relation to the first part of the question, as I indicated to the committee the other day, there is an intention to provide funding and support for an advocacy service for people in terms of their ability to identify where they can make a complaint and how they can protect their rights. That will be a specific service that is available to participants in the scheme.

Ms WOOLDRIDGE — My last question relates to the passage of an investigation. Where an investigation has commenced but then the complaint is withdrawn, does the commissioner actually have the power to continue with the complaint even if it is withdrawn if they believe they have grounds? Sometimes we do see these things change, so can the commissioner continue of their own volition?

Mr JENNINGS — I have my instinctive view but I will check.

I am pleased to say my instinctive view was reinforced and the answer is yes.

Clause agreed to; clauses 2 to 320 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

Motion agreed to.

Read third time.

VICTIMS AND OTHER LEGISLATION AMENDMENT BILL 2018

Second reading

Debate resumed from 9 August; motion of Ms MIKAKOS (Minister for Families and Children).

Mr RICH-PHILLIPS (South Eastern Metropolitan) (11:10) — I am pleased to rise this morning to make some remarks on the Victims and Other Legislation Amendment Bill 2018. Victims of crime have become a hot topic in Victoria. We have seen over the life of this government an explosion in the rate of criminal offending across the state. Some of that offending has been very serious offending, including offences against the person and offences of a violent nature — fatalities, murders, one-punch killings and manslaughters. We have seen home invasions. We have seen carjackings. We have seen a range of violent offences which have come to epitomise what is occurring under the Andrews government.

Of course for every offence we have a victim. Every time we see a headline offence in the media — and many of those offences do attract considerable media attention because of the severity of those offences — we need to keep in mind that with each offence there is a victim. In the case of violent offences against the person, there of course is a direct victim — the person who is affected, the person who was assaulted or injured or quite often killed — and then there is their family. There are the flow-on effects to their families, their extended families, their friends and their other acquaintances and associates, who are also in many ways victims of those offences, and this has become a huge problem for Victoria.

We have seen a loss of control in the area of law and order under the current government, which has created a culture where offenders believe that they can commit offences without risk, that they are unlikely to be caught and that if they are caught they are unlikely to suffer any significant punishment. There is a perception of a revolving door in the justice system, where people who are caught are slapped on the wrist and are back out in the community very quickly. It has created a culture in Victoria where offenders believe they can offend with impunity, and that of course has major effects on the perception of safety in the Victorian community.

It is absolutely beyond doubt now that Victorians believe they are unsafe. Victorians believe they are unsafe on the streets when they hear about the violent crime which occurs in our CBD — the one-punch killings and the assaults which occur. They believe they are unsafe in their businesses when they see the number of retail premises which are frequently subject to violent invasions, break and enters and burglaries. People believe they are unsafe on the roads when they see the number of times — which had previously been unheard of in Victoria — people have been subject to carjackings. Only five years ago you would read about carjackings and think of places like Johannesburg in South Africa. In fact if you read about a carjacking in a Victorian newspaper today, it is not likely to be a report of Johannesburg; it is likely to be a report of Melbourne. That is a major shift for the Victorian community.

In fact because of some perpetrators of carjackings impersonating police — fixing flashing lights to their vehicles and purporting to pull people over in order to then undertake carjackings and assaults — we have had the extraordinary situation of Victoria Police offering the advice that if motorists are in doubt as to who is pulling them over they should proceed to the nearest police station rather than stop. This is if they have any doubt that the person pulling them over is in a police vehicle with police officers in it. The fact that that advice is now being given in Victoria really highlights the extent to which we have a problem with crime in Victoria.

Of course if it is not bad enough that people are frightened on the streets of our cities and frightened in their retail businesses — and of course we have seen a number of jewellery stores which have been burgled in Victoria and convenience stores which have been burgled in Victoria — and if it is not bad enough that people are concerned on the streets that they will be carjacked, as we have seen throughout Victoria, we also have people concerned in their homes about being

subject to home invasions. Again, something that a few years ago was basically without precedent in Victoria has now become common practice, a commonplace occurrence, to the point where people are concerned about it.

I know when I go around the community that I represent in the south-east of Melbourne, through areas such as Cranbourne, Narre Warren South, Frankston and more generally along the bayside areas, crime and concerns about crime is the number one issue that people raise. It is their belief, their very seriously held belief, that they are at risk in their community — and at greater risk in their community than they were just a couple of years ago — because they see the media reports of carjackings and they see the media reports of home invasions, assaults, one-punch killings and retail premises being burgled every day. They see these reports virtually daily on the news and in the newspapers, and they are concerned.

So we have a concerned community, and by equal measure we have a population of perpetrators of crimes who are not concerned about the environment they are in. They are not concerned about being caught and, if they are caught, they are not concerned about being punished, because they know this government has lost control. The Victorian community knows this government has lost control over the law and order situation, but worse than that the criminals know the government has lost control of the law and order situation and are ready and willing to take advantage of it — and that has been to the major detriment of the Victorian community over the last three years.

It is notable of course that last week we saw that after seven consecutive years Melbourne has lost its status as the world's most livable city. This is something that has been awarded by the Economist Intelligence Unit on an annual basis, taking into account a whole range of factors as to the livability of a city.

It is notable when you look at the cities which are in the top rankings of that survey that there are a number of cities which have global prominence but which never get near the top of those rankings — cities like London, cities like New York, cities like Sydney have never been in the upper echelons of the rankings for the world's most livable city. But cities like Melbourne have been at the top of that survey regularly, and Melbourne has been at the very top for the last seven years. Cities like Vienna and a number of European cities similar to Vienna have been towards the top of those rankings. The fact that Melbourne lost its number one ranking this year under the watch of Premier Daniel Andrews and his government is a matter of regret.

It was lost not because of congestion, although Melburnians know that that has become a huge problem for them over the last three years with the explosive growth in population that we have seen in that period of time. It was not due to cost-of-living pressures, which of course affect the citizens and residents of Melbourne. Our ranking as the most livable city in the world was lost because of Victoria's relative performance on crime and safety. The new Lord Mayor, Sally Capp, confirmed that in an interview with Neil Mitchell on 3AW last week when the rankings were announced. When it was confirmed that Victoria had lost that status, as had been expected because of what was happening with crime and safety in Melbourne, the Lord Mayor in fact confirmed that it was, in her understanding and her view, as a consequence of Melbourne's relative performance on crime and public safety.

It is bad enough for Melbourne to lose that status as the world's most livable city — something that Melbourne traded on quite strongly over the seven years it held that status, and rightly so — but to lose it on the grounds of concerns about crime and concerns about public safety is particularly regrettable. It is something that highlights what a problem it has become for Victorians and for Melburnians in particular.

It is worth reflecting on the level of crime in Victoria that we are currently seeing and the way in which that level of crime has increased under this government. The most recent statistics have been released by the Crime Statistics Agency — it was an initiative of the previous government to establish an agency independent of government and independent of Victoria Police to record and report crime statistics. The most recent data from the Crime Statistics Agency is data released for the March quarter of this year and for the year to March this year. It was released around midyear — I think on 14 June this year. It shows that in total for Victoria there were more than 500 000 offences recorded in the year to March 2018.

I said before that for every offence there is a victim. Some victims will have been subject to multiple offences, so no doubt the headcount of victims will be less than the 500 000 offences, but it highlights the extent of the problem. When you have a population of around 6 million people in Victoria, the fact that there are 500 000 offences, with a lesser but similar number of victims, highlights the extent to which crime is a problem in Victoria and has become a problem in Victoria in recent years. Notwithstanding what we hear from the government and its claims on crime — levels of crime and rates of crime — it is worth reflecting on the trends in some of the most significant forms of

crime, particularly the violent offences against a person and the way in which they have tracked over the life of this government.

Referring back to the March 2018 quarterly data released by the Crime Statistics Agency and comparing that with data released for the December quarter of 2014, being the last recorded quarter for the previous government, we see a substantial increase in serious crime over that period of time. For example, offences such as common assault, in that three-and-a-half-year period, have increased by 37 per cent. In March 2018 there were 24 313 recorded offences of common assault — 24 000 offences in that one quarter, up from 17 000 back in December 2014. That is a staggering increase in a time period where Victoria's population has grown by probably a little under 2 per cent per annum. Three years means that the population has grown 6 or 7 per cent but the level of offending has increased by 37 per cent. We are not talking about minor offences. We are not talking about bicycle theft. We are talking about common assault, a very serious offence which has a very real impact on the victims that it is perpetrated against.

We see other offences such as rape, which increased by 18 per cent to 4582 cases in the March quarter, up from 3800 in December 2014. Again, this is an increase well in excess of the population growth that has occurred over the same period of time. Sexual offences against children — this is an issue which continues to be at the forefront of the community's mind in any number of ways. We have seen the Parliament recently deal with the redress scheme for child victims of institutional abuse, that national scheme flowing as a consequence of the federal Royal Commission into Institutional Responses to Child Sexual Abuse and the work that was done here in Victoria with the *Betrayal of Trust* report. It is staggering to think that over three years the rate of sexual offences against children has increased by 63 per cent.

Aggravated robbery, which is again one of those offences which Victorians hear about and are concerned about, has increased by 26 per cent. In the March quarter there were 2727 aggravated robberies recorded by the Crime Statistics Agency. With non-aggravated robbery, interestingly there is a far lower number in terms of the absolute numbers. There were far more aggravated robberies than non-aggravated robberies, but an increase of 81 per cent.

Aggravated burglary saw an increase of 41 per cent. Victoria's population increased by 7 per cent but aggravated burglaries increased by 41 per cent, and this

government tries to say that there is not a problem with crime. There were 3657 aggravated burglaries recorded in the March quarter of 2018. These are offences which have a dramatic impact on the victims against whom they are perpetrated and offences which have grown by 41 per cent in three years, far in excess of the growth in population, yet this government says there is not a problem with crime.

With motor vehicle theft there is an increase of 7 per cent to almost 18 000 offences, and every one of those offences has a victim. Think about the impact that has on an individual. People rely on their motor vehicles to get to work. They rely on their motor vehicles to take their children to school and to do the thousand and one other activities that families need to undertake, so the impact on a victim of the theft of a motor vehicle is very real and very significant, and in the March quarter of 2018 there were almost 18 000 recorded motor vehicle thefts in this state.

It is also worth reflecting on where the offences occur, where the victims are located, because again we have seen over the life of the government — the three and a half years recorded to the most recent release of Crime Statistics Agency data — that some areas of Victoria have been particularly impacted by dramatic increases in crime levels. Some of the worst increases have been in rural and regional Victoria. The statistics are on a local government area basis.

We have seen areas such as Ararat in the Western District have a 21 per cent increase in offences over the life of this government. Again this is against around a 7 per cent population increase statewide, and of course most of that population increase in Victoria has been in metropolitan areas. Many of the smaller rural communities have seen population decrease, yet a community such as Ararat has had a 21 per cent increase in crime. Central Goldfields shire has had a 38 per cent increase in crime; Corangamite, a 31 per cent increase in crime; Hindmarsh shire, a 51 per cent increase; Hepburn shire, a 40 per cent increase; Moira shire, a 42 per cent increase; Mitchell shire, a 34 per cent increase; and Southern Grampians shire, a 39 per cent increase. These are dramatic increases in regional Victoria — Yarriambiack shire, a 51 per cent increase — across many of our regional centres and rural communities in Victoria, and as I said, all of those offences have victims. It highlights the extent to which Victorians are now likely to be victims, and at risk of being victims, of crime in the Victorian community.

But the increases are not just limited to our regional centres. Of course many of our metropolitan centres have also seen substantial increases in crime. Places

such as Glen Eira with a 26 per cent increase in crime, Greater Geelong with a 23 per cent increase in recorded offences over that period of time, Monash in my own electorate with a 21 per cent increase in crime. Other areas in the south-east in particular include the City of Casey with a 13.5 per cent increase; Cardinia, just out of the South Eastern Metropolitan Region, a relatively small increase of about 3 per cent in crime; Greater Dandenong, a 14 per cent increase in crime; and Kingston, a 9.5 per cent increase. Frankston had a slight decline but still recorded more than 14 000 offences in the March 2018 quarter.

So we see that the level of offending in Victoria has increased dramatically over the life of this government. The level of offending where serious violence offences are perpetrated has increased substantially, and those are the offences that come front of mind for Victorians when they see the newspapers and when they see the nightly news. They are very often front of mind. And of course the geographical spread of crime has changed in Victoria, with a substantial increase in crime in rural and regional areas alongside a substantial increase in crime in metropolitan Victoria.

The way in which we deal with victims of crime and address the concerns of victims of crime has ever-increasing relevance to the general population of Victoria, because the sad reality is that under the Andrews Labor government Victorians are more likely to be victims of crime than at any point in the past. The way in which we address those concerns, address those experiences, is something of increasing importance. It is worth reflecting on the way in which we as a community and the institutions of government do react to crimes and support victims of crime. It varies, and it is interesting to reflect on the way in which that support, that outrage, is reflected in our community and is reflected through our institutions.

Most recently the most prolific example of this was of course earlier this year when we saw the tragic murder of Eurydice Dixon in the vicinity of the Melbourne CBD. It is certainly a matter of public record as to what occurred that night, and obviously that will be subject to judicial proceedings in due course. What was interesting following that event was the extent of the public outrage, the recognition of what had occurred to that young woman and the effect it had had on her family and of course continues to have on her family and will always have on her family, and the way in which the community reacted to that. We saw the vigil at Princes Park following that event. We saw the vigil involving the Prime Minister, the federal Leader of the Opposition, the Victorian Leader of the Opposition and the Victorian Premier and the wider community

engagement following that crime and the support which flowed from that to her family and her friends.

Likewise, we saw it several years ago with the Jill Meagher murder, which also captured the public interest and the public mind and resulted in a similar outpouring of community concern, a similar outpouring of outrage — an understandable outrage which extended across the metropolitan community, across the broader Victorian community and indeed across the Australian community.

It highlighted Victorians' concern in both cases that such heinous crimes could be committed against people who were innocent victims — in every sense of the words 'innocent victims'. I talk about the Meagher case because it has been dealt with through the judicial process. There was no relationship at all between the perpetrator and the victim. It was an entirely random, vicious attack that certainly pricked the consciousness of Victorians and Australians. The fact that such an absolutely random event could occur with such devastating consequences very much impacted the Victorian community and resulted in a very strong sense of outrage in the community and a strong sense of support towards Jill Meagher's husband and family as a consequence.

Of course we do not always see that with crimes of that nature in Victoria, and we know from the Crime Statistics Agency data that we continue to have a significant number of homicides, murders, manslaughters and attempted murders in this state. In fact the March quarter Crime Statistics Agency data shows that there were 62 murders, 58 attempted murders and 13 manslaughters recorded in that March 2018 data. Not all of those have attracted the same degree of outrage. Of course not all of them were in the same circumstances of completely random attacks on total strangers, as we saw in the Jill Meagher case. We know that quite often there is close proximity between the perpetrator and the victim. So the level of community outrage and the response to the victims varies, and we do not always see the same level of community concern, community outrage, that we saw with the Eurydice Dixon case and the Jill Meagher case. The fact that those cases were very violent offences which occurred in ordinary circumstances I think was a particular concern to the Victorian community.

But when you step away from the personal violent offences, the impact on victims is still real, still exists and is still significant. That is something that the community needs to be mindful of. It is something that the government needs to be mindful of. In this regard I

was surprised and somewhat shocked earlier this year — I think it was around January — when a break-in occurred at O'Reilly's Firearms. This break-in resulted in the theft of a number of firearms, and it was reported quite widely. I think subsequently the alleged offenders were apprehended and those firearms were recovered.

What was extraordinary about that particular offence was the level of apparent victim blaming which occurred, with no less a person than the Minister for Police questioning the circumstances surrounding that break-in and robbery, suggesting that the victim, the O'Reilly's sporting goods store, was somehow at fault for being a victim of crime. It is absolutely outrageous, whether it be cases of physical violence offences against a person or cases of offending against premises, burglaries and the like, for the victim to be blamed, and particularly for the police minister to be going down the path of blaming the victim. I was quite shocked to see the police minister effectively seeking to blame the proprietors of the O'Reilly sports store for that particular robbery or break-in, or whatever the technical offence was, at the beginning of this year.

I have had the experience of engaging with victims of crime in recent years, and when I talk about victims of crime I am not necessarily talking about engaging with people who are the victims of the heinous personal, physical violence we talk about, the murders and assaults, but constituents who have been subjected to robberies and break-ins and have had property stolen. I have heard their experiences of being a victim of crime: the way in which it did affect them, the way in which they reacted to that and their experiences of subsequently dealing with that.

In considering the way in which we respond — the state responds, government institutions respond — I looked at the victims of crime website. It is interesting to reflect that there is a government-run victims of crime website, which is literally victimsofcrime.vic.gov.au. The types of things it talks about to do with victims of crime include the very basic reactions that a victim of crime may have. There is a page on that website titled 'The effects of crime', which I found fascinating — to actually read what the victims of crime website regards as the effects of crime. It says, and I will quote the page:

This page explains some of the emotional and physical effects of experiencing a crime, and how to get support.

Experiencing a crime can affect people in many ways, and every person's reaction is different. At the start, you might feel shocked, fearful or angry. A common reaction is feeling numb, and not believing that this has happened to you.

You might suffer from:

- headaches;
- nausea;
- sleep problems or fatigue;
- jumpiness;
- repeated thoughts of the event.

Or you might have feelings that come and go, like:

- guilt;
- fear;
- anger;
- sadness;
- confusion;
- helplessness.

Your day-to-day life might be affected by:

- trouble with your concentration or memory;
- reduced performance at work or school;
- withdrawing from others;
- feeling like you've lost control.

It was interesting to reflect on that list of effects of crime and the way in which the victims of crime website articulated it. When you talk to victims of crime, people who have been subjected to thefts, break-ins et cetera, they talk about things like depression at what has happened; resignation, in the sense of what has happened; frustration, and frustration in the sense that the expectation is the perpetrator has got away with it, they are unlikely to be apprehended and in the case of theft they are unlikely to get their goods back; and wanting to give up because of the circumstances, which go in many respects quite beyond the descriptions on the victims of crime website, which talks about things like headaches and nausea. I was quite surprised that those were the types of effects that were listed for victims of crime, because when I have spoken to people who have typically been victims of thefts and break-ins it is very much about frustration and a lack of confidence that the perpetrators will be apprehended and goods will be recovered.

It is interesting to note that when people have been subjected to break-ins and been subjected to thefts of property and so forth, and where the offenders have been apprehended, certainly in the cases of people I have spoken to without exception the offenders have been living in very close proximity to the victims. Quite often they were neighbours. In one case that I am

directly aware of the perpetrator was the next-door neighbour of the victim. In other cases I am aware of the perpetrator was living across the road from the victim. In other cases they were living a couple of hundred metres down the road or they may have been friends of the victim. In the four or five cases where I have direct knowledge, in the sense of talking to the victims, every one of them involved a perpetrator who was in very close physical proximity to the victim — a close neighbour down the road or someone they knew. They in fact were not entirely random offences — thefts and break-ins.

The consequence of that is actually quite profound. Knowing that the person who broke into your house or broke into your shed actually lives across the road from you, lives a couple of hundred metres down the road from you or, worst of all, lives next door to you actually affects the mindset of the victim. Knowing the perpetrator is so close and having perhaps an expectation that little will come of it — that there will be a revolving door in the justice system; that at best the perpetrator will get a slap on the wrist, be out on the street and living across the road again in a couple of months time, ready to commit a further offence — has a very real impact on victims, and an understandable impact on victims.

Not surprisingly, I am aware that with a number of victims in that circumstance they actually do not want to know about the perpetrator. They are not interested in knowing who it was or what took place in the subsequent judicial proceeding — whether they were charged and convicted and sentenced to prison or whatever. The victim would rather not know. The less they know about the perpetrator, the less they are affected by it. That is an interesting reaction in the community: when a victim of crime believes they are better off not knowing, being ignorant of what has gone on and the ultimate outcome, than to know that the person who burgled their house got a slap on the wrist and is now living across the road from them again six weeks after the event.

That mindset very much feeds into the expectations that victims have of the justice system and why we need to ensure that the rights of victims are appropriately respected in our justice system: in the police process from the time an offence is reported through to the investigatory process and leading to an apprehension and charge, then through the judicial process but also post the judicial process. We have seen of course in serious offences against the person that in the high-profile cases I have talked about obviously the perpetrators typically end up in prison, hopefully for a long time. But even then, as in the case of one-punch

killings, we have seen very recently with questions in this chamber that the expectations around those perpetrators being incarcerated for an extensive period of time have not come to pass. Those people have been out in the community, which has an enormous impact on the victims.

It is worth reflecting that in 2006 this Parliament actually for the first time created a victims charter and passed the Victims' Charter Act 2006, which set out as its purpose — and I will quote the purpose and the objects of this act, because they are very relevant to where we are going today:

The purposes of this Act are—

- (a) to recognise principles that govern the response to persons adversely affected by crime by investigatory agencies, prosecuting agencies and victims' services agencies; and
- (b) to establish requirements for the monitoring and review of the principles set out in this Act.

So it has a fairly standard review purpose. The act then at section 4 reports in more detail:

- (1) The objects of this Act are—
 - (a) to recognise the impact of crime on the victims of that crime, including the impact on members of victims' families, witnesses to the crime and in some cases, the broader community;
 - (b) to recognise that all persons adversely affected by crime, regardless of whether they report the offence, should be treated with respect by all investigatory agencies, prosecuting agencies and victims' services agencies and should be offered information to enable them to access appropriate services to help with the recovery process;
 - (c) to help reduce the likelihood of secondary victimisation by the criminal justice system.
- (2) The objects referred to in subsection (1) are based on the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power adopted by the General Assembly of the United Nations by resolution 40/34 of 29 November 1985.

So the intent of the victims charter in 2006 was very much to focus on the impact on victims through the investigatory process and in many respects the post-conviction process. Interestingly, it is subsection (1)(c) which talks about:

to help reduce the likelihood of secondary victimisation by the criminal justice system.

It is notable that the act was, for reasons which are understandable, silent on the judicial system — that is, the impact of the court process on victims of crime. I

note of course the complexity and the difficulty in bringing judicial processes within the remit of something like the objects of the victims charter. But nonetheless, the purpose of that act was to recognise the rights and expectations of victims of crime and participants in the criminal process, and we saw subsequently the previous coalition government here in Victoria establish the victims of crime commissioner to take more of a systematic look at the issues surrounding the victims of crime.

As Ms Crozier said, that inaugural appointment of Greg Davies was an excellent appointment. I note that this government having gone through the process of setting up a statutory framework for the victims of crime commissioner, apparently against the original intention, has retained Mr Davies, who is of course a senior, experienced police officer, as the victims of crime commissioner. The role of that office is, to quote from the victims of crime commissioner's own platform, to:

advocate for the recognition, inclusion, participation and respect of victims of crime by government departments, Victoria Police and agencies responsible for conducting criminal prosecutions;

inquire into issues that victims may experience with the processes of government departments, agencies, victims service providers and the justice system;

report to the Attorney-General on issues that are likely to be ongoing and apply to many victims of crime;

advise the Attorney-General and government bodies on improving the justice system to meet victims' needs.

The coalition government in establishing the victims of crime commissioner recognised the need to have an office-holder, a person who themselves is not a victim of crime, is not in a framework where they need to deal with their own circumstances but who, as in the case of Mr Davies, an experienced police officer, is able to empathise with victims of crime and with the families of victims of crime and represent their interests to government, to the Attorney-General and to the other agencies of government which engage in the criminal justice system.

All too often, leading up to that appointment, we saw situations where victims of crime had to be their own advocates. It was typically victims of serious crime — more often than not the families left behind when people were murdered. There are names which are now commonly recognised in the Victorian community of those who were victims of crime, people who many members of Parliament have dealt with on numerous occasions. I know Mr O'Donohue, as the shadow Minister for Police, has dealt with many victims of crime who are now well-known to the community —

people like George Halvagas, Caterina Politi, the Cronin family and the Bertocci family — all of whom have been victims of significant violent crime against a family member, most typically family members who were victims of murders.

Those family members should not have to be advocates for victims of crime. That is where the appointment of Greg Davies as the victims of crime commissioner was a worthwhile placement in that office and was an important initiative of the previous government to give a figurehead and to give a voice to victims of crime. Having someone with experience and empathy, who could represent the needs of those victims without carrying the burden of being a victim themselves, was an important step in supporting victims of crime.

Business interrupted pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

Department of Education and Training WorkCover claim

Mr RICH-PHILLIPS (South Eastern Metropolitan) (12:00) — My question is to the Leader of the Government. John Allman was sacked by the Department of Education and Training in April 2015 for his involvement in the banker school scandal and destroying documents in the context of the IBAC investigation. Allman subsequently made a claim for mental injury arising from his sacking. Why did the Victorian WorkCover Authority, against the wishes of the education department, agree to settle the claim and make compensation payments to Allman?

Mr JENNINGS (Special Minister of State) (12:01) — I thank Mr Rich-Phillips for his question. I, like other members of the community, saw media drawing that to my attention last week. I probably responded in the same way that most members of the community would respond in relation to what appears to be perhaps not a linear connection between the just outcomes in relation to the termination and what might be the nature of this payment, so I recognise that in the nature of the question. I have not received any advice about the justification or the determination of WorkCover, but now that you have put it to me I will ensure that further inquiries are made to receive some justification or explanation of that determination.

Supplementary question

Mr RICH-PHILLIPS (South Eastern Metropolitan) (12:02) — I thank the minister for his response. By way of supplementary, though, I would

ask: will the government now take action to ensure that Mr Allman, who was sacked for his involvement in that scandal and for destroying documents in the context of an IBAC investigation, will not now be compensated?

Mr JENNINGS (Special Minister of State) (12:02) — I think I actually indicated pretty clearly to Mr Rich-Phillips how I might have personally responded to that and thought about the values — that maybe the community might have some concern about that determination. Without being able to receive and test the advice that I volunteered that I will now be seeking from WorkCover in relation to the payment, it would be inappropriate for me to speculate any further in relation to the appropriateness of intervening, but I think I am making my principle position clear.

The PRESIDENT (12:03) — Just before I call Mr Rich-Phillips, I just welcome to the public gallery today a delegation from the New Zealand Social Services and Community Committee visiting our Parliament. They are also going to Canberra. I would welcome the chair of that committee, Gareth Hughes; the deputy chair, Priyanca Radhakrishnan; and the delegation here from New Zealand. I am very pleased to have you here in our Parliament, and I look forward to meeting you further at lunch.

Land Use Victoria

Mr RICH-PHILLIPS (South Eastern Metropolitan) (12:04) — It is good to see the New Zealand delegation here in a functioning Parliament. My question is to the Leader of the Government. At the Committee for Economic Development of Australia (CEDA) last week the Premier said:

Privatisation has not worked. It's only made things harder for families —

across Victoria, and —

... privatisation ... has gone too far.

Is the government still proceeding with its privatisation of the land titles office?

Mr JENNINGS (Special Minister of State) (12:05) — Sometimes I can actually understand why governments might find it hard to govern and may actually relinquish the government benches and go home to allow certain skirmishes to take place in dark places. Whilst that may be attractive to me at this minute considering what appears to be a potential inconsistency between what the Premier said in his CEDA statement and the consideration that the government announced in the context of the budget and in relation to the potential transfer of responsibility to

the private sector in relation to the land titles office — a matter that has actually been considered by a committee of this Parliament — notwithstanding what might be political divides and political views in that inquiry, there was not determined, as I read it, to be a great impediment to that transaction being concluded as a result of the committee's considerations.

Mr Rich-Phillips — Except the views of the Premier.

Mr JENNINGS — No. The parliamentary committee actually considered those issues on their merits and did not preclude that potential.

Honourable members interjecting.

Mr JENNINGS — The Premier's comments primarily I believe were relating, not necessarily exclusively but primarily, to what we currently see in relation to the national energy market and the price, the burden, that consumers and industry may be subjected to at this time in relation to what Ms Shing is encouraging me by interjection to indicate might be price gouging that might be taking place and private profiteering in relation to the energy sector. Clearly the market and the reforms that led to privatisation in the energy sector have not led to the promised —

Mr Davis interjected.

Mr JENNINGS — Good on you, Mr Davis! This is a day of extraordinary parliamentary performance from you in the chamber. It is a great pity that our professional friends from New Zealand, who could have made an assessment of your contribution, were not in the chamber earlier today when you made what was quite a remarkable contribution that will be remembered by all of your colleagues for many years to come. I am glad you are drawing attention to yourself now, because they are —

The PRESIDENT — I understand you were provoked, but nonetheless I think the provocation has been more than fulfilled.

Mr JENNINGS — Yes; thank you, President. I interpreted that as a 1-nil victory to me as well.

On that basis I think that Mr Rich-Phillips draws attention to the fact that all governments should be mindful of our obligation to provide the best services to our community. That is actually a consideration that relates to the transfer of the functions of the land titles office, which is something that the parliamentary committee tested, and the government will make assessments, based on what the returns of the

expressions of interest may be, about whether there is a net public benefit in relation to the transfer or whether there is not. If there is not, then in fact the government should be totally appropriately cautious about that matter.

In the experience of the energy sector the Premier's words are ringing true right throughout this nation because in fact many people who are justifying their intervention in the commonwealth jurisdiction at the moment are actually using energy prices as one of their rallying cries to knife a Prime Minister in this country today, so that is a very relevant issue.

Supplementary question

Mr RICH-PHILLIPS (South Eastern Metropolitan) (12:09) — I thank the minister for his answer. While the minister painted the Premier's comments in the context of energy, it is worth noting that the Labor Party's 2018 election platform states:

Labor opposes the further privatisation of public assets pending a review into the impact of privatisation on workers and their families.

Minister, having privatised the port of Melbourne and now privatising the land titles office, why is the government acting completely at odds with its claimed election platform?

Mr JENNINGS (Special Minister of State) (12:10) — I do not really want to be playing semantics in relation to the status of the document.

Honourable members interjecting.

Mr JENNINGS — I know that sometimes you think that I am capable of playing semantics — I know that — but I am not choosing to do so on this occasion. I am actually saying that the platform of the Australian Labor Party has many value propositions that are enduring, including this one. How they actually factor into the election commitments that the government enters into, as you all know, is that governments of the day reserve their right, in all political parties, to actually make determinations based upon the government's determination and what those policy settings may be. In terms of this issue, the same test will apply in relation to the determination in relation to the land titles office.

Metropolitan Remand Centre

Mr O'DONOHUE (Eastern Victoria) (12:11) — My question is to the Minister for Corrections. Minister, I understand that the annual WorkCover premium to provide workers compensation coverage for the Metropolitan Remand Centre (MRC) prison

officers and staff has increased by millions of dollars following the Metropolitan Remand Centre prison riot in 2015. How much has it increased by?

Ms TIERNEY (Minister for Corrections) (12:11) — I thank the member for his question. The MRC riot at its very least can be described as a very serious and very unfortunate set of circumstances. It was partly brought about by the overcrowding at that facility, double-bunking and a number of other things that were not implemented as a result of the previous government's operation of the corrections system.

We are all familiar with the fact that Kieran Walshe undertook a review and a study, and we have implemented all of those recommendations. We have also reinforced the internal parameters and the guard house or the control centre of that facility. That work has now been completed, and there are an additional 70-odd beds that have come online in recent weeks. So an enormous amount of work has gone on at the MRC to ensure that what we saw in 2015 —

Mr O'Donohue — And two days ago.

Ms TIERNEY — I will take up that interjection. It did not happen two days ago. What I said in this Parliament yesterday was that there was an incident —

Mr O'Donohue interjected.

Ms TIERNEY — Don't verbal me. There was an incident at the MRC.

Honourable members interjecting.

The PRESIDENT — Order! Thank you. The minister, without assistance.

Ms TIERNEY — There was an incident. It was not —

Mr O'Donohue — Police are investigating.

Ms TIERNEY — Yes, like they investigate all incidents, Mr O'Donohue. You would know that, given that you are a former Minister for Corrections. The fact of the matter is that there was an incident that involved prisoners that were having a fight, and prison officers broke up that fight. In terms of what you said in this place yesterday and in actual fact the lies that you promulgated on your Twitter yesterday —

The PRESIDENT — Minister, I have listened to your answer thus far. I do understand that you are responding to an interjection, but nonetheless I was concerned about your answer more broadly. I think that you did provide some valuable information to the

house, but the question was actually quite specific and was about a matter that you have not addressed at all in your answer, which is the workers compensation premium. I do ask you to actually go to that question now that you have provided the context, and please do not be provoked by the interjections.

Ms TIERNEY — Thank you, President, and I will go to the specifics as you request. But can I say, given that this was raised in the house yesterday and there continues to be misinformation, in fact in what I said yesterday I did not confirm 80 prisoners attacked staff, nor did I confirm that the prison was put in lockdown.

The PRESIDENT — Mr O'Donohue on a point of order, and it had better be a point of order and not a debating point.

Mr O'Donohue — It is not, President. On a point of order, the minister is flouting your ruling: she is not addressing the question.

The PRESIDENT — I do not really need a lot of assistance in this matter. Appreciate it; don't need it. Minister, I understand what you have said, but I absolutely am excited about the fact that you have indicated you are about to go to the specific question, and I cannot wait for that answer.

Ms TIERNEY — There has been a lot of work that has been done as a result of dealing with the issues that came about leading up to and after the MRC riot. In terms of the specific detail that the member is requesting, I do not have that level of detail with me at the moment.

Supplementary question

Mr O'DONOHUE (Eastern Victoria) (12:16) — I note that in her 3-minute answer the minister concluded by saying she does not know the answer to the question. So I ask by way of supplementary: Minister, can you also confirm that as a result of the increased WorkCover premium the general manager of the Metropolitan Remand Centre has been told to make cuts of \$6 million from the annual budget of the prison?

The PRESIDENT — Can I just hear that again, because certainly at the start of that question I got lost.

Mr O'DONOHUE — Thank you, President. Minister, can you also confirm that as a result of the increased WorkCover premium the general manager of the Metropolitan Remand Centre has been told to make cuts of \$6 million from the annual budget of the prison?

Ms TIERNEY (Minister for Corrections) (12:16) — Again we see Mr O’Donohue come in here making all these allegations and unsubstantiated claims. It is an unsubstantiated claim, and I am not dealing with unsubstantiated claims, Mr O’Donohue.

Australian Sustainable Hardwoods

Ms BATH (Eastern Victoria) (12:17) — My question is to the Minister for Agriculture. Minister, what was the government’s expected return on investment for the Victorian taxpayer for the \$61 million Australian Sustainable Hardwoods (ASH) acquisition?

Ms PULFORD (Minister for Agriculture) (12:17) — I thank Ms Bath for her question about Australian Sustainable Hardwoods, and I will refer that question to the responsible minister and provide a written response in accordance with our usual procedure.

Supplementary question

Ms BATH (Eastern Victoria) (12:18) — Thank you, Minister. Minister, can you also advise the house if ASH made a loss last financial year?

The PRESIDENT — Minister, can I just clarify who is the responsible minister?

Ms PULFORD (Minister for Agriculture) (12:18) — It is Ben Carroll, the Minister for Industry and Employment.

The PRESIDENT — Thank you.

Honourable members interjecting.

Ms PULFORD — And just for the assistance of people who have no idea what is going on, as I have indicated to the house when you have all been here on at least a couple of occasions before — and this has been a matter of public pronouncements by the Premier, by myself, by Minister Carroll, by any number of other people — the minister responsible for the mill at Heyfield is the Minister for Industry and Employment, so I will seek a response from that minister. This is because the government deemed that it was both appropriate and desirable that the minister responsible for the allocation of timber resources was not the minister responsible for the government’s shareholding in the mill.

Ministerial conduct

Mr ONDARCHIE (Northern Metropolitan) (12:19) — My question is for the Minister for Trade and Investment. Minister, on 9 August 2018 you advised this house that:

I have never undertaken a fundraiser as a minister of the Crown.

Minister, on 24 April 2018 were you the main drawcard at the ALP Victorian branch entity Progressive Business ALP fundraising event in your capacity as minister? Have you misled the house?

Mr DALIDAKIS (Minister for Trade and Investment) (12:19) — Come in spinner. I seek leave from the house to table a document before me for Mr Ondarchie with credit card details for a fundraiser. I seek leave from the house. Is leave granted, Ms Wooldridge? Will you grant me leave?

Honourable members interjecting.

The PRESIDENT — Order! For a start, I will not seek leave on that document because I have got no idea what you are trying to table, and it would be a courtesy to the Chair to actually have the clerks or myself at least know what is being sought to be tabled so that I can actually verify that it is a fair and proper document. I accept the debating value of your offer, but I will not put the leave question to the opposition at this time.

Mr DALIDAKIS — I thank you, President, and I will ensure that the document I have before me is provided to you and the clerks to be able to make an assessment of whether we can seek leave to table it at a future point in time. Of course I reflect —

Honourable members interjecting.

The PRESIDENT — Order! Thank you.

Mr DALIDAKIS — I stand by my earlier contributions and responses to this Parliament.

Ms Lovell interjected.

The PRESIDENT (12:21) — Ms Lovell, 15 minutes, thank you.

Ms Lovell withdrew from chamber.

Mr Ondarchie — On a point of order, President, it was a very narrow question. The minister made a statement in this house that he had never undertaken a fundraiser as a minister of the Crown. He attended this

event on 24 April. It is a very simple question: has he misled the house or not?

Ms Shing — On the point of order, President, I find it somewhat difficult to understand how it is that points of order can be raised around the scope of a question as it has been asked in a putatively narrow way when it is then followed up by interjections that invite a further discussion of broader issues.

The PRESIDENT — Ms Shing, the question was narrow. The minister actually provoked the interjections by seeking to table a document which did change the nature of it, but that was by the initiative of the minister rather than the questioner on this occasion. Points of order obviously need to reflect our standing orders. In terms of questions, it is about the answer being apposite, truthful and responsive to the question, and that is the basis upon which I make my judgements. So if a point of order is raised, just because somebody is not satisfied with the answer is clearly not an issue for me to arbitrate. The issue is whether or not the answer has been responsive on those three areas. I do seek the minister's response to this. I might say that I am a little concerned about who actually ran this event that the minister is being barrelled on. It is an interesting aspect of this question to which the minister might actually refer.

Mr DALIDAKIS — Thank you, President, for the opportunity to continue my response. It was a simple question, but that may reflect on the member rather than the difficulty of the question itself. Can I say to you, President, as I was beginning to say when Mr Ondarchie stood up, I am very happy to stand by the commentary, the responses and the words that I have provided to this house previously. I stand by them. In relation to the matter concerned that the member raises, it was indeed not a fundraiser of mine, so I am not sure what he is referring to. I am not sure what smearing tactic he is trying to engage in, but what I can tell you, President, is that people can have confidence that when I say or do something I do stand by that, unlike Mr Ondarchie, who prayed to the heavens of this house and asked for a pair on Good Friday — that is what he did — and he is now asking a question about my integrity.

My integrity in this place has never been questioned before. When I have made a claim or a statement I have stood by it. When I have said something outside this chamber, without parliamentary privilege, I have come into this chamber and said the same thing. I have never once chosen to besmirch somebody in this place and not been prepared to say it outside of this place. I have never come into this place and given a response that is

questionable, that is unethical or that is not actually to the point or apposite to the question. Unlike those opposite, including the member who asked this question, I will stake my reputation against his and each and every one of those people on that side of the chamber.

The PRESIDENT — I have had a look at the flyer, and I do not see anything. Mr Ondarchie is featured at that dinner, but there is no reference to any involvement that he has with the actual collection of funds and so forth, so I do not see the relevance of tabling that document.

Honourable members interjecting.

The PRESIDENT — Order! Thank you.

Supplementary question

Mr ONDARCHIE (Northern Metropolitan) (12:26) — Thank you, Minister. I acknowledge your response where we quoted the fact that you said you had never attended a fundraiser as a minister of the Crown, yet you attended an ALP fundraiser as a minister of the Crown on 24 April 2018. So I just ask by way of supplementary question as you seek to grandstand here: Minister, have you ever taken your EFTPOS-payWave machine to a Progressive Business event?

Mr DALIDAKIS (Minister for Trade and Investment) (12:26) — Once again we have the member seeking to verbal me in a very long preamble. I look forward to your support, President, as I respond to Mr Ondarchie's somewhat desperate attempt to come into this space. Can I make note of the fact that at least we have question time here in Victoria. At least we give those opposite an opportunity to question us in the government about what we are doing. Unfortunately the brothers and sisters of those opposite in Canberra did not see fit to ensure democracy continued in Canberra today, but we are happy to continue it here.

Mr Ondarchie — On a point of order, President, that goes to relevance by this mendacious minister, it was a very simple question: did you take your EFTPOS machine to the event or not?

The PRESIDENT — That would be fine had you not had a preamble, but you did have a preamble and therefore the minister, frankly, is entitled to go down the track he is going.

Mr Ondarchie — What about Canberra?

The PRESIDENT — I do not want to hear about Canberra from anybody.

Mr DALIDAKIS — President, I share your despair, and I will not mention Canberra again in the rest of my response. I will say this very clearly and very softly for the member: never once have I attended a Progressive Business event in any way seeking funds for myself at any stage, nor have I solicited funds and nor have I used anything in any particular way to accept funds.

Firearms licensing

Mr YOUNG (Northern Victoria) (12:28) — My question today is for the Minister for Police, represented by Minister Tierney. Minister, in order to acquire a firearms licence in Victoria one must provide a reason as set out in part 2, division 2, of the Firearms Act 1996. What are those reasons?

Ms TIERNEY (Minister for Training and Skills) (12:29) — I thank Mr Young for his ongoing interest in this area. I will refer the matter to the appropriate minister, the Minister for Police, Lisa Neville.

Supplementary question

Mr YOUNG (Northern Victoria) (12:29) — I thank the minister for her endeavour to seek that answer. By way of supplementary question, Minister, those reasons as stated in the act include ‘primary production’, ‘sport and target shooting’, ‘hunting’ and ‘occupation of security guard’; they do not include to avoid being fined if you have a shooter’s licence when in a situation that requires one, such as protesting on duck season opening day. Minister, would applying for a firearms licence for the purpose of avoiding fines while protesting be considered a genuine reason?

Ms TIERNEY (Minister for Training and Skills) (12:29) — Again I thank Mr Young for his supplementary question. I will refer that matter with his substantive question to the Minister for Police.

Native forest logging

Ms DUNN (Eastern Metropolitan) (12:30) — My question is for the Special Minister of State, representing the Premier. Minister, a group of small family-owned mills across east and north-east Victoria, collectively calling themselves the G6, wrote an open letter to the Premier of Victoria earlier this week calling for a transition out of native forest logging and into plantation supply by 2040. Minister, are you able to advise if there is enough supply of native forest in Victoria to meet the 2040 date proposed by the G6?

Mr JENNINGS (Special Minister of State) (12:30) — It is funny, President, that Ms Dunn has asked this question of the Premier and that I am only the conduit of that question, because in fact if you were to ask me the question about how much timber there might be in the forests my working knowledge of that may be higher than the Premier’s. However, that is only because he and my colleagues have actually asked me from time to time to have a look into those matters.

One of the things I can say is that those mills in question have identified that whether it be on the availability of the timber or lease plans into the future, or whether it be on the basis of the Federal Court’s consideration about the surveys and other conservation measures that may be required to be able to get timber harvested across the Victorian forest industry, there are serious questions about the ongoing reliability and stability of timber supply of native forest sources into the future. Those mills have identified that. Now, the position that they have asked the government to consider this week is not perhaps their first preference, but in fact it is something that they have come to draw their own conclusions about in relation to the reliability of supply and the way in which that supply to the timber industry can be better provided by plantation establishment across the state. The government and I would thank them for considering those issues and thank them for actually making policy suggestions that may add to the government’s policy commitment to establish more plantations across the landscape. Indeed the government in last year’s budget allocated \$110 million specifically for that purpose. That continues to be a policy consideration of the government.

Ms Bath interjected.

Mr JENNINGS — It is a pity you missed the opportunity. You asked a different question today. You could have asked that question yourself. The government does recognise that the proliferation of plantation stock across Victoria could actually provide longer term security for the industry. So whilst I will pass on the question to the Premier, who will then seek some advice in relation to the substantive nature of his projections for what the timber availability may be out to 2040, I can actually say to you that it is a commitment of this government to increase plantations. There is an understanding that the reliability of supply for the timber industry will be greatly enhanced by more plantations being established in this state, and that is something that this government is going to support.

Supplementary question

Ms DUNN (Eastern Metropolitan) (12:33) — Thank you, Minister, My supplementary question goes to one of those requests of the G6, which is around providing exit packages for businesses handing back timber supply agreements and contractors. Minister, are you able to advise: is the government seriously considering the proposal by the G6 to provide exit passages for businesses handing back those timber supply agreements, and have discussions with the G6 to this end occurred as yet?

Mr JENNINGS (Special Minister of State) (12:33) — Ms Dunn has actually entrapped me and herself in the way in which she has asked this question of the Premier in terms of his working knowledge and indeed my working knowledge as to whether any conversations have been had with individual mills by either VicForests or the department of industry.

Ms Dunn — G6 and government.

Mr JENNINGS — Well, I am just saying to you there may have been conversations that actually predated the letter. There may be ongoing considerations about how to deal with the circumstance of the availability of supply that I will need to seek some advice on. In fact my colleague Minister Pulford may actually know some of those details herself. But certainly in terms of the letter arriving earlier this week and what conversations may have taken place in the last 48 hours at any level of government, I am uncertain of what they may be, and I imagine that that will be the case that the Premier can confirm. But we may actually do a bit of a search as to whether other parts of government have had those conversations.

Disability services

Ms SPRINGLE (South Eastern Metropolitan) (12:35) — My question is for the minister representing the Minister for Health. Victorian organisations working on epilepsy, Parkinson’s disease, multiple sclerosis and motor neurone disease have known for more than a year now that they will face massive funding shortfalls as a result of the transition to the national disability insurance scheme (NDIS). Sixteen months ago these organisations approached the Department of Health and Human Services highlighting these significant funding gaps, which risk the viability of those organisations and their ability to provide support services, research and advocacy to nearly 100 000 Victorians. Victorian government funding to these organisations will cease at the end of June 2019, but less than 20 per cent of the clients they support will

be eligible for the NDIS. Will the minister commit to ongoing funding for essential support and services for the remaining 80 percent of clients who will not be eligible for the NDIS?

The PRESIDENT (12:35) — Just before I call the minister, it is my pleasure to also welcome to the public gallery today a former member and office-holder in several respects in this place, including as former President of the Legislative Council, Monica Gould. I am delighted to welcome you here today. I would be interested in your comments on their behaviour.

Ms MIKAKOS (Minister for Families and Children) (12:36) — I certainly hope that we are all living up to those high standards that we had some time ago in the past. Can I firstly thank the member for her question. I have a recollection that Dr Rachel Carling-Jenkins asked a very similar question in relation to these issues only recently. The issues that the member raises are important ones as they pertain to the rollout of the NDIS. Sadly, we do have a number of areas where we continue to effectively do battle with the commonwealth government around these issues in seeking to achieve the aspiration that people with disabilities and people with a range of conditions have in respect of the rollout of the NDIS. I will in fact seek a written response for the member from the relevant minister in relation to these issues and provide what additional information is at hand in relation to the issues she has raised.

Supplementary question

Ms SPRINGLE (South Eastern Metropolitan) (12:37) — Thank you, Minister, for that answer. At a minimum, will the minister commit to ensuring the sustainability of these organisations until there is clarity around the health and NDIS interfaces and gaps in funding services have been resolved?

Ms MIKAKOS (Minister for Families and Children) (12:38) — I thank Ms Springle again for her supplementary question. In a similar manner I will also refer her supplementary question to the relevant minister for a written response.

Port Fairy and Terang ambulance stations

Mr PURCELL (Western Victoria) (12:38) — My question is to Minister Mikakos, representing the Minister for Health. In 2016 the Andrews Labor government committed to build two new ambulance stations in Port Fairy and Terang. Both of these stations are quite old. They were built in the 1970s and are well past their use-by date, including having a number of

occupational health and safety issues. Unfortunately some of the companies that were working on these stations are no longer in existence, and the community is quite concerned that the projects may not proceed because of the non-existence of these companies, so I ask the minister: when will work on these two ambulance stations begin?

Ms MIKAKOS (Minister for Families and Children) (12:39) — I thank the member for his question, and I thank him again for his continued advocacy for his electorate around their specific health needs. The member has referred to the issue of ambulance stations and our government's response to the issues of demand for ambulance services. I can advise him, before coming to the specifics of the matter that he has raised, that as a result of our government's record \$500 million investment in more paramedics and more ambulances and in fact hiring 1000 more paramedics, we are seeing improved results, with the last quarter ambulance response times being the best ever: 83.8 per cent of code 1 call-outs have met the 15-minute benchmark, which is 38 seconds faster than last year in terms of those average code 1 response times. So we are seeing improved response times that are benefiting Mr Purcell's constituents and in fact people right across Victoria. That is critically important in terms of saving lives if we have those much quicker responses.

In terms of the matter that the member has raised around the Port Fairy and Terang ambulance station upgrades, as the member referred to in his question this was in fact an announcement that was made by our government. I can advise the member that the design of both stations is currently being reviewed and that construction of both of those ambulance stations is expected to begin in 2019. If there is anything further that the Minister for Health can add, I am sure she would be very happy to brief the member in relation to these matters, but the advice that I do have is that construction is expected to begin in 2019.

QUESTIONS ON NOTICE

Answers

Mr JENNINGS (Special Minister of State) (12:41) — There are 16 written responses to questions on notice: 11 486, 11 509, 11 531, 11 553, 11 575 and 12 834–44.

QUESTIONS WITHOUT NOTICE

Written responses

The PRESIDENT (12:41) — In respect of today's questions, Mr Rich-Phillips's question to Mr Jennings, the first question, Mr Jennings undertook to obtain some further information on that matter. It involves some investigation that means it could arguably go to a minister in another place for some of that, and therefore I seek a written response in two days. For Mr O'Donohue's question to Ms Tierney, both the substantive and supplementary questions, one day.

I notice that the minister characterises some of the questions raised with her on different occasions as allegations. I point out that from the chair's view I see them as questions rather than allegations. Some of them might be speculative, and clearly it is within the minister's ability to denounce those or to dispute that speculation, but the way that, particularly today, the question was raised, was that it was a question and not an allegation. I think it is deserving of a written response.

On Ms Bath's questions to Ms Pulford, the substantive and supplementary questions will be given two days. Mr Young's questions to Ms Tierney, the substantive and supplementary questions, involve a minister in another place, so that will be two days. Ms Dunn's questions to Mr Jennings, the substantive and supplementary questions, will be given two days, although I do note that the Leader of the Government, particularly with regard to the substantive question, was able to provide significant information, and I thank him for that. Ms Springle's questions to Ms Mikakos, the substantive and supplementary questions, involve the Minister for Health in another place, so that is two days. The minister has actually indicated she would be happy to obtain further information. On Mr Purcell's substantive question to Ms Mikakos, I note that the minister provided what I thought was an effective response and probably clarified the matter to the satisfaction of the member. However, Ms Mikakos indicated that she would check with the Minister for Health to see if there was anything more to be added. In that context, it is two days.

Mr Morris — On a point of order, President, I raise the written response to the supplementary question Ms Tierney provided to the question I asked yesterday. I asked about whether or not universities had approached the minister, and I am of the view that the response does not address the question. I ask you to consider reinstating the question.

The PRESIDENT — I have had a look at that question. The question was whether or not anybody had approached the minister. The minister did provide some information but did not respond to whether she had had representations from those organisations. Whether or not it was appropriate for them to make representations to this minister with regard to the funding models that we have is another issue, but the minister ought to have gone to those in the response. Therefore I will reinstate the question.

Mr O'Donohue — On a point of order, President, yesterday you ordered that Minister Tierney provide me with a written response to a question I asked her. I am yet to receive that response, and I would seek some —

Ms Tierney interjected.

Mr O'Donohue — The one that you were ordered to respond to. I have not received a response to that question, and I would ask the minister to advise whether a response will be provided.

The PRESIDENT — I do not have in front of me the question that you are referring to and neither does the minister, so can you let me know later what question it is. Is that the one I reinstated last night?

Mr O'Donohue — Yes.

The PRESIDENT — I gave it two days.

Mr Ondarchie — On a point of order, President, I draw your attention to my substantive question to the Minister for Trade and Investment today and seek your consideration of a written response. My question was very specific and was about his attendance at fundraisers as a minister of the Crown. He chose to answer that as attendance for his own fundraisers. That is not what the question was about. It was about attendance at any fundraisers as a minister of the Crown. I ask you to consider asking him for a written response.

The PRESIDENT — No. I am not prepared to seek a written response on that question.

Mr Davis — On a point of order, President, on Tuesday I asked a question of the minister representing the Minister for Public Transport. You indicated that a two-day response time would see an answer come back. I have not, to my knowledge, received that, unless it has slipped through in the last couple of minutes. Perhaps the minister might explain where that response might be.

Ms Pulford — That has not come to me. I will follow it up this afternoon for the member.

CONSTITUENCY QUESTIONS

Western Metropolitan Region

Mr FINN (Western Metropolitan) (12:47) — My constituency question is to the Minister for Police. Minister, this morning we have been made aware of the latest instance of gang violence in Melbourne's west. A constituent of mine was followed into her home by a machete-wielding gang, was punched in the face in her own home and had her car stolen. The Premier may well hold onto his view that there are no gangs, but the facts give us a very different reality. Minister, many tens of thousands of people throughout the western suburbs are living in fear of the next gang attack. They do not feel safe in their homes, they do not feel safe in their cars and they most certainly do not feel safe walking the streets, even during the day. Minister, enough is enough. Will you immediately provide the necessary resources to Victoria Police to allow them to smash the gangs and make Melbourne's west safe again?

Northern Metropolitan Region

Mr ELASMAR (Northern Metropolitan) (12:48) — My question is for the Minister for Multicultural Affairs. The minister will be aware of the numerous multicultural groups in my area and the ongoing operational costs incurred in running a multicultural group. Multicultural community groups allow migrant communities who have chosen to call Victoria home the opportunity to live and maintain their culture, especially seniors groups. They are a place to celebrate culture, embrace diversity and see our diversity in action. Many of these groups use the capacity building and participation (CBP) program to help with the running costs of their group. Can the minister advise me of when the CBP program funding recipients will be announced and provide a breakdown of which community groups in my area will receive funding?

Eastern Victoria Region

Ms BATH (Eastern Victoria) (12:48) — My constituency question is for the Minister for Corrections. The Metropolitan Remand Centre, MRC, offers a range of programs and services to all prisoners while they are in custody. Recently a constituent raised an issue with me on behalf of a relative, who is also a constituent, who has been remanded in the centre. Despite his having been signed up to 15 separate educational courses geared to address offending behaviours, the courses were never actually offered and never came to fruition. The young man put his name down for every course to give him, in his words,

‘something positive to do’ — useful courses, such as anger management, drug and alcohol substance abuse prevention and relapse courses. My constituent asks: why is the government offering short educational programs, giving prisoners hope of upskilling, of reformation, to break the cycle of recidivism that they are in without actually delivering those courses?

The PRESIDENT — I take it that is your question not the constituent’s?

Ms BATH — It is not. It has come to me from —

The PRESIDENT — Yes, but he is not in here.

Ms BATH — So I said, ‘My constituent asks’ and ‘I ask on behalf of my constituent’.

The PRESIDENT — Thank you.

Eastern Metropolitan Region

Ms DUNN (Eastern Metropolitan) (12:50) — My constituency question is for the Minister for Roads and Road Safety, and it is in relation to the north-east link community technical reference group. I wonder if the minister can advise how the community consultation process is going, and is it true that community members have walked out of those meetings, and was that in fact due to the fact that the North East Link Authority is not prepared to modify the reference design after input from the community?

Western Victoria Region

Mr RAMSAY (Western Victoria) (12:50) — My constituency question is on behalf of a constituent in the Geelong region — in fact a land developer who is concerned about land supply on the Bellarine. His interest is in the Moolap structure management plan, which was supposed to be released by the Department of Environment, Land, Water and Planning at least seven months ago. Obviously this is the land that surrounds Point Henry and a number of private landowners, and there is a considerable amount of land that may well be able to be used for housing. The question I ask of the Minister for Planning, the Honourable Richard Wynne is: when is this report going to be released so my constituent and others have some idea of what purpose that land will be used for?

Eastern Victoria Region

Ms SHING (Eastern Victoria) (12:51) — It is good to be back at this particular point of the program. My question is for the Minister for Water, and it relates to the extensive drought being felt in parts of East

Gippsland and to the hardships being faced after two failed seasons, by primary producers in East Gippsland. I ask the minister: will she come to visit the communities of East Gippsland to better understand the way in which the drought has affected communities, some 1300 primary producers, and to hear directly from people about the soaring fodder costs, the lack of availability of water as a consequence of drought declared in other parts of eastern Australia, and how we can support farmers and farming families beyond the excellent work being done by organisations such as Gippsland Farmer Relief, Buy a Bale and others?

Northern Victoria Region

Ms LOVELL (Northern Victoria) (12:52) — My question is for the Minister for Roads and Road Safety, and it concerns the speed limit for traffic on the Midland Highway at Eganstown, west of Daylesford. Eganstown is a small community littered with farm gate sellers of fresh produce, and the Midland Highway is the only thoroughfare through the town. The posted speed limit for traffic passing through Eganstown on the Midland Highway is 100 kilometres per hour; however, many tourists choose to slow to consider the tourism opportunities in the town, causing a dangerous situation with other traffic travelling at the posted speed limit of 100 kilometres per hour.

The speed limit on the Midland Highway at Eganstown increased from 80 kilometres per hour approximately 12 months ago and has caused concerns for local residents who are also forced to negotiate entry onto the Midland Highway with traffic travelling at 100 kilometres an hour. A local farmer was tragically killed last year when another vehicle struck his vehicle as he entered the Midland Highway from his driveway.

Minister, will you listen to the concerns of local residents and order VicRoads to conduct a review of the current speed limit of 100 kilometres per hour on the Midland Highway at Eganstown?

Western Metropolitan Region

Ms TRUONG (Western Metropolitan) (12:53) — My constituency question today is for the Minister for Roads and Road Safety. I have a constituent in Ardeer whose home faces the Western Ring Road. The sound of traffic, especially engine brakes, fills her days and keeps her up at night. VicRoads is not much help to her because it has an outdated noise policy, which does not take into account the health impacts of noise. It has been three years since VicRoads began a review of its noise policy and we are still waiting. My question is: when will the government build a noise wall opposite

More Park in Ardeer and/or provide further noise attenuation support to residents in that area, given its current impact on their health and wellbeing?

Southern Metropolitan Region

Ms FITZHERBERT (Southern Metropolitan) (12:54) — My constituency question is to the Special Minister of State, and it follows on from the question I asked on 21 August regarding the Parks Victoria Albert Park facility. I acknowledge and appreciate the written response that I have had from the minister, which indicates that the contractor for this facility entered into administration in April this year. He indicates that this has impacted on many of their other clients, with projects under delivery across the state. I ask further to this matter: what is the name of the contractor that has gone into administration, and which other government building projects are also affected by this?

RULINGS BY THE CHAIR

Questions on notice

The PRESIDENT (12:55) — Order! I have received a request from Mr Rich-Phillips for the reinstatement of questions on notice. These are ongoing questions relating to staffing levels in ministerial departments, and the same responses as the ones that were reinstated yesterday. I therefore order that the following questions on notice be reinstated on the notice paper: 11 489, 11 512, 11 534, 11 556 and 11 578.

Rather than ask Mr Rich-Phillips to continue and then have to stop for lunch and start again, I believe this is an appropriate time to break for lunch. The chair will be resumed at 2 o'clock and Mr Rich-Phillips will have the call.

Sitting suspended 12.56 p.m to 2.03 p.m.

VICTIMS AND OTHER LEGISLATION AMENDMENT BILL 2018

Second reading

Debate resumed.

Mr RICH-PHILLIPS (South Eastern Metropolitan) (14:03) — Prior to question time I was talking about the role of victims in our criminal justice system and the need for the community and government institutions to have regard to the role and experiences of victims in our criminal justice system. As I indicated, according to the most recent statistics from the Crime Statistics Agency there were more than

500 000 offences recorded in the year to March 2018 and for every offence there is a least one victim, quite often multiple victims. That gives an indication of the scale of the challenge and an indication of the number of Victorians who are victims of crime. It was an initiative of the previous government to put in place the victims of crime commissioner, Greg Davies, to take an overarching look at the way in which government institutions respond to the needs of victims of crime, and of course in 2006 we had the Victims' Charter Act 2006 introduced for the purposes which I outlined prior to question time.

The bill we have before the house this afternoon seeks to make a number of amendments to the Victims' Charter Act 2006, the Victims of Crime Commissioner Act 2015, the Sentencing Act 1991, one to the Jury Directions Act 2015 and also to the Children, Youth and Families Act 2005. Many of these amendments arise from recommendations in the Victorian Law Reform Commission (VLRC) report *The Role of Victims of Crime in the Criminal Trial Process*, which of course is one part of the experience of victims of crime. Obviously, as I indicated earlier, victims' participation in and knowledge of the investigatory stage is important, as is the post-trial stage, particularly with the more heinous crimes and crimes against a person. But that work by the VLRC was in the context of the experience of victims of crime during the trial process.

What this bill does is amend the Victims' Charter Act in relation to requirements for communication with victims, victim impact statements, complaints by victims and reviews of victims' experiences in summary proceedings for criminal offences. In relation to the Victims of Crime Commissioner Act 2015, which provided for the creation of a statutory framework for the previous administrative victims of crime commissioner, the bill provides for review of certain complaints by victims, makes amendments in relation to the commissioner's monitoring and reporting functions and makes amendments to widen the commissioner's review powers into the Victims' Charter Act. It is worth noting that the victims of crime commissioner in relation to individual matters indicates its jurisdiction is largely around serious violence offences against individuals rather than the broader set of victim experiences.

In relation to the Sentencing Act, the bill makes amendments in relation to victim impact statements. In relation to the Jury Directions Act 2015 it makes amendments in relation to directions on language and cognitive skills of child witnesses — so it is in some respects an omnibus bill — and in relation to the

Children, Youth and Families Act 2005 it makes amendments to clarify that relevant historical care and protection orders made by courts on the application of the state were not convictions or findings of guilt and to acknowledge the harm and distress caused by certain practices relating to the relevant care and protection orders.

I know that while this is beyond the broader scope of victims of crime, the amendment to the Children, Youth and Families Act is important in recognising the way in which children who were in need of care were treated by the criminal justice system in the past. This is a matter that has been the subject of debate by motion in this place, recognising that those cases were poorly handled by the justice system in that matters involving children needing care and needing the support of the state were effectively treated as criminal matters, attracting criminal records for those children in order to deliver state care, which of course is an abhorrent way for the justice system to have acted. It is a matter that, appropriately, has been canvassed in this house by way of general motion.

This bill, by way of the important amendments that are made to the Children, Youth and Families Act, is an important recognition of the abhorrent way in which those children were treated and by statutory remedy seeks to clarify the status of those then children and obviously the criminal records which were attached to those children, notwithstanding the fact that they were not criminals and were caught up in a system which did not adequately recognise and provide for the circumstances they were in.

The coalition does not oppose this bill. We welcome the measures contained in it. As I said, in many respects it is an omnibus bill, given the breadth of matters it addresses. The amendment to the Children, Youth and Families Act in particular is an important and welcome development, and to the extent that the rest of the bill flows largely from the Victorian Law Reform Commission recommendations, it is not opposed by the Liberal-Nationals coalition.

Mr SOMYUREK (South Eastern Metropolitan) (14:10) — I rise in support of the Victims and Other Legislation Amendment Bill 2018. This bill deals with significant matters relating to the rights and welfare of victims of crime and seeks to remedy the continuation of incorrect assumptions around historical child welfare records. The bill strengthens the rights of victims by requiring better communication with victims before, during and after criminal proceedings; improved complaints-handling systems to be established, including a new oversight role for the victims of crime

commissioner; and clearer laws on the admissibility of material in victim impact statements. The bill introduces a new jury direction to the Jury Directions Act 2015 relating to evidence of child witnesses. The bill also clarifies that historical child welfare records that resulted in relevant historical care and protection orders being presented on a person's criminal history report are not to be regarded as criminal convictions or findings of guilt and acknowledges the harm caused by this practice.

This bill progresses several recommendations made by the Victorian Law Reform Commission (VLRC) in its report on the role of victims of crime in the criminal trial process. The majority of the bill's content responds to improving rights, protections and the ability to confidently access the judicial system, but another significant aspect of the bill deals with historical records regarding children removed from families for welfare care. This is something I was not aware of, as I am sure most members of society are not, but until 1992 the child welfare system and the criminal justice system dealing with young offenders were almost combined. There was virtually no separation between the two systems, resulting in welfare orders made as a result of carer protection applications being recorded on criminal histories in some circumstances.

Sadly, for an unknown number of children this practice has had lifelong consequences whereby those receiving welfare care from the state as children were later considered as having convictions. I am sure no-one thinks that that is right. This practice not surprisingly significantly affected Aboriginal children, mostly by further traumatising, debilitating and isolating them as adults. The bill confirms that relevant historical care and protection orders are not to be treated as convictions or findings of guilt.

As a result of this legislation, responsible authorities will have a statutory obligation requiring them to take all reasonable steps to ensure that the release of relevant historical care and protection records is accompanied by contextual information that corrects the apparent criminal aspect of the record. I was pleased to learn that Victoria Police is taking steps to remove the records from their system, and I note that the Attorney-General has apologised to all people harmed by this historical practice on behalf of the Victorian government.

In relation to victims reforms, this bill amends the victims charter to recognise that victims have an inherent interest in the response by the criminal justice system to the relevant crime and acknowledges the role of victims as participants in criminal proceedings. The bill strengthens a victim's right to be given the

information and support required to enable them to participate in court proceedings by imposing three new obligations on the Department of Public Prosecutions to more specifically assist victims, acknowledging the difficulty for victims to participate as victims in the justice process. The bill also gives victims an express statutory right to make a complaint to an investigatory, prosecuting or victims service agency about the agency's failure to comply with the Victims' Charter Act 2006.

Finally, with this bill there has been a wide consultation process to engage throughout the judicial system, and it has been informed by the recommendations of both the VLRC and the jury directions advisory group. Therefore I commend the bill to the house.

Ms SPRINGLE (South Eastern Metropolitan) (14:16) — I rise today to speak on the Victims and Other Legislation Amendment Bill 2018. For so many Victorians this is a historic bill. It proposes a number of reforms, including strengthening the rights of victims in proceedings for criminal offences, improving guidance on the role and treatment of child witnesses and the historical recording of child protection needs on criminal records. The Greens support this bill and we support reforms that place an increased emphasis on the rights and experiences of victims in the criminal trial process.

The work underpinning the reforms took place in 2016, led by the Victorian Law Reform Commission, and it is a very good thing that these changes are now being made. Those reforms will be given effect to in parts 1 through 5 of this bill. Part 6, which amends the Children, Youth and Families Act 2005, deals with the separate issue of historical practices of recording child protection needs. The Greens strongly support change to ensure that children in need of protection who gained a criminal record through no fault of their own have this historical wrong formally recognised. We strongly support the amendment of historical charges and convictions to ensure that these are no longer considered as such for any purpose. We do have concerns with who this legislation applies to and who it does not apply to. We also have concerns that the bill does not go far enough in acknowledging the entrenched and systematic nature of these practices and the fact that many of them were very deliberate, not simply an oversight or a result of poor administrative practices.

Notwithstanding those concerns — and I will go into detail on those shortly — we do support these reforms. In fact the Greens have advocated for these changes since last year, when I moved a motion for this historic

practice to be investigated and rectified and for a formal apology to those who have been affected. The Greens also have sought to determine whether these practices have affected Australian care leavers in other jurisdictions. In Western Australia the answer from the Attorney-General was a flat out 'No'. But the reality is that we know that this was an issue in New South Wales, and given the common origins of these state laws in vagrancy and other provisions of the British Poor Law it is almost certain to be an issue in other jurisdictions. Over the course of our research on this issue a number of legal experts and advocates have confirmed that this is almost certainly the case. While it is outside the scope of the bill, I urge the Attorney-General in the strongest terms to pursue this issue with his counterparts in other jurisdictions as a matter of urgency. Indeed we believe that, knowing what we do now, he has an ethical and moral responsibility to do so.

At this point I would like to formally acknowledge the work of a number of individuals and organisations who have been instrumental in highlighting this issue and pressing for change. Uncle Larry Walsh has been mentioned during this debate by a number of people, and I would like to recognise the contribution of his story to this process. I would also like to acknowledge the investigative journalist, Sylvia Rowley, whose writing ensured that Uncle Larry's story was told on a national platform. Sylvia raised this issue with the Attorney-General last year and subsequently went on to investigate the existence of similar laws in other states in Australia. I would like to acknowledge the roles of Woor-Dungin and Dr Bronwyn Naylor for their advocacy and investigations. The Care Leavers Australasia Network has of course advocated tirelessly for decades on a wide range of redress issues, and I pay tribute to Leonie Sheedy, Frank Golding, Vlad Selakovic and so many others. And to Nell Butler — thank you for your articulate and determined contribution to helping us understand the depth of pain and trauma caused by past events and how this continues to have a very real impact today.

Of course there are thousands of other care leavers impacted by this work, and I note the estimate provided by the Attorney-General late last year of a quarter of a million people potentially affected. These children were taken from their families and they have borne the burden of persistent discrimination and a criminal record for their entire lives to date. The injustice against these people can never be undone.

I would finally like to pay tribute to those people who have gone to their grave with a criminal record that never should have existed. Tragically, their experience

with abuse and their experience in care was often the cause of their death. We will never have the opportunity to make things right for those people, which is why we must make amends as best as possible for those who are still with us today.

One of our key concerns with this bill is the failure to explicitly acknowledge the reality that these historical practices meant that children were often incarcerated for crimes committed by adults against them. These children were neglected and abused, many of them raped, and instead of their perpetrators being charged, the children were charged and often incarcerated. One of the charges most commonly made against girls was being exposed to moral danger. This charge was often a euphemism for having been sexually assaulted and abused, sometimes by a family member. Once in care, many of these girls were forced to undergo 'therapy' that encouraged them to take responsibility for the sexual abuse they endured.

That is the horrific reality faced by so many girls in our system of so-called protection. The identity of their abuser was often included on girls' records. Despite their identity being known, then and to this day some perpetrators have never been investigated, let alone charged and convicted. They may still be living in our communities and they may have gone on to abuse other children. I would like to point out that when these children's records are accessed and amended, once this legislation is passed, there is a strong possibility that those who are amending records will come across the names of those perpetrators. They will be removing the criminal status of a charge against a child, but they will not be genuinely addressing the fact that the person who should have been charged got off scot-free. What we really need to see in order for justice to be done is for those known perpetrators to be investigated and, where possible, charged for their crimes. That is the only way to effect genuine justice. Our amendment seeks at least to provide explicit recognition of that travesty of justice.

I would like to turn now to the fact that this bill does only half the job it should be doing. Proposed section 592C(2)(b) specifically excludes care and protection orders imposed as part of a sentence on a child found guilty of a criminal offence from the definition of relevant historical care and protection orders. Many children historically entered the child protection system through being apprehended for minor offences, and of course this is still the case today. I am aware of one child — now an elderly man — who took off on a friend's bike without that friend's knowledge and was subsequently charged with theft and taken into care. This scheme will not apply to that man, and it will not

apply to many care leavers in similar situations. This is a major flaw with this bill and one that must be rectified.

I look forward to a time when Victoria has a spent convictions scheme that would go some way towards addressing these issues for care leavers whose convictions are not affected by this bill. It would not do what needs to be done — it would not remove those charges altogether — but it would go some way towards addressing this historical wrong for care leavers to whom this bill does not apply.

It is worth mentioning that the Greens are the only party progressing spent convictions, despite the weight of expert opinion and the support for a spent convictions scheme. In the absence of a mechanism that removes child protection charges for all care leavers, spent convictions is the next best option and until we have that scheme, this job will only be half done.

I will turn now to the disproportionate impact these historical practices have had on Aboriginal Victorians, which Minister Mikakos acknowledged in her second-reading speech on this bill. She also acknowledged the significant personal and intergenerational harm caused by these recording practices. The sentiment is spot-on, but the language is not. Framing this issue as a failure of recording practices fails to go to the core of the issue. It is clinical language and it does not accurately reflect the grim, horrific reality of the wrongs that Victoria as a state was complicit in. Nor does it reflect the fact that Aboriginal children have been treated as criminals and systematically marginalised and discriminated against for their entire lives. Even when modest improvements were made to the out-of-home care system in Victoria, Aboriginal children were left behind while their white counterparts moved with the times.

My colleague Lidia Thorpe has spoken in the other place about the importance of language and the importance of recognising the systemic, entrenched nature of racism and discrimination against Aboriginal Australians. The failure to do this remains one of the most significant barriers to healing and reconciliation.

I want to speak briefly on the importance of doing this job well, and doing it properly. Every day we are learning more about trauma and its effect on development and subsequent generations. We understand more about intergenerational trauma and its neurobiological and physical effects than ever before. We are in the process of developing a deep understanding of the very real impacts this has on those who have lived through trauma as well as their

children, families and communities. As a result, we know the wrongs of the past cannot be simply assigned to 'historical wrongs' and addressed in part, only where there is an easy fix.

The impacts of past trauma on children who are now adults is still impacting on us as a community today, and left unchecked, it will have a damaging effect into the future. It goes without saying that addressing past trauma is part of this process; addressing trauma that is happening right now, and continues to result in children entering care, is also absolutely critical.

Minister Mikakos's second-reading speech on the bill incorporates an apology on behalf of the Victorian government for the harm caused by historical welfare recording practices. This is not the formal state apology that the Greens and many advocates reasonably expected and have called for. An apology is an important part of redress, it is an important part of recognition and healing, and it should genuinely involve care leavers, who are unable to be here today because of the way Parliament operates in terms of its schedule and the unpredictability of timing. I would like to hear more on this from the minister, and specifically I would like to hear a commitment to a state apology. It is one thing to put an apology into words and into *Hansard*. It is a very different thing to make an apology in person, in this house, coming from all political parties and members of Parliament.

All of these issues point to flaws with this bill, but as I have said, it remains a bill worth supporting. Care leavers affected by these practices have lived with unjust charges for their entire lives, and this process will hopefully provide some measure of consolation and recognition.

In closing, I want to say a few words directly to past care leavers. Many of you have waited decades for this recognition and probably thought it would never come. You were taken into care as babies and children, and instead of being cared for, you were branded and too often treated as criminals. You have suffered the most shocking injustice, and we have failed you. On behalf of the Victorian Greens, I offer my support and our deepest apologies for the appalling way you were treated by our government, our police and our child protection system as a whole.

I also want to say a few words to those currently in care. Until reparations are made, until our child protection and youth justice systems are dragged, kicking and screaming, into a more functional, empathetic and effective system, we will continue to fail you. I, the Greens and so many dedicated family

members, frontline workers and others are determined that this will not happen. We will not draw a line in the sand today and pat ourselves on the back for a job well done. We will take a moment to pause and reflect, and tomorrow we will be back again to take up the fight.

On that note, I urge the house to support our amendment, and I commend the bill to the house.

Mr FINN (Western Metropolitan) (14:32) — I rise this afternoon to speak on the Victims and Other Legislation Amendment Bill 2018. Mr Rich-Phillips has very eloquently explained the opposition's position on this. We will not be opposing this particular bill, but out where I come from, in the western suburbs, really the only growth industry there is that of victims. Crime is rampant and it is very, very difficult to go a day without finding another victim of crime, particularly gang crime, in the western suburbs. There is a real fear in many parts of the west. I have spoken to people who will not even walk down the street during the day, much less walk at night, such is the level of fear in the community. That should not be at all surprising. Despite what the Premier says about there being no gangs, we know very differently, and the people of the west certainly know very differently.

We just have to have a look at the Ecoville community centre in Tarneit and what has been done to that. I visited there earlier this year with the Leader of the Opposition, Mr Guy, and with Glenn Goodfellow, the Liberal candidate for Tarneit. If ever there was an example to be held up as to what has been allowed to happen in the west over recent years, it is Ecoville — a community centre which should be part of a thriving, happy community, but indeed it is far from that. It has been destroyed by gangs. It is an example of lawlessness in itself. The glass has been broken and the walls have huge holes in them. It is beyond any level of what people expect in their neighbourhood, and you have to remember that this is just across the road from where people live. People have spent vast sums of money to build their dream homes and they have been subjected to this sort of gang vandalism and violence. It is just appalling. I suggest that if any member wants to see an example of what is going on in the west of Melbourne at the moment, they should go down to Tarneit and to Ecoville and see for themselves exactly what has occurred down there at that particular centre. It is appalling and it is something that unfortunately, as I said, has become somewhat representative of the crime plague that is demonising the west at the moment.

Another example of the sort of gang crime that we are suffering in the west is something that particularly got

to me — it pulled at my heartstrings, very much so — and that was the case of a 17-year-old autistic boy who over a period of time had built up the courage to actually get the bus to the local shopping centre. Anybody who has much to do with kids with autism knows it is in itself quite an achievement for such a kid to build up the self-confidence that they need to get on a bus, pay for a ticket, sit there and go down to a shopping centre. On the particular day this lad was doing that he was attacked by a gang. He was bashed, he was robbed and he was left an emotional mess. It was not so much, I suppose, the physical bashing or the theft that did the damage, it was the fact that this gang actually stole this lad's independence. The self-confidence that he had built up over a period of time was gone, was shattered. That is something that you cannot buy. You cannot get it from a social worker. You cannot get it from anywhere — it has to be built up naturally by the person involved. That in itself is probably one of the greatest acts of theft that we have seen in Victoria during this particular crime wave that we have experienced over recent years. I feel very, very sorry for that young man and for his family. I have met with them. My heart goes out to them over this very, very difficult period of time. I do hope that they can get back to some semblance of normality at some stage in the not-too-distant future.

I heard of another example when I visited a home in Hillside. The family there had migrated from India to their new home in Australia. It was their dream to come and live in the land of freedom, the land of opportunity, and they bought a home in Hillside. At 5.30 one morning they were all in bed having a snooze, as most of us are at 5.30 in the morning, when they heard the front door crashing in. A gang ran through the house smashing their household appliances, smashing goods throughout the house and basically terrorising them. The final act was that their car was stolen. They had to sell that house; they could not possibly live in it anymore. They are not on their own. They are far from on their own. This sort of thing has been happening now for the past three or four years, and it is happening on a regular basis. These people are genuine victims. These people had to sell their home because they could not live in it anymore. They were too afraid to live in their own home. They had to sell it and move somewhere else, and it was a very nice home they had. What a traumatic and dreadful situation to be put through.

Then of course we have the gangs that rob the shops at places such as Point Cook. The gangs just walk in, they take what they want and they walk out. Anybody who attempts to stop them, as we have seen, is bashed to within an inch of their life, so anybody with any

thought for their own safety does not even bother. So we have a situation where these gangs are almost given carte blanche to steal openly from any store that takes their fancy. We have seen that happening in Point Cook and in quite a few other places in Melbourne's west. In fact I have spoken to shop owners who have said to me, 'If this keeps happening, we're just going to close up — it's just not worth staying open'. Something has got to give. These people want justice, the victims want justice, and at the moment they are just not getting it. Then of course we have the pizza shop robberies in Caroline Springs where these gangs again feel that they can walk in, take what they want — take the money — terrorise the staff and off they go. I am aware of that happening in Caroline Springs, and it would not at all surprise me if it is happening in a good number of other places as well.

Then we move on to an incident that caught the attention of a good many people just a few weeks ago. We had up to 200 gang members rioting in the streets of Taylors Hill. I know that Mr Melhem and Mr Eideh would be very familiar — I hope they are, anyway — with Taylors Hill. It is a very nice suburb, particularly for young families who have just purchased their first home and are going along very, very nicely. Here we had a situation where these gang members were rioting throughout Taylors Hill, and the police came along in their riot gear and their advice to locals was, 'Go inside and lock your front door. Don't come out'.

We had a situation where one particular woman that I am aware of was actually cornered, surrounded by these rioters, was separated from her family and was not able to get to her home. She was terrified. You can understand why she was terrified. This is happening in Melbourne in 2018. It is just beyond the pale. Whichever way you look at it, it is beyond the pale. These are real victims that we are talking about. These people will not recover from these experiences for many years in many instances, I would suggest.

Then this morning we woke to the news that one of my constituents in Tarneit again had been attacked by a gang in her own home. She had got home from work and had parked her car. The gang saw her and followed her inside her own home, and they were waving a machete about. I invite members to imagine how they would feel if they had got home last night to find a gang waving a machete around and following them into their own home. Imagine how you would feel. Imagine how she felt.

She was beaten up. She had her face punched for good measure, and of course there was the mandatory stealing of the car. That seems to be almost a new law

in Victoria. If you have a home invasion, you assault the owner and you steal the car. It is almost a part of the state constitution these days. That is something that happens all too frequently in Melbourne's west, and as I say, these are real victims.

Unfortunately it is not just human beings who are victims, because this week we heard of a dog in Altona that was killed by people. I do not know whether it was gangs. We do not know who did it. Whoever did it was a low-life.

Mr Melhem interjected.

Mr FINN — Did you do it? It was a low-life scum.

Mr Rich-Phillips interjected.

Mr FINN — Mr Rich-Phillips reminds me that according to the Premier we do not have gangs. Mind you, according to the Premier we do not have the western suburbs either, because he has never seen out there. He would not know where the western suburbs are, so it does not surprise me that he has the view that there are no gangs.

But in this particular situation this dog disturbed some intruders, we suspect. It was a companion animal to a woman with a disability, and she got home and found her dog dead. So it is not just human beings who are victims of these vicious crimes that we are seeing throughout the western suburbs.

I do not know if this legislation is going to do much to help the victims of the crimes that I have mentioned today. I very, very much doubt if it will do much to stop any further crimes of the nature that I have referred to. I can only hope that we can get some justice. I have been banging on here about justice now for some years because, as I have said many times, we have in this state a legal system when in fact we need a justice system.

The victims that I have mentioned today in the house, right through from Ecoville to the dog that was killed this week — each and every one of them deserves justice. Unfortunately in this state to this point they have not received it. That has to change. I am hoping this bill might do a little towards making justice a little bit more available to them. I am not holding my breath, but I do hope that a change of government on 24 November will bring justice for all in Victoria.

Mr MELHEM (Western Metropolitan) (14:47) — I also rise to speak on the Victims and Other Legislation Amendment Bill 2018, and in doing so I could not help noticing while I was sitting there and listening to

Mr Finn for 15 minutes that he did not say a word about the actual bill. The only thing he talked about is gangs in the western suburbs.

Mr Finn interjected.

Mr MELHEM — The thing is I did not interrupt Mr Finn when he was making his contribution, but then I was paying attention and listening to Ms Springle when she spent most of her time with all her passion talking about the bill, talking about the purpose of this bill. This bill has been brought to this house to correct wrongs we have committed as a state collectively over the years. That is what we are talking about. We are talking about young kids back then in the 1950s who were taken from the care of their parents for whatever reason — right or wrong — and were cared for by the state. Mr Finn is moving on, but I am going to talk about the west and the gangs in a minute.

This bill is about correcting that wrong. They were taken from the care of their parents and put into the care of the state, and because of the way the record was set up until the early 1990s with one system of records, if that was the case, a criminal record was placed against your name even though you had had not committed any crime. This bill is actually to correct that — to separate that if you were in that category. We got it wrong. We have recorded in your history that you committed a crime when that was not the case, so that is what the bill is about. It is about correcting historical mistakes, historical errors. That is what the bill is about. It is not about gangs. It is not about what Mr Finn and the opposition are talking about.

I want to pull up Mr Finn about the western suburbs. I live in the western suburbs. I travel in the western suburbs. My kids grew up and are living in the western suburbs. I feel safe going out in the western suburbs. I am proud of living in the western suburbs. The western suburbs is one of the safest places in Victoria. This is like a Peter Dutton all over. This guy might become the Prime Minister tomorrow. I do not know if he is actually qualified for office — basically painting the picture of Victoria as Afghanistan. Victoria is not Afghanistan. Melbourne is not Afghanistan. The western suburbs of Melbourne are not Afghanistan.

On the so-called gang riots in Hillside two weeks ago, let us not let the truth get in the way of a good story! Do people really know what happened on that day? There were 40 girls — young girls, teenagers under the age of 16 — who had an argument about some relationship. That is what that event was. It was not a gang. It was not Apex. It was not people vandalising in the streets or people robbing people. It was a bunch of girls, and I

know because I know people who were involved in that event. I paid attention to what was actually going on, and I got involved and wanted to know the truth. That is what happened — but no, the opposition wants to paint it as a gang. The world is collapsing!

I have got to pay tribute to Victoria Police. Maybe some people say they overreacted to that event and they did not need the horses, but the police came out and said it was not a gang. It was not a gang action, but unfortunately the Liberal Party want to paint this picture in people's minds that gang activities in Victoria are running rampant and no-one can go anywhere. They want to create that image of mayhem because they want to get into government. They think that if they create enough storm — they are basically saying there is lawlessness in Victoria, in the suburbs et cetera, scaring people off — then that might get them some votes. That is an absolute disgrace. We should not putting our people down, our state down or our suburbs down. Mr Finn talks about the western suburbs like they are the wild west. Let me tell you they are not the wild west. I am proud of being a resident of the western suburbs and representing the western suburbs. I feel safe going anywhere, anytime in the western suburbs. I feel safe.

My 16-year-old daughter goes to training in Hillside twice a week at night to play AFL. I want to congratulate her and the Hillside Sharks. Last Sunday they won the under-18 premiership. They are the girls of the western suburbs that actually go and play football in Hillside. Last year when they formed a team, none of them had actually played football. None of them had actually played AFL at all. They got together when the AFLW competition commenced some years ago, and they decided to form a team. They got really bashed last year — I am talking about on the score board — losing a number of games 180-0, but this year they made it all the way and they won the premiership. They are the Hillside Sharks, and that is what is happening in the western suburbs. That is what is happening in Hillside. Girls under the age of 18 are playing AFL, and they feel safe to go out at night. It is not as Mr Finn would like you to believe — that the western suburbs of Melbourne are the wild west.

That is an absolute disgrace. He is supposed to be representing the western suburbs. Instead of putting your constituents down, instead of putting your suburbs down, you should be doing the opposite. You should be defending your suburb, defending your constituents and basically not putting them down, but that is exactly what Mr Finn is doing. He has been doing that every week, and to be frank I am just sick of it. I am sick and tired of Mr Finn and the members of the Liberal Party

putting Victorians down and putting our constituents down simply because they want to score a political point. I suppose they are taking a leaf from Mr Dutton. We will see what happens tomorrow in Canberra. That is the Liberal Party: they are not interested in policy and they are not interested in representing this state. They are basically just interested in throwing mud.

Going back to the bill, it is long overdue, and I want to commend the government and the minister for putting it together and bringing it to the house. It finally gives full effect to the royal commission's recommendations. As of yet the opposition has not been able to commit to implementing all of the recommendations of the royal commission in relation to family violence. We are committed, and that is why we put this bill in place — to basically give full implementation to the royal commission recommendations.

Listening to some of the issues that have been raised in the last couple of years, we need to close the loopholes, and this bill will do exactly that. I will not go on any further. I know there are a number of speakers, and we are keen to get this bill through. I commend the government for bringing this bill to the house. I hope we can stop playing politics and wasting time and endorse this bill as soon as possible. With these comments I commend the bill to the house.

Mr MORRIS (Western Victoria) (14:56) — I rise to make a contribution to the Victims and Other Legislation Amendment Bill 2018. The purpose of this bill is to implement a range of the Victorian Law Reform Commission's recommendations in its 2016 report entitled *The Role of Victims of Crime in the Criminal Trial Process*. This bill amends the Victims' Charter Act 2006 with regard to the requirements for communicating with victims, victim impact statements, complaints by victims and the review of victims' experiences in summary proceedings for criminal offences. It amends the Victims of Crime Commissioner Act 2015 to provide for the review of certain complaints made by victims, in relation to the commissioner's monitoring and reporting functions and also to widen the commissioner's review powers into the Victims' Charter Act 2006. It amends the Sentencing Act 1991 in relation to victim impact statements. It amends the Jury Directions Act 2015 in relation to directions on the language and cognitive skills of child witnesses. It also amends the Children, Youth and Families Act 2005 to clarify that the relevant care and protection orders made by courts on the application of the state were not convictions or findings of guilt, and it acknowledges the harm and distress caused by certain practices relating to the relevant care and protection orders.

One of the most difficult parts of this job is when we come into contact with victims of crime — either the direct victims of crime or the families of those who have been affected by crime. Some of the most harrowing meetings that I have had in terms of hearing people's experiences have certainly been with those who are the direct victims of crime or with a victim's family members, who are left behind after a crime. I think the most pertinent example of this are the meetings that I have had with the family of Ken Handford. He was of course the celebrated war veteran who was shockingly murdered in his own home just shy of his 90th birthday.

The Handfords are a very loving family and a very close family, and I cannot even begin to understand the pain, hurt and sorrow they must have felt after their father and grandfather was taken from them in such a disgraceful, violent and disturbing way. My heart certainly goes out to the Handford family for what they have been put through because of that act. From my discussions with the Handford family I have certainly understood that it is not just the heinous murder of their beloved family member but also what happened after that terrible event that has placed them in a difficult circumstance with regard to access to victims of crime compensation and support through the trial process and then through what should not have been required but was required, which was an appeal against the vastly inadequate sentence that was handed down to the murderers in this case. I think we have a long way to go with regard to what we are doing in this state for victims of crime.

Unfortunately this current government looks to protect criminals rather than victims of crime through their so-called 'justice' system. Indeed I have heard it said by many that we do not have a justice system in Victoria — we have a legal system, and a legal system that protects criminals whilst casting out victims of crime at the same time at that.

I note that Victorians are going to have a choice on 24 November. They are going to have a choice as to whether to have a soft-on-crime government, a government that weakens bail laws, a government that weakens move-on laws, a government that chooses to disempower our police force so that they cannot do the very tough job that they have. That job is made even harder under this Socialist Left Labor government which wants to protect the rights of criminals rather than the rights of victims. We all know that choice is going to be between a soft-on-crime government or a tough-on-crime, stable coalition government that will protect the rights of victims, that will place victims at the centre of our justice system, not cast them aside as

this government has but rather place them at the centre of our justice system and ensure their rights are protected.

There will be the introduction of mandatory sentencing and the introduction of the presumption against bail, particularly if police advise against bail. And then those violent offenders will be remanded, and those violent offenders need to be remanded because we need to protect our community. Time and time again I hear from police that they are picking up the same people for the same crimes because of our current bail system, instigated by this government, which wants to release violent criminals into the community rather than place them behind bars.

We saw that CCTV footage in Frankston of that shocking punch by that absolute thug who was walking down the street with, I believe, a friend and his brother when he attacked a defenceless person as they were walking towards them. Under Daniel Andrews's Victoria that thug got bail. This happens time and time again. We have cases that are completely beyond the scope of community expectation where these thugs, these criminals, are being bailed. Not only are these criminals being bailed but we have a police force which has been nobbled by this government so that it is unable to do the important work that it needs to do.

Now I cannot imagine how hard it must be to be a police officer in Victoria right now with Daniel Andrews slashing frontline police, as he has in Ballarat. We have 18 fewer frontline police in Ballarat right now than we had when the previous Liberal-Nationals government left office. This is from Victoria Police's own figures. This is despite the massive increases in crime that we have seen — the massive increases in carjackings, the massive increases in home invasions, the massive increases in police car rammings that we have seen across our community. Crimes that were once unheard of are now commonplace in our community because of the soft-on-crime approach of this government.

What I find particularly galling from this government is that they will say, 'We've had a reduction in crime'. Of course what they are doing there is they are comparing figures from the skyrocketing heights that were achieved under this government which have just then just come down a touch so they can say, 'Look, there's been a 10 per cent decrease in crime'. Of course they are not telling you the full facts. They are not referring to crime since they were elected, because apparently they are only responsible for the last six months. They conveniently forget that since they came to office at the end of November 2014 crime in Victoria has

skyrocketed. It is not just a crime wave, it is a crime tsunami that we are experiencing here in Victoria. What we have seen here is nothing short of a disgrace.

I note that Mr Melhem in his contribution did make reference to the disgraceful events that occurred in Taylors Hill during our last sitting week. There were rampaging teens. We had the police sending people back into their homes and telling them to not come out of their homes but to lock their doors. This occurred in Melbourne. Just a few short years ago it would have been absolutely unheard of that we would have such bad street violence that, due to difficulties containing this violence that those opposite refuse to accept is occurring, we had the police telling these people, these residents, these families, to lock their doors and stay in their homes. Now, I cannot imagine how terrifying that must have been for the men, women and young children of Taylors Hill to have this rampaging violence on their streets and police telling them to lock their doors and not come out.

When you have a problem the first thing you need to do is recognise that problem and name that problem so that you can address it. Unfortunately those opposite are in complete denial about the fact that we have a problem with violent crime in Victoria. We have a significant problem with violent crime in Victoria, but those opposite are refusing to accept that. They are refusing to accept responsibility for it, and as a result it just goes on unabated. Those opposite think that if you say something often enough, if you make things up often enough, the community is going to accept it. Well, the community knows what is happening, I tell you. I speak to a lot of constituents and the number one issue they raise with me is crime; it is violent crime that they are concerned with. The number two issue of course is the cost-of-living disaster that this government has overseen, whether it be skyrocketing electricity prices because they chose to shut down Hazelwood or whether it be the skyrocketing gas prices because they have locked up Victoria. We have significant issues.

Mr Leane — Do you want fracking back?

Mr MORRIS — You know we do not want fracking. You know that. We have been very clear about that. We have been very clear that what we want is to address —

Mr O'Sullivan — Taxpayers want their money back.

Mr MORRIS — They do. They do want their money back, absolutely — the 380-odd grand — and that is what we know about.

Mr O'Sullivan — Plus some.

Mr MORRIS — Plus some, absolutely. 'Exclusive cognisance' is not a term that Victoria Police are terribly concerned with, can I tell you, which I am quite sure has those opposite very nervous because there is going to be a knock at the door and someone is going to say, 'Ms Mikakos, are you there? I need you to come with us'.

We know that victims of crime are being completely forgotten by Daniel Andrews and his government, because they prioritise the rights of crooks — some of which of course are their colleagues — above the rights of victims, and that is the shameful state —

Mr Leane — I'll tell you, you'd want to be nervous.

Mr MORRIS — There is no-one nervous on this side of the house. Look at our hands. Our hands are steady. You are the ones over there shaking, I can assure you, because that knock on the door is coming, as we know, just like it did for Michaela Settle, the Labor candidate for the Assembly seat of Buninyong. She got the knock on the door, she got arrested, she got taken to the police station for questioning and yet you kept her as a candidate. It is unbelievable that you kept someone who has been arrested and questioned by police as your candidate for Buninyong. Well, all I can say is that I am quite sure —

Ms Mikakos — On a point of order, Acting President, I draw the member's attention to the fact that this is the Victims and Other Legislation Amendment Bill 2018. It is a bill that relates to strengthening the rights of victims. The member is just wasting time and should come back to the bill that we are debating.

The ACTING PRESIDENT (Ms Dunn) — I ask the member to draw his attention back to the bill, but Mr Leane's interjections are probably not helpful in keeping the member on the bill.

Mr MORRIS — I will refrain from taking up the interjections of Mr Leane. Unfortunately there are many victims of crime in Victoria. Under this government every Victorian is a victim of crime because it is the Andrews government that has chosen to steal taxpayers money through the red shirts rorts. We know it, they know it, and we will just await further investigation by the fraud and extortion squad to make sure that justice is done in the state of Victoria.

Honourable members interjecting.

The ACTING PRESIDENT (Ms Dunn) — Order, members! Mr Leane!

An honourable member — Kick him out.

The ACTING PRESIDENT (Ms Dunn) — Sadly, I cannot do that as Acting President, but I can always call on the Deputy President or the President to do so. However, I feel that is not necessary.

Ms BATH (Eastern Victoria) (15:11) — I am pleased to rise this afternoon to make my contribution on the Victims and Other Legislation Amendment Bill 2018. Before I set out the purpose of the bill and talk to some specifics around what happens in rural and regional Victoria, and particularly in my patch of Eastern Victoria Region in Gippsland, I would like to acknowledge that the word victim can relate to an instantaneous effect as a result of an action that occurs in a moment, but the actual long-lasting health effects, negative mental effects and social effects can last for a long, long time.

Very briefly, I was unfortunately in a car accident at the end of last year. Thankfully both parties involved, whilst being seriously injured, have recovered. Our physical injuries have recovered, but I have noticed that there can be triggers that set off a reliving of that event. That is certainly very uncomfortable and creates a great deal of distress for a time, and I need to talk myself through that. It can be triggered by being in the area in which that incident occurred.

I say that not to shine a light on myself but to point out that there are hundreds and hundreds of victims walking around in this state who have to undergo daily reminders of what happened to them, whether it be a physical location that they have to pass, whether they see the perpetrator of the crime that was inflicted on them or whether it is just out of the blue in the middle of the night that they wake up in a cold sweat, reliving that event.

I think it is very important that we do all we can, through this bill to some degree, in terms of increasing victims' rights to appeal and rights to have their voice heard and also in terms of finances. I know that the Liberal-Nationals government, when we get in on 24 November, have some great policies around supporting victims and putting them at the centre of outcomes rather than making them feel like second-class citizens.

Moving on to the provisions of the bill, it amends the Victims' Charter Act 2006 and looks at requirements for communication with the victims, victim impact statements and complaints by victims, and reviews the victims' experiences in summary proceedings for a criminal offence. It also amends the Victims of Crime

Commissioner Act 2015 to provide for the review of certain complaints by victims, in relation to the commissioner's monitoring and reporting functions and also to widen the commissioner's review powers into the Victims' Charter Act 2006.

The Nationals, like the Liberals, will be having a not-oppose position on this bill. I would like to reflect on some of the statistics for crime that occurs in regional Victoria, and in particular the Central Gippsland area of the Latrobe Valley. It is quite distressing to see that in terms of the crime stats in a local government context, Latrobe City Council is second in terms of the highest number of offences across the whole state. We have almost 18 000 offences per 100 000 estimated resident population. That is a very distressing statistic. I do not say it with any enjoyment. I say it to highlight the need for additional resources and additional support in that area for our victims and for our fantastic police men and women down there who do so well under such strained conditions. The statistics also reveal the five local government areas with the highest criminal incident rates, and again Latrobe is second in the state on that list. In terms of Latrobe, they also show that there has been a 12.5 per cent increase since the election of the Daniel Andrews government — a 12.5 per cent increase. As I said, the police do an amazing job and we respect them for the hard work they do.

I would like to specifically look at part 2 of the bill, and clause 6, which amends the Victims' Charter Act. The clause inserts new sections 7A and 7B. New section 7A relates to special treatment of victims and requires that:

Investigatory agencies, prosecuting agencies and victims' services agencies are to—

...

... as is reasonably practicable, take into account, and be responsive to, the particular needs of victims living in rural and regional locations.

A finding from a report of the Victorian Law Reform Commission states:

... victims in rural and regional Victoria often receive less support and information, face greater barriers to effective participation, have more limited access to protective procedures during the criminal trial process, and experience difficulty in obtaining legal assistance to help with claims for compensation or financial assistance.

Holding those two pieces of information in my mind, it is very concerning and quite distressing to know that a great and very serviceable group in Central Gippsland, which works right across Gippsland, has had its funding for an intake worker position withdrawn under

Daniel Andrews. It is the Windermere's Gippsland Victim Assistance Program, and it is the only provider across the entire Gippsland region. It is swamped; it is very busy, as you can imagine with those statistics. This fantastic team of nine outreach workers support and advocate for victims of serious and violent crime across the region. So to have an intake worker position removed, for what reason we can only surmise, is ridiculous. With high crime and the high need for victim assistance, this funding has been withdrawn.

It is interesting to note from the Windermere team that in 2016 there were 1100 new cases across Gippsland and a large number of those were around family violence. Again between 2014 and 2015 the Latrobe Valley topped the state list of family violence incidents per population of 100 000 people. So this is very important, and there needs to be not a withdrawal of services but an increase in them under Daniel Andrews.

In terms of assistance in Central Gippsland there is a Victims of Crime Assistance Tribunal registry at the Latrobe Valley Magistrates Court. It hears applications for assistance made by victims of violent crime committed in Victoria. I would like to go to a specific case of a lovely young lady. This case has come and gone so I can speak to it. I will not mention any names or specific locations. This person attended a party, was knifed by a psychotic person and had considerable damage done to their person. This victim was then referred to the victims of crime tribunal. This lovely person had a good family structure and they completed the application process, but I reiterate that if you do not have those supports around, what would happen? How hard would it be for that person to apply through the process?

The victim sought assistance through EACH, the Eastern Victims Assistance Program. The EACH provider met with that person and facilitated some counselling and psychology sessions in support. If I jump forward a little bit, the case went to court but it took a considerable time. It took a year and a half for the accused, who pleaded not guilty, to go through the court system. During that time the victim sat regularly waiting and reliving the situation. At the end of that the perpetrator received a community correction order, having been charged with intentionally causing injury. The victim received \$7500, \$250 of which was to cover medical costs. That person was depressed; they suffered greatly. To my mind it shows the need to refocus on the victim and to expedite cases where we can and even localise where they need to be, and bring a magistrate to the victim rather than always making the victim go to the magistrate and have to wait and wait. It was quite distressing for that person, and I feel for them indeed.

There is another example. I have got to know this person very well over time. The crime was a break-in where very precious and treasured memories and expensive items were stolen. She had a couple of issues. One was that support and counselling services were limited in her area and the perpetrator, who was required to have counselling, was supposed to go to the same group of people as her. In effect what the group said was, 'I'm sorry. We can't talk to you' — the victim. 'We can't see you. We can't counsel you, because we must counsel the perpetrator'. That is counterintuitive to the support of victims.

Another example is where a victim had to wait all day at the court on a number of occasions, and because of the backlog in the court system, the case did not even get up, so she had wasted a day. She had taken time off work to be there. She was reliving the crime again, and the case did not even get heard. Those are the issues we have in this state.

I am very pleased to say that the Liberals and Nationals have some great policies that put victims at the very heart of the court system. They recognise that victims need to be consulted, they need to have security that their voices matter and they need to have some financial certainty. So we have the victims fund policy, which is a new plan with a new penalty for criminals which will fund support for victims. When a perpetrator does a crime, they do not think about their victim. They need to be able to pay at least something for the crime they commit.

We have also got a policy around extending the victims of crime financial assistance period. This will extend the period in which victims of crime can apply for financial assistance from six years to 10 years, and in some cases 15 years. As I said at the start of my contribution, victims quite often take a long time to heal, and it is very important that we provide assistance over a long period of time. The delay between saying 'No, no, I'm okay. I can cope with this' and 'Yes, I need some assistance' has to be recognised, and The Nationals and the Liberals recognise that. I commend the team that has done this work.

It will be good to see victims of crime compatibility statements. We will introduce victims of crime compatibility statements for all future Victorian justice-related legislation to ensure that legislation is victim focused wherever necessary and is carefully reviewed for its potential impact on victims of crime.

Finally, I will tie together my contribution by saying that we heard from Minister Pallas back in May this year when he spoke on the budget — he said that

Victoria is the safest it has been in a decade. Well, I am here to say that based on what I know about my patch, and particularly Central Gippsland, it is simply untrue. Unfortunately aggravated burglary is up across the state, and very sadly our prisons are filled with more of our youth. There are victims who on a daily basis are being harassed and their cars attacked as they stop in the street. It is a not a comfortable place for us to be. We look forward to addressing this when we get into government: putting people who have been injured at the centre and expediting cases at all times, creating support for victims in a meaningful, lasting and very healthy way.

Ms FITZHERBERT (Southern Metropolitan) (15:26) — I am pleased to make a few brief comments on the Victims and Other Legislation Amendment Bill 2018. It has a range of different purposes. In particular it is the embodiment of recommendations made by the Victorian Law Reform Commission report of 2016, *The Role of Victims of Crime in the Criminal Trial Process*. The part that I want to speak on initially is that which relates to part 6, which is the amendment to the Children, Youth and Families Act 2005. This is a very important part of this bill, and it goes some way to addressing a quite extraordinary wrong of the past. This issue has been raised in this chamber, and I must say when it was raised it was the first time that I was aware of this practice. This part of the bill outlines how far back this wrong actually goes through the various cross-references to various different pieces of legislation that go back to the Neglected and Criminal Children's Act 1864 and the Aboriginal Protection Act 1869, as well as a number of other acts which are far more recent.

When I read that, it showed me that what we are doing today is correcting a quite shocking practice that would have had a highly detrimental effect on the lives of many individuals over a very long period, and many of the people who were affected by this practice are of course long dead. We can only imagine the sort of impact on their reputation and the sort of suffering that they experienced as a result of this practice. What I am referring to of course is the practice, I understand up until 1992, that orders issued by courts in relation to children who were the subject of the child welfare system would carry a criminal connotation for administrative purposes. In other words, children and young people who were the subject of the child welfare system but who had not committed any known criminal offence and were not in any way accused of doing so nonetheless had this stigma attached to their names. What is proposed today is to recognise this historical wrong on behalf of previous governments and on behalf of the Victorian community, to acknowledge that

this practice happened and to hope to ameliorate some of this impact by at least in this place acknowledging that it was wrong.

I have to say personally I think it is a shocking practice, and I cannot begin to imagine the sort of dreadful practical effects that this would have had on the lives of innocent bystanders. When I was listening to the debate earlier I caught part of Ms Springle's contribution. I acknowledge that this is an issue that she has brought before this place and has spoken of in a deeply committed and emotional way, so I am pleased to see this aspect of the bill.

As I indicated earlier, the bill also includes a number of provisions that are a consequence of a 2016 report from the Victorian Law Reform Commission which focused on the role of victims of crime. As I said, this bill is based on some of those recommendations. While it is good to see a focus on victims as part of the criminal justice system, there are some deficiencies in the bill that is before us today. I am going to touch on just a couple of them in my comments.

The bill includes provisions that go to how victims may go about addressing what they feel are deficiencies in the process that they have gone through. The bill gives victims a greater ability to express grievances about the conduct of a prosecution, but once that has been responded to it seems that there is nowhere further for that to go. We think that there are other ways that this could be addressed. It could, for example, go to the victims of crime commissioner, and it could be addressed as possibly a systemic issue. But beyond that it seems that there is capacity to provide a voice but little beyond that that might have a lasting impact. That is a deficiency of this bill.

Another issue that could have been addressed in this legislation, and I do not believe it is, is that of compensation. It is true that when someone has been the victim of a particularly serious crime, one that may be violent or sexual in nature, no amount of money is going to completely offset the suffering that has been experienced. However, undoubtedly compensation can be part of the process of easing the burden financially on victims and their families.

There are other aspects of this that I would also like to speak to. In our criminal justice system we quite rightly invest in diversion, in rehabilitation, in training and in education, but one thing that I think we could do better than we do is ensuring where we can that perpetrators have a greater sense of the impact of their crimes upon victims. I know that this is not an easy thing to do, and in many cases it will not be possible, but in terms of

people being fully accountable for the acts that they have committed, this does need to be part of the process.

Unfortunately in Victoria at the moment there is a lot of very visible crime. The government wants to play with numbers and assert that there is no problem and that there has not been an increase in crime. We certainly are experiencing an increase in crime at the moment compared to when the government took office. There are some forms of crime, in particular some of those against the person, which have increased in number, and we know that there are different parts of the state that have experienced particular increases. We see as well, unfortunately, a growing prevalence in different sorts of crimes that used to be unusual and that we did not associate with our home here in Melbourne or in Victoria. It is something that we used to, for example, see in other communities and feel pleased that we did not have that sort of problem here, but now we do. What makes it worse is that there is a certain amount of denial about what is happening.

Here are some examples of particular crimes that have been reported in our community just in recent times. We have had a report, today in fact, of a woman in Tarneit who was subjected to a home invasion and threatened with a machete. I cannot begin to imagine how shocking and frightening that would be: to be in your home, the place where you should expect to feel safe and secure, and be confronted by someone who is armed with an obviously dangerous weapon.

During the most recent sitting week of Parliament we had the riots in Taylors Hill where we saw various residents talking about their own fear and concern about what was happening around them. The police advised people to stay in their homes. That was probably wise advice, but it is not something anyone wants to be directed to do in their neighbourhood.

There was a hammer attack on an individual in Keilor this morning. We had reports yesterday of a woman who lives in Altona and whose home was burgled and her large, much-loved and apparently harmless rescue dog was killed quite viciously by whoever it was that burgled her home. She explained that she received a call at work to say that she needed to come home, that her home had been burgled and she came home to discover that her much-loved dog, which had been rescued from quite a sad life himself and was now a much-loved pet, had been killed. Again, a dreadful crime and something that no-one wants to experience.

Last month we had a particularly prominent carjacking of a 57-year-old woman in Narre Warren South who

was driving her son's car. She was bumped and she pulled over. She explained later that she believed that this was to inspect the damage, as you would, to exchange addresses and to do all those sorts of things that responsible grown-ups do. But instead she found herself being threatened by two men who stole the car from her. She said:

I thought 'I'm going to die, this is my last moment of my life'.

She had a gun pointed at her and she was hit in the mouth with the gun and was quite seriously bruised. She said:

He just pointed it right at my head ...

And I think this phrase is particularly poignant:

They didn't just take a car, they've changed my life.

This is a woman who was minding her own business, driving along in broad daylight, as I understand it. She had borrowed her son's car. She thought she had been involved in an accident and she tried to do the right thing by stopping.

This was the incident of course where the police advised that people need to assess themselves whether it is safe to actually pull over when you think you have been involved in an accident. Now this leads to all sorts of problems. People want to do the right thing. I do not want to be in a situation where I may have accidentally caused an accident, bumped someone — heaven forbid, it has not happened yet but it could happen — and then leave. There is a consequence for leaving the scene of an accident as well in legal terms. So this creates all sorts of issues of safety but also potential problems in terms of dealing with the issue of accidents that happen on our roads every day.

It is ironic that the government has been forced to deal with this issue, and accountability has not exactly been its strong suit. We have seen the government go to great lengths to avoid scrutiny of the red shirts rorts, and we have discussed this in this place many times. The government went to the High Court no less — fortunately unsuccessfully — to try to prevent the Ombudsman from examining what was done by members of the Labor Party, the government party, in terms of what she found to be misuse of public funds for party-political campaign purposes, which she quite correctly labelled as 'wrong'. The government used I think every weapon it had at its disposal as a government to avoid scrutiny. It went to the Supreme Court to question the Ombudsman's jurisdiction, it went to the Court of Appeal and then it went to the High Court, where the matter was dismissed.

Ms Mikakos — On a point of order, Acting President, I wish to draw your attention to the fact that the member is now devoting her contribution entirely to a matter relating to an Ombudsman's report. We are actually debating the Victims and Other Legislation Amendment Bill 2018. I raise this in terms of relevance and ask the member to come back to the bill that we are debating.

Ms FITZHERBERT — On the point of order, Acting President, The minister had her back to me and was speaking to others when I began my comments on this particular issue. I made the point that what I was raising was accountability and the irony of the government bringing in legislation of this kind which is about accountability when they have avoided accountability themselves. I have made a few brief comments along those lines, and I think they are in accordance with the purpose of the bill.

The ACTING PRESIDENT (Ms Dunn) — I accept that a passing reference is acceptable, but I draw you back to the bill.

Ms FITZHERBERT — Thank you, Acting President. Before my brief foray into discussing the red shirts riots and the government's issues with accountability and actually fronting up for its own actions I was discussing the incidence of crime in our community. I guess I want to sum up by saying this: all of the individual examples that I have referred to today, which are all very recent and have happened in the last couple of weeks, involve crimes that are relatively new to our community in the prevalence that we are seeing them. We are seeing riots on our streets, in suburban streets, which is not something that we have commonly seen in this country, and we are also seeing violent attacks and carjackings and home invasions. I regret that we have this sort of prevalence of violent crime in our community that creates the need for this bill.

The ACTING PRESIDENT (Ms Dunn) — Ms Fitzherbert, that is time.

Mr O'SULLIVAN (Northern Victoria) (15:42) — It is with pleasure that I rise this afternoon to speak on the Victims and Other Legislation Amendment Bill 2018. It is a bill that is well-intentioned, and I do welcome some of the content in it because I think it does take a step forward, but I think it is too little too late in terms of issues involving victims of crime in this state.

As we are all aware, there has been a significant increase in crime over the last four years. I do not get to watch the 6 o'clock news as often as I would like to because it is not a time that I am often in front of a TV,

but just recently I was watching the 6 o'clock news. I did not actually count them — I would have liked to have gone back and counted the number of incidents there were in terms of different news segments — but I would say the first 10 segments were stories that were bad news stories in one shape or another, whether it was car crashes or crimes that had been committed, victims of crime. Whatever it was every one of them was a negative story that made you think, 'Well, imagine living in this city. Imagine living in this state the way it is at the moment'.

It has got to the point now where many parents have said to me quite readily that they do not allow their children to watch the news of an evening because of the content that is in the news, the things that they would have to see and witness. As we know now, every telephone is a video camera, and news stations are quite readily using the average mum and dad videos capturing incidents and putting them on the news. So we are seeing a lot more in-depth content in terms of what is happening out in the community through those videos that get supplied to those news agencies.

What we are seeing is news items that are much more graphic than they have been in the past. It has got to the point now where there should be a rating system applied to the news. I think most of the segments that are the first six or eight or 10 different news elements are quite often disturbing and would probably carry a rating that would not allow most children or young people to watch the news. That is really disappointing, but I do not blame the news stations in that they are just covering the news of the day. They are covering the stories that are happening, whether it be around the suburbs or whether it be out in regional Victoria. Unfortunately, increasingly we are seeing a situation where the news is about tragic situations that have occurred. I think over the last four years, it has been even more prevalent — we are seeing a whole range of crimes that we were not seeing much of previously. It has got to the point now where people in the community are very frightened about whether they are going to be the next statistic when it comes to being a victim of crime.

I was talking to a gentleman just last week who works in an office in the city. I think there are about 20 or 30 people who work in that particular office. He was saying that some of the administration staff within that business quite often talk about how they are very scared about someone climbing through their window or coming through the back door of their house while they are at home. He said they often see it on the news and it is starting to be the conversation at the water cooler, so to speak, in talking about how they fear that they could

be a victim of such a crime. It would be horrendous. I think it would be one of the more horrendous crimes that you could experience, if you are in your home with your family, with your husband or with your wife or partner, and your children are in another room, upstairs or downstairs, or wherever it might be, and you have an invasion of your home at night-time when it is dark.

As we have heard previously, quite often they come in and they demand cash or jewellery or whatever other valuables that they can get. They smash up the house, terrorise the people who are there — quite often there are assaults involved. As Mr Finn said earlier, one of the standard practices now for a home invasion is that they steal the keys to the car, take off with the car, and then go and commit a whole range of other crimes with that stolen car. A few days later that car will be used in a crime somewhere else, and then quite often it will be just abandoned after it has been virtually wrecked or taken to some quiet area where they set it on fire to try and cover their tracks. Too often we are seeing that situation occur.

Only in more recent times has it become a frequent phenomenon in this state. Even carjackings, where someone is driving down the street, and there is sort of the same modus operandi in terms of a little bump at the back of the car. You pull up to exchange details for insurance purposes and all of a sudden the person has demanded your keys and has taken off with your car, and quite often the other car has been stolen as well, and then your car is used for other crimes. Increasingly that has been the case. It is a real problem and it just does not seem to be going away. In fact, it is getting worse.

I think the law and order debate is one that will be a significant policy issue as we get to the next election, and it rightfully should be. One of the things of concern for governments above just about anything else is their duty to ensure that people feel safe in their own home, feel safe in their own community and feel safe in their own state. I am not sure that is the case for many, many people in Victoria today, and that is a sad reflection, because I think we have all got the right to feel safe in whatever conduct or whatever activity. And particularly when we are in our homes, we should have the right to feel safe in our own home.

At the moment there is too much of a view out there that if someone does commit a crime, it is too easily dismissed by the justice system and true justice is not served. I think there is a community sentiment out there that people are getting away with crimes and not having a sentence or a punishment that is fitting of the crime that was committed in the first place. Increasingly I think there is a mindset that if you do a crime in this

state, you are going to get a slap on the wrist from the justice system.

Mr Davis — If that.

Mr O'SULLIVAN — Mr Davis says, 'If that'. I think that is twofold. The community certainly think that, but then the criminal or the potential criminal thinks, 'I'll get away with that, but if I do get caught I'll get such a slap on the wrist that I might have a small penalty, but then I'll be able to go back to business as usual for the next one'.

I was just doing some research in relation to some of the areas in my electorate and what has been appearing in the newspapers recently. I will not go into a whole lot of detail, but in Shepparton on 16 August:

Tatura Police have arrested and charged a Mooroopna man with counts of burglary, theft and criminal damage.

On 30 July:

The homicide squad has taken over the investigation into the death of a man in Shepparton on Friday night.

Another one in Shepparton on 31 July:

A targeted attack on a Shepparton business has pushed the owners to breaking point.

These stories just keep coming up again and again and again, so this is an issue that is not just relevant to the metropolitan areas. It is also occurring in country areas.

In another area that I have got an interest in, Mildura, there was a story that was in the media in just the last couple of days. The headline is, 'Pregnant woman threatened with screwdriver in carjack bid'. The story went on to say:

A pregnant woman feared she was going to be stabbed if she did not follow the demands of a man during an attempted carjacking while her two-year-old daughter was in the vehicle ...

The person who went to court over this pleaded guilty to attempted aggravation and carjacking and attempted to commit an indictable offence while on bail. I am not sure that would surprise too many.

There was another situation up in Mildura just in the last little bit. There was an armed robbery at On The Run service station in Irymple on 13 July 2018. Just before 2.30 a.m. three masked men, one armed with a firearm, entered the store, threatened the female attendant and demanded cash. These sorts of things are not one-offs. They are happening too regularly in this state.

But one area that I do want to focus on is another situation that happened in Mildura in May 2016. There was a lady by the name of Karen Belej whose partner, Brandon Osborn, obtained a handgun that had had all its identification numbers scrubbed off. He placed a bullet into the pistol, pointed it at Karen Belej's head and pulled the trigger. She was killed instantly. Mr Osborn was a prohibited person because he was subject to an intervention order, so he should not have been able to get a gun in the first place, but obviously he did not try to obtain one legally — he got one illegally that had had all the numbers scrubbed off it. Mr Osborn was originally charged with murder but in a plea bargain his charge was downgraded from murder to manslaughter. The maximum sentence for manslaughter is 25 years, but unfortunately in this case the minimum sentence is nine years. With parole, that comes down to six years. So this fellow who shot his partner in the head with a pistol will serve six years before he is eligible for parole. He has been in jail for a while already, so he will be eligible to get out in 2022.

This is an absolute disgrace, and it is an absolute burden on the family that is beyond belief. They have just recently gone to the Director of Public Prosecutions and appealed the sentence to the Supreme Court. Unfortunately the Supreme Court brought down its judgement today dismissing the appeal. While the court said the sentence applied to Brandon Osborn was somewhat lenient, it allowed it to stand. My understanding is that the family had no input into the downgrading of the charge from murder to manslaughter as part of a plea bargain.

These sorts of situations exist and are manifestly unjust. As I understand it, this family were in Parliament today. The member for Mildura in the Assembly, Peter Crisp, has been working with this family very diligently over a period of time trying to comfort them and to help them find justice in what is sometimes an unjust world. I think this is a case that everyone who looked at the detail would say is very unjust — that someone who is a prohibited person and subject to an intervention order could illegally obtain a pistol that had all the serial numbers ground off it, pull the trigger and kill a woman instantly. Karen Belej was her name. It happened on 1 May 2016.

I feel for the family. The whole of the Mildura community is upset by this whole scenario and incident. The family do not believe they have got justice. They are considering going to the High Court to try to find justice. I do not know whether that is the solution for them, but it is certainly something that they would like to explore because they feel that they have

not got the justice that they should have been able to get for Karen Belej.

So in terms of my contribution today I ask everyone to remember Karen Belej and her family and her story. They are the victims of crime that we really need to take into consideration when we are considering these types of issues. This bill is not going to solve that sort of issue completely. It takes a little bit of a step forward in terms of being able to recognise the impacts on the families, but we have got a long, long way to go in being able to deal with these issues effectively.

Mr DAVIS (Southern Metropolitan) (15:56) — I am pleased to rise to make a contribution to the debate on the Victims and Other Legislation Amendment Bill 2018. We know that in this state crime is a very serious issue and that it is becoming more and more serious under this government. We know that the crime rate has gone up significantly since the change of government in 2014. We know that violent crime and assaults in particular are up by about 17 per cent since 2014. We also know that when it came to power the government relaxed key penalties and key arrangements on bail and parole in some significant areas. There has been a very soft-on-crime approach taken by the Daniel Andrews government, the Labor government, that came to power in 2014. This bill is a tiny step back, a tiny crab step, from the weakenings that they have put in place over the last three and a half to nearly four years.

This bill does make changes to the Victims' Charter Act 2006 with certain requirements for communication with victims, certain requirements regarding victim impact statements, a recognition of complaints by victims to a greater extent and the review of victims' experiences in summary proceedings for criminal offences. It does give some greater authority to the victims of crime commissioner, but the key point here is that this is just a step and it is a step back from where the government was. It is one step in the process that will need to occur to make this state safer given what has occurred over the last nearly four years under Daniel Andrews and his government.

What I would particularly say is that we know that we do have significant problems with carjackings and home invasions, and I know of some in my electorate. I have seen some of the results of these close hand. I can report, for example, a visit to a group of Chinese students in Ormond and the terrible home invasion that occurred to them early one Saturday at about 6.00 a.m. Glass was broken and a group of full-fee-paying overseas students were attacked and their house ransacked and there was significant theft. Many other terrible things occurred in that incident, I have to say,

that shocked me when I actually went to their house, met the boys and heard the stories first hand. I do not think anyone can fail to be moved by what occurred.

I know that elsewhere in my electorate jewellery robberies have occurred at Tony Fialides's shop and others. These have been very significant impacts. We have seen the rise of gangs in Melbourne, and it does appear that the government — Daniel Andrews, his police minister and others — have been afraid to use the 'gang' word; they are very reluctant to actually describe a gang as a gang. A gang is a group of people in this context who are doing criminal activities in an organised and cohesive group, and it is my contention that we do have a problem with gang violence.

We know that the incident that occurred at Taylors Hill in recent weeks was a shocking incident, where 100-odd people gathered. Yes, a number of them were in fact African community members. You would not want to blame all African community members of course because most of that community are law-abiding and decent people, but there is an issue with gang violence in that particular community. One resident of Bronte Way in Taylors Hill told the *Age* that police were roaming the area and a helicopter was overhead and that:

This has happened multiple times ... but it hasn't happened for a good four or five months ...

That's the reason we have roller shutters now. I'm not opening the door. I was told by police to get inside ...

Another neighbour said the Wednesday night clash was the worst yet:

We've been here nine years and this is the worst yet ... You build a nice house in a nice area ... you don't want to start seeing things like that, where is it coming from?

That is right. The use of horses was entirely appropriate in that circumstance to actually regain control of the streets and send a very clear message. But that set of images has gone around the world. It is a very unfortunate image for Victoria, but it is all because Daniel Andrews has allowed a weakening of the crime arrangements, a weakening of bail, a weakening of parole and a weakening of penalties and has failed to respond to the Court of Appeal's very unfortunate set of decisions removing baseline sentencing.

I know that even today, 23 August, at 10.28 a.m. the Herald Sun online ran a story:

A group of 'resilient' reoffenders is being arrested repeatedly in the western suburbs as police tackle crime in the area.

Victoria Police's chief commissioner Graham Ashton said they had been trying to get on top of the issues in the Tarneit area and surrounding suburbs.

'We are continuing to arrest the same people ... again. That core group are reoffending' —

let us be very clear: this is the police commissioner saying that.

'They are pretty resilient and like to reoffend', he told 3AW this morning.

'We need to get hold of the young bucks who have done this latest one and get them in custody. These offenders are African-Australian'.

The article goes on to say he:

... was speaking following a disturbing aggravated burglary in Tarneit last Friday where a woman was bashed after a machete-wielding gang attacked her in her home.

The 34-year-old woman parked in her garage on August 17 and was followed inside by four young men of African appearance, who ransacked the house.

These are the sorts of incidents that we are repeatedly hearing of in our state today. These are very serious incidents, and I think the community has every right to be afraid and concerned about what has occurred. It is not just in the western suburbs, it is in the south-eastern suburbs, it is in the northern suburbs and it is in my electorate of Southern Metropolitan Region, as I said. I talked about the example in Ormond, but I want to talk about —

Ms Crozier interjected.

Mr DAVIS — I have mentioned jewellery already, and I know that this is a shocking outcome that has occurred. It is not just in those suburbs that I have mentioned, it is also very near to my electorate office in South Yarra. There was the terrible incident — the alleged hit-and-run — in South Yarra the other day in which a Dutch tourist, 27-year-old Gitta Scheenhouwer, was knocked down and tragically killed. When you see the pictures of the young woman and think of what a fabulous life she had ahead of her, you can only feel incredible sympathy for her partner and for her family, who came here. I want to put on record my concern about the terrible thing that happened here. An article says:

Ms Scheenhouwer was struck and knocked from her bike at South Yarra in what police allege was a hit-and-run.

The driver ...

and I am not going to mention his name; it is mentioned in the paper, but I am not going to mention it, obviously, because this is now sub judice —

allegedly hit her in a stolen Mercedes-Benz before exiting the vehicle, grabbing his belongings from the rear seats and fleeing without checking on her.

She died at the scene and ...

this individual —

was charged with culpable driving, failing to stop after a collision, failing to render assistance and negligently dealing with the proceeds of crime.

He has been remanded in custody to face the Melbourne Magistrates Court ...

Ms Scheenhouwer's family pointed to the 'overwhelming sadness' of their loss. I can only think this is a person who came with her partner to Melbourne to live for an extended period because she loved this place, and now her family has had to endure this terrible outcome. They said:

For her, this was the best feeling in the world. What most others thought to be impossible and only dare to dream of, Gitta had succeeded.

She enjoyed life to the fullest and lived it 100 per cent and more.

Bystanders rushed to the aid of Ms Scheenhouwer after she was hit, but she could not be revived. This was on the corner of Grosvenor Street and Chapel Street, an area known to those members of Southern Metropolitan Region here very well indeed. The bystanders who came to the scene tried everything they could.

These examples that have occurred, in this case in Stonnington, make my mind go back to the significant motion that was moved in this chamber last year. I am going to read this:

That, given the 22.4 per cent increase in crime in the City of Stonnington under the Andrews Labor government, the general disorder, attacks and threats to residents and traders in particular in Chapel Street, Greville Street and Toorak Road —

precisely the same areas that I have just been referring to —

and the lack of local police resources, this house calls upon the Andrews Labor government in consultation with Victoria Police to —

- (1) act to immediately increase available police resources at the Prahran police station, including the provision of an additional available police car —

and it was very clear to me from public meetings with the police that there was an inadequate number of cars in the north of the City of Stonnington; there was one over in Malvern and one in the north through that Toorak Road area —

- (2) commit to the provision of expanded CCTV capacity in Chapel Street, Greville Street and Toorak Road;

- (3) immediately reopen the police cells at the Prahran police station closed by the current government in June 2015 —

and they have been reopened, I understand, and that was in part a response to direct pressure put on through this chamber, through local publicity and through an FOI that we did that actually shamed this government into reopening those police cells —

- (4) commit to a local policing policy where additional police are available on the beat in Chapel Street, Greville Street and Commercial and Toorak roads and in the surrounding residential streets ...

And the motion which I put to this chamber called upon the Minister for Corrections, as the minister representing the Minister for Police, to report to this house in detail on the government's response to this motion within 60 days of its passage.

I am not aware of any response by the government, but I am aware of some of the terrible incidents that have since occurred. I cannot think of a bigger wake-up call for the government than a formal motion being passed by this chamber in this Parliament to point to these concerns and problems. Now what we find is that the government does not seem to have taken these matters as seriously as it should have; it does not seem to have acted in the way that it should have. I for one remain very concerned. I have the highest regard for the police and their efforts, but I know that there are real problems with the way steps occur when they go to court, and as the chief commissioner pointed out in that article just today, there is this cycling and preparedness by some of these reoffenders to be repeatedly arrested, and they do not take it seriously. We know that some of these offenders are in fact thumbing their nose at the police. They know that it is very hard for the police to get the convictions that will actually put them away and keep them away for a decent period of time.

I know some in this Parliament, in this chamber, find the comments by the opposition on this area concerning because they do not like a tough, clear message on crime. I know that the Greens and others have a much weaker position on crime. I know that in this same area of South Yarra, Sam Hibbins has had some of the weakest responses on crime, and I know that some of his statements in the lower house — because I have read them — would shock most people in the weakness and vacillating attitude that is behind many of his statements and comments.

I think we do need tougher measures on crime. When the opposition sought to bring a bill on a no body, no parole basis to this chamber we had a disgraceful lack of support from the Greens on that occasion, and that is an example of their weakness on some of these crime matters. They do not like a tough-on-crime approach. They want a weak-on-crime, a soft-on-crime approach, and Mr Hibbins typifies that, despite many of these terrible things occurring in and around his electorate of Prahran.

There are significant crime increases in that electorate, in that area, and the truth is that we do need to be very concerned about some of the outcomes there. We know that the number of crimes is up in South Yarra very significantly. We know that the number of crimes is up in Prahran very significantly. For example, under this government in South Yarra violent assaults are up 21.1 per cent. In St Kilda East they are up 39.88 per cent over the period of the Andrews government. So we have a rise in these crimes. We have a change in tone in these crimes. Daniel Andrews does not appear to care, and I have to say the Greens do not appear to care either.

Ms MIKAKOS (Minister for Families and Children) (16:12) — I am very pleased to be able to rise and speak on this bill, and can I begin by saying that this bill largely deals with two distinct issues. One relates to the historical child welfare care and protection application records issue, and then there are a number of victim reforms in the bill that largely come out of our response to recommendations made by the Victorian Law Reform Commission.

I want to spend a little bit of time in summing up the debate by focusing on that first issue relating to the historical child welfare care and protection application records issue, because this is a matter that I also spoke about some time ago, back in November of last year, when we had a motion before the house. Can I begin by saying that our government acknowledges the serious injustice of the historical practice of effectively criminalising children when they were in need of care. At the time that we had this debate in this house in November last year I referred to the work that was done by the Woor-Dungin criminal record discrimination project that brought this issue to the attention of Attorney-General Martin Pakula and the work that they had done in particular in highlighting the case of Uncle Larry Walsh. I am pleased to see that Uncle Larry Walsh's situation is referred to specifically in the Attorney-General's second-reading speech in terms of the terrible injustice that he faced personally in discovering a criminal conviction going back to his time as I think a two-and-a-half-year-old in 1956, which is an extraordinary thing for all of us to

contemplate — that a child at around the age of three years of age would have effectively had a criminal conviction recorded at that time.

I want to begin by acknowledging the advocacy work of the Victorian Aboriginal Legal Service, of Woor-Dungin, of the Victorian Aboriginal Child Care Agency, of the Care Leavers Australasia Network (CLAN) and of the many other organisations that have worked to bring this issue to the attention of the government, and I thank the Attorney-General for working with me and our two departments to address this particular issue.

In the motion that Ms Springle brought to the house in November I gave a bit of an outline of some of the history of what is a very complex area, and I just want to touch on that very briefly in the time that I have available to me. I talked about how prior to 1986 the Children's Court did not have a separate family division relating to child protection matters and a criminal division as it does now. From 1928 to 1954 children were effectively charged with being in need of protection, and if this charge was then found to be proven it was recorded in the same way as a criminal conviction. Some of the very antiquated language that existed in the Children's Welfare Act 1928 is really just quite startling and appalling to us now, but the law at that time did in fact make references to children leading an immoral or depraved life. This was the kind of language that existed at that time.

In 1954 the terminology was change under the Children's Welfare Act, and a child went from being charged with neglect to being the subject of an application that they were in need of care and protection. However, these new care and protection orders were still recorded in the same way as criminal matters. So it was not until 1986, following the child welfare practice and legislation review, that a new structure was established at the Children's Court that established these two separate divisions. So we had a situation, a terrible situation, where children had their matters recorded in such a way that there was no differentiation between the child welfare system and the criminal justice system historically, and in some cases the outcomes of care and protection applications were recorded on criminal histories and this led to children being treated as if they had convictions just because they were taken into care. These practices disproportionately affected Aboriginal people and exacerbated the terrible harm that they have faced through the forcible removal of Aboriginal children from their families.

I have already referred to the story of Aboriginal elder Uncle Larry Walsh, but I am certain that there were thousands of others who experienced a similar situation. Effectively this bill seeks to address this terrible historic injustice, and I am so pleased that there is in the Attorney-General's second-reading speech an apology that I wish to read into the record, because this is a very heartfelt apology from the government:

I would like to use this opportunity to apologise on behalf of the Victorian government for the significant personal and intergenerational harm caused by historical welfare recording practices. I would like to expressly acknowledge that these recording practices have had a continued impact on those affected, long after historical policies were remedied. I would also like to expressly acknowledge that Aboriginal children were disproportionately impacted by historical state welfare policies. As a result, Aboriginal children were also disproportionately affected by recording practices of the state.

The Attorney-General's speech goes on to talk about how what this bill seeks to do is to recognise the considerable and lasting harm caused by these recording practices. We acknowledge that we cannot fully address the harm caused, the humiliation caused, the embarrassment caused by people getting police check histories that recorded these matters as if they were a conviction.

No legislative amendment is able to do that, but the intent of this legislative change is to correct this injustice and make sure that we will confirm that the relevant historical care and protection orders are not to be treated as convictions or findings of guilt, and this amendment is designed to put beyond any doubt that people whose child welfare history is recorded in this way can accurately say to the world at large that these records are not a finding of guilt. This is designed to make sure also that there is a statutory obligation on responsible agencies to take reasonable steps to make sure that, if information is released, there is also contextual information accompanying it to address this issue, and Victoria Police is also taking steps to remove these records from the criminal record system.

It is important that we strive to acknowledge the wrongs of the past. I know that in her very heartfelt contribution Ms Springle talked about the great injustices that people have suffered in the past. I have had many conversations like Ms Springle has had and I am sure that other members of Parliament have had with care leavers, with members of the stolen generations and with those who have experienced terrible harm from past practices. We need to ensure that we address these issues to ensure both that the mistakes of the past are not repeated and that we learn from these mistakes and do a much better job for vulnerable children in the state's care today.

In her contribution Ms Springle made the point that she thought the apology in the speech was not adequate and that there should have been a separate occasion to make a formal apology to those affected by these past practices. I do think it is important to state for the record that we did engage in consultation with some of the groups that I referred to earlier around this issue. I acknowledge that perhaps this is not a view that every member of these organisations may well share, but the feedback that we got was that people felt that there was a sense of fatigue of having these separate apology events and we certainly did not want to cause distress to these individuals.

People would be aware, of course, that we have had a number of apologies in the past. I was proud to be a member of this Parliament in 2006 when then Premier Bracks apologised to Victorian care leavers. We had an apology to members of the stolen generations in 2008 and to the forgotten Australians and former migrants in 2009. I think it is also important to acknowledge that Prime Minister Turnbull flagged a national apology in response to the McClellan royal commission. I certainly hope that regardless of who the Prime Minister might well be in the near future such a national apology to the victims of institutional sexual abuse will occur in the national Parliament, ensuring that this is truly a national event. I certainly will be having conversations with members of the federal Labor Party to ensure that that happens when there is a change of government if it does not happen earlier.

It is important that I state that whilst we are committed to making sure that the mistakes of the past are not repeated, the apology contained in the Attorney-General's second-reading speech was a very heartfelt one. Symbolism is important, and I note that when former Premier Bracks apologised to former care leavers in 2006 he said:

The experiences of many of these children were distressing and have had an enduring detrimental effect on their lives.

The Victorian government believes it is important that these histories are known, are heard and are acknowledged. The government is working hard to ensure that those unacceptable past practices are never ever again experienced by any Victorian child.

We acknowledge that there have been failures with respect to many children entrusted to care. As a result of being placed in care, many of these children lost contact with their families.

The state, the churches and community agencies cared for thousands of children over the years. For those who were abused and neglected, the message we wish to give to them is that we acknowledge their pain and their hurt.

We are also committed to working together with survivors of abuse and neglect in care to promote the healing process.

We take the opportunity provided by the release of this report —

he was referring to the *Forgotten Australians* report —

to express our deep regret and apologise sincerely to all of those who as children suffered abuse and neglect whilst in care and to those who did not receive the consistent loving care that every child needs and deserves.

I think the current apology in the Attorney-General's speech, and also the language that then Premier Bracks used, is very fitting. I certainly will work to ensure that the organisations that have brought these issues to the government's attention do feel that the experiences of their members are heard by the government and are acknowledged by the government and that we draw upon those experiences to make sure that we can learn from past mistakes.

We certainly have been working very closely with many of those organisations, including with CLAN, to provide additional support to those former care leavers, who experienced a history of neglect and abuse, through the support that we have provided to those organisations. There has been support through Minister Hutchins's portfolio to members of the stolen generations. We are working to enable people to access records and of course our government was one of the first two states to sign up to the national redress scheme so that we can ensure that people have access to compensation through that scheme.

I also acknowledge that this bill does deal with a number of other very important reforms, and I am sure we will have an opportunity to speak further in relation to these matters as the bill goes into the committee stage. I just want to take the opportunity to thank all members for their contributions. I particularly thank Ms Springle for working with the government on this issue around the amendment that she is proposing to move in the committee stage. I want to make sure there is a shared commitment here across the members of Parliament to work together to rectify these terrible historic injustices through the passage of this bill. I look forward to speaking in more detail about the bill hopefully later today.

Motion agreed to.

Read second time.

Ordered to be committed later this day.

PREVENTION OF FAMILY VIOLENCE BILL 2018

Second reading

Debate resumed from 9 August; motion of Ms MIKAKOS (Minister for Families and Children).

Ms CROZIER (Southern Metropolitan) (16:27) — I rise to speak this afternoon on the Prevention of Family Violence Bill 2018. I note that there was a minute's silence in the Assembly today to mark a year since the former Minister for the Prevention of Family Violence, Fiona Richardson, died. I would also like to acknowledge the work of the former minister and her commitment to this area. It was very fine work that she did. As I have said previously in this place, I had a very good working relationship with Minister Richardson. I know she was very dedicated and committed to her work in the area of family violence. I am sure that government members will also be recognising her, but I wanted to also acknowledge her work. It is also a reminder to all of us with loved ones who are battling cancer and who die too young: they leave behind such huge holes in the hearts of family and friends.

The purpose of the bill, as it states, is to establish the family violence prevention agency and to provide for the functions, powers and duties of the agency; to establish the board of the family violence prevention agency and to provide for the functions of the board; and to provide for the appointment of the chief executive officer of the family violence prevention agency. I note that that appointment has already been announced and that acknowledgement was made a few weeks ago in relation to that announcement. The press release from the Premier of 19 June talked about the agency and how it will be called Respect Victoria. He also laid out what the agency would be about. I note that the CEO is Melanie Eagle, who had a former role with Hepatitis Victoria. She is obviously well connected to former members of this place and obviously to the government. I am sure that Ms Eagle will conduct her duties as required and in relation to what the expectation is.

This bill, as the minister said in her second-reading speech, fulfils recommendation 188 of the Royal Commission into Family Violence by creating an agency that will be the first pillar of the government's primary prevention strategy. That is what the government has stated, but I am not sure that the royal commission's recommendations went that far in relation to enshrining such a body in legislation like this. Certainly Family Safety Victoria was not

enshrined in legislation. Recommendation 188, and I will read this into *Hansard*, is that:

The Victorian government resource an initiative (either inside or outside government) [within 18 months] to:

oversee prevention of family violence activities in Victoria;

provide policy and technical advice to policymakers — including government — on primary prevention;

provide to organisations technical advice and expertise on building primary prevention in their organisations and within communities;

coordinate research that builds evidence around the primary prevention of all forms of family violence;

ensure that accredited workforce development training in primary prevention is available through registered training organisations.

This Victorian initiative should be undertaken in close collaboration with Our Watch, ANROWS (Australia's National Organisation for Women's Safety) and other relevant bodies.

That is recommendation 188 of the Royal Commission into Family Violence. Of course the royal commission's report findings were handed down in March 2016. This bill, as I said, undertakes to do a number of things, including to establish this agency and provide policy advice. Later in my contribution I want to raise some points about various aspects of the bill because, as we know, some elements of it have already been undertaken.

The bill talks about a number of things. Of course family violence comes in various forms. We have the Family Violence Protection Act 2008 here in Victoria. That act sets out the meaning of 'family violence' as follows:

For the purposes of this Act, *family violence* is—

- (a) behaviour by a person towards a family member of that person if that behaviour—
 - (i) is physically or sexually abusive; or
 - (ii) is emotionally or psychologically abusive; or
 - (iii) is economically abusive; or
 - (iv) is threatening; or
 - (v) is coercive; or
 - (vi) in any other way controls or dominates the family member and causes that family member to feel fear for the safety or wellbeing of that family member or another person; or

- (b) behaviour by a person that causes a child to hear or witness, or otherwise be exposed to the effects of, behaviour referred to in paragraph (a).

That includes those areas that I have just described. The act goes on to describe what it means in terms of causing injury to a family member. It is very explicit.

We know that there are far too many instances of family violence. There were over 76 000 family violence incidents in the past year reported to Victoria Police. Many, many others — probably thousands — go unreported. Who knows? There are a lot of areas where we do not know where the violence is happening, in all sorts of forms — whether that is in various cultural groups where they may not fully appreciate how the reporting mechanism may work or their obligations to report or what that would mean in terms of their own safety or their child's safety — as well as there being a fear of reporting. I think we have got better at that over the past few years with the education and the highlighting of this very important issue.

As I have said a number of times in this chamber before, the work of Rosie Batty and the very high profile status she achieved after publicly coming out and talking about the tragic circumstances of the death of her son, Luke, as well as her elevation to Australian of the Year and being acknowledged in all forums for the tremendous and brave work that she has done has given a lot of women in particular the confidence to come out and report the violence and abuse they have experienced from their partners.

We also know that far too many women die each week. In recent times we have seen very tragic circumstances occur here in Victoria, in some instances within a couple of weeks. Far too many women are dying at the hands of very violent partners. These are crimes; these are heinous crimes. Let us not forget what it is: it is a heinous crime. The death of someone in those circumstances is —

Mr Ondarchie — It is murder.

Ms CROZIER — Well, it is, Mr Ondarchie. It is murder. Far too often it is just not called out for what it is. These are very serious crimes, and the perpetrators need to be held to account. The community also needs to understand that they should be treated as such — as committing what are heinous crimes.

I have heard too many stories from victims who have told me about their horrendous circumstances and of near-death experiences, whether that be through sheer physical abuse — broken bones or strangulation — or

where they have had to escape. That is one of the reasons I, together with Matthew Guy, announced our Right to Ask, Right to Know disclosure scheme, because of the bravery of Samantha Handley, who I have also spoken about in this chamber, and her experiences at the hands of a very abusive partner and how she escaped that abusive partner through sheer determination. Terrifying circumstances, the stories of what she experienced and how she felt very guilty in a way that she put her children at risk by not knowing just how abusive her partner had been in the past and about his criminal past.

That was why it was a very significant announcement. It is working in the UK. It is working in New Zealand. It is operating in New South Wales and South Australia, and I still do not understand why the government will not come on board and support such a practical, sensible measure that will keep women safe and save their lives. Just saying 'It was not a recommendation of the royal commission' does not mean it should not be considered. The royal commission did a lot of good work, but it was not a panacea to solve all of these issues. It has not stopped all of the women dying. We have got far too many women still dying at the hands of these criminals. Let us just call them out for what they are: they are criminals. It absolutely needs to be talked about in those terms. Again I implore the government to change their attitude to this and to support our policy that will save women's lives.

I also know that the many agencies that are doing tremendous work in this area are looking to the government's investment. They have been very buoyed by the government's investment and the words that they have spoken in relation to their support. But again their frustrations are boiling over because of how it is happening and the demands that are unmet. I have spoken to many of those agencies, and they have indicated to me that they need more resources.

Safe Steps had over 105 000 calls, I think, last year — a 10 per cent increase or thereabout from the previous year. Those resources, they are saying, are coming online, but there is a lot of work to be done here. It is not just this government who has the moral authority on family violence. This issue is being looked at by governments at all levels and has been for some time — for many years. In fact it started in this state back in the early 2000s and has worked through subsequent Labor governments and certainly through the former Baillieu-Napthine governments. I will place on record again the work of Mary Wooldridge in this house and Robert Clark in the Assembly who did significant work

in this area — at the time it was the largest investment the state had seen in some of these issues.

I want to just read this. It states:

Family violence and sexual assault impact negatively on the physical and mental health of women and children. Women living with violence can become isolated, unable to reach out for and receive the support that they need ... Children are also deeply affected. When violence is directed at them or when they are otherwise exposed to it, children may be unable to participate fully in education, sports or social events.

The impacts on children cannot be underestimated in this, and I think we all agree with that. They witness it, they see it and they can be firsthand victims of the violence that I spoke of. Samantha Handley's children experienced that violence at the hands of the perpetrator — the bruising that those tiny children had and the excuses that the perpetrator made, 'Oh, no. It was just a bit of rough and tumble — they fell over'. No, it was not. It was far too rough handling. That can escalate, and as we know, there have been tragic circumstances of children dying at the hands of family members and loved ones. This same document goes on to say:

Our vision is for women and children to live free from violence in Victoria.

Given the extent and complex nature of violence against women and children, our long-term vision is underpinned not just by actions over the next three years, but by directions for the future. Our plan is an important foundation in a longer journey to realise our vision.

We want a future where men do not commit violence against women and children.

We want a future where women do not experience any form of violence by a partner, husband, father or family member and where children do not witness or personally experience violence.

We want women and children in Victoria to be able to realise their potential and participate fully in all aspects of their lives.

To achieve this, women and children must feel and be safe — within their relationships, families and communities.

That was said in 2012, and that remains the case. You might well be hearing what the government is putting out in their media releases. It is the same sort of words and rhetoric. This has been done. That is my point. You do not, government, have the high moral ground or a moral authority in this, because many governments in the past have undertaken very good work.

This document I am referring to, *Victoria's Action Plan to Address Violence Against Women & Children: Everyone Has a Responsibility to Act*, was a very sound foundation for a lot of the issues that we are still

discussing and debating today about prevention, about engagement, about promotion and campaigns and about all of those issues that the government is now rolling out. We had a plan here, a very significant plan. Yes, we have had a royal commission that has made recommendations, and yes, the government has said that they will implement all the recommendations. But as I have just indicated, recommendation 188 is not exactly what this bill sets out it is to be.

This plan from 2012, which is very comprehensive, talks about a whole range of things in relation to assisting organisations to promote gender equity and stop violence, engaging organisations and communities in that task. It talks about toolkits, about prevention, about campaigns and about regional action plans, because this violence does not just stop at the metropolitan borders — it is far too prevalent in country areas as well. We had some excellent programs. Mr O'Donohue has just walked into the chamber. The preventative community plans he undertook as Minister for Police gave local communities a real ability to tackle this at a local level. A very high level approach could be lost in some of these regional areas.

I will come back in a minute to what the bill lays out and what it seeks to address. I am sure the government will say, 'That is what this bill will do. It will go into local areas and undertake what you have just said'. My point is that there were these services; they were on the ground and they were happening. But that was six years ago and we are still talking about the same things. I think we have got to show a little bit of understanding about the initiatives that were undertaken and about what had been done, and perhaps what has been lost in the process with this government's focus.

Sadly, in four years the numbers of family violence incidents and the numbers of women harmed have not gone down. They have not decreased; they have gone up. One woman a week across the country, sadly, loses their life. It is nobody's joy to say that. None of us in this chamber think that is acceptable, I am sure. All of us want those numbers to decrease. All of us want action taken and for perpetrators to be held to account, and sadly that is what some of the issues are about.

Here in Victoria, as I mentioned, we have many, many women who are victims of family violence. We have many people in same-sex relationships who are victims of family violence. We still do not know the numbers. Yes, we had a royal commission, but collecting that data I think is very important. That is what we need to understand. We need to look at that. It will be over the long-term that we understand what is going on, to give

people the ability to come forward and talk about their abuse. It happens, but it goes unreported.

Men are also victims of family violence, because their female partner may have a mental illness or they might be drug affected. Those people are also under-represented; they are not spoken about. We know there are causal factors — mental health as I have just mentioned and drug and alcohol abuse; I do not think you can deny that. There are cost-of-living pressures — the financial pressures that people find themselves under are leading to significant abuse because people feel under pressure.

I heard yet another story: 'We were having our first baby, and I went out and got a second job. I couldn't cope, and I took drugs to try and cope with the two jobs and to get the household in order'. Something changes, and that is when they start taking drugs. Something seriously changes and violence starts slowly and then becomes worse and worse. We hear very chilling stories about the escalation of violence. It is just not acceptable. We have been saying for years that violence is not acceptable in any form — behind closed doors, in our communities or on our streets. It is not acceptable in any form.

That message has to get out. The message to these perpetrators needs to get out. The judiciary needs to show these perpetrators that it is completely unacceptable. The strongest thing these people can be told is, 'That is unacceptable'. How can somebody put a blowtorch to a woman's hand and burn off her finger in a most violent crime? It is control behaviour, and having committed that heinous crime, he got six months. This is what we are talking about. That is the wrong message to send to people. He should have had the book thrown at him, big-time. That is just appallingly weak sentencing and an appalling message to send to perpetrators: 'Don't worry about it. You can maim someone for life'. He burnt her finger off, and there is not only the pain and the torment she suffered but the mental anguish that she will carry for the rest of her life. And there is a reminder when she looks at her hand because half her finger is not there.

Mr Finn — It tells us a lot about the attitude of the legal community.

Ms CROZIER — Indeed, Mr Finn, and people have had enough of that too. They want these perpetrators to be held to account, and that is why I am very pleased that a Guy government will send that message to the judiciary, because by jingo this government has not. It has done nothing. It has been weak.

You cannot ignore the drivers of this dreadful, dreadful violence. The government will look at all this through a gender lens and say it is gendered violence; everything is gendered violence. There is no denying that the vast majority of people who are committing these horrendous crimes are men, but there are other issues and drivers for why men are doing it, and I think we have not had that debate enough. We need to have that debate more and more. Why are these horrendous crimes happening all the time? Because the statistics are telling us they are.

If you look at Domestic Violence Victoria statistics, they show that. We all know there are massive economic impacts to this: the loss of the ability to work and the loss of income, with somebody having to spend days in court trying to argue their case against a perpetrator who got off lightly and is back on the circuit. I think Victorians need to say, 'Yes, we want a stronger judiciary, to send a message to these people'.

I want to go back to the bill and the various aspects I want to raise. I will say unequivocally that everything is seen through a gender lens. The government is introducing in the bill a new definition of violence against women, but in my opening remarks I spoke about the Family Violence Protection Act, which applies to anyone. It is not just about violence against women; it is about violence against the person. Surely to goodness all those things — physical or sexual abuse, emotional or psychological abuse, economic abuse, threatening or coercive behaviour — are in the Family Violence Protection Act. That should apply to anybody, not just to women.

The government is legislating on violence against women. It is introducing a new definition, but it is already covered in the Family Violence Protection Act. This bill introduces into law a new concept of gender-based violence. What is next? Are we going to introduce male-gendered violence or gender fluidity-based violence? I do not know, but the government has started it. It is already covered in the Family Violence Protection Act, so it is completely unnecessary. But as I said, this government is hell-bent on doing this. I think the approach needs to be one where no violence against any person, especially women, is tolerated.

I agree with everyone about respect. Where is the respect? Where is the respect for the person, for women, or for anyone for that matter? Because if we do not have basic respect and regard for one another, then we start to see what is happening in our community. We are seeing that in all sorts of forms, not just in family violence but on our roads with road rage. There

is no respect for anyone. There is no respect for authority. People are thumbing their noses at the police force. Certainly there is an inability among people to show decency and respect towards one another. I think it needs to be going back to the basics. I am talking about the basics — the basics in our homes, in our schools and generally in our community — where we need to have that respect.

As I said, there are far too many children who are affected by family violence. If you look at the stats, if you look at what we have got here in child protection, invariably many of these children in child protection — many of them, not all of them — are victims or have been living in abusive relationships, yet we have got 110 000 notifications to child protection. We have got thousands of children who do not even have caseworkers. What hope is there for those children if they are victims of family violence and they do not have caseworkers or the support they need so they do not get on that treadmill and go further into the abusive relationship? Surely that should be fundamental. That should be the priority. Get that right, get those things right. We really do need to have a look at what is going on, and child protection is a huge concern. How many of those children that do not have caseworkers have witnessed family violence? How many? Probably most of them.

Ms Mikakos — How come you didn't care about this issue when you were in government?

Ms CROZIER — Ms Mikakos —

Ms Mikakos interjected.

Ms CROZIER — I will just take up the interjection. The figures are there. Ms Mikakos is talking about her responsibilities. We know she has failed in youth justice, and she is failing in child protection. Over 2000 —

Honourable members interjecting.

The ACTING PRESIDENT (Mr Morris) — Order!

Ms CROZIER — Thank you, Acting President. As I said, there are far too many children in this state without caseworkers, and many of those probably have witnessed family violence, but the minister might try to deflect her failures. She has been in her seat for four years. She has failed in many instances.

Honourable members interjecting.

The ACTING PRESIDENT (Mr Morris) — Order! Thank you, members. Mr Ondarchie and Ms Mikakos.

Ms CROZIER — Thank you, Acting President. I know the minister, with her interjections, is very sensitive about these issues, but the facts are there.

Ms Mikakos — No, I am just giving you the facts.

Ms CROZIER — Well, the facts are there. How many children are out there without caseworkers, Minister?

Ms Mikakos interjected.

Ms CROZIER — I do not care about the allocation; I want the numbers. To say that we did not care — that is your attitude. The problem with you is your attitude is just so, so arrogant. Your arrogance is palpable. I will go back to the point of this bill —

Ms Mikakos — The family violence sector thought your government was appalling.

The ACTING PRESIDENT (Mr Gepp) — Order! Can I suggest, Ms Crozier, that you make your remarks through the Chair? And could Ms Crozier be heard in silence, please?

Ms CROZIER — Thank you, Acting President. I am very happy to continue with this. As I said, I think there is a proud legacy in what the former government did do. I read out that document, a very comprehensive document, that was about making inroads. It was working under previous governments. Unfortunately, due to this government's approach we have probably lost many years of that good work. In saying that, those agencies that are out there are still doing exceptionally good work, as are all those people that are working on the front lines. It is very difficult. It is very complex work, it is very challenging work. But again I say if you just look at this bill and what it is doing, it is introducing a new gender-based violence, and I question what is next in relation to that.

The bill also allows regulations to be made at a later point ascribing other functions to the agency. If you look at the various elements of this agency and how it is set up, if you look at the bill, on the surface it sounds okay. But as I said, we have got Family Safety Victoria that is not enshrined in legislation. We have also already got a number of preventative agencies like Our Watch and Australia's National Research Organisation for Women's Safety. Our Watch was set up by the former government under then Minister Wooldridge. It had wide support across the sector, and I think it still

does. I am sure that Ms Mikakos was quite right in relation to her earlier comments about what the sector thought, but I would have thought that Our Watch was an initiative that was widely embraced. It does take on this function of preventative measures, so I will be wondering about how that will perhaps actually operate into the future if this body is overseeing all of the preventative areas.

In terms of that, as we have got a number of these bodies already in existence, what role will the department actually play? We have got thousands of people in that department. They are looking at these areas, they are working on the ground, they are talking to stakeholders and agencies and they are also providing advice on policy. So what role do they have? It is really unclear how that will play out with this agency. The bill, under 'Functions and powers of the Agency', says it will provide advice to the minister on the funding of programs and the programs carried out in accordance with this act. It then goes on to stipulate how it will make grants on approval, but it also talks about the ministerial guidelines and a business plan. The minister from time to time may issue guidelines and then the secretary from time to time may issue guidelines. It seems to me that the government has put this bill together in a rush — 'Quick, we've got to get these recommendations rolling out because we promised we'd do that'.

Mr Finn — 'There's an election coming. We have to show the people we've done something'.

Ms CROZIER — There is an election coming. That is right. They said that this was their signature policy, which it was. They all acknowledge that. They had a mandate to do it.

Mr Finn — When did they say that?

Ms CROZIER — Well, they did it at their conference. I think they said they would have a royal commission. Nevertheless, Tim Cartwright, who is the implementation monitor, actually made a very good point to the government — and I am paraphrasing here: 'Take a deep breath. You don't have to get all these out, because it is complex and detailed work that will cost billions and billions of dollars. You need to get it right because it's taxpayers money here that you are spending in your rush to get these recommendations out. You need to get the priorities right of what is going to make a real difference on the ground in protecting those women and children that we've spoken about, who significantly are the victims, more often than not, of family violence'. So I ask how this was put together, because there seems to be a lot of duplication.

I have spoken to the crossbench, the Greens and the government about my concerns that there is no provision in the bill for financial reporting except on the request of the minister. Now, most agencies will table a financial report and provide that transparency. The bill states:

The Board may, on the request of the Minister, prepare a report on the financial performance of the Agency during the financial year ending on the preceding 30 June.

We do not know how big this agency actually is going to be, how many subcommittees there are going to be or how much money is going to be expended.

Mr Finn — How many mates will be employed.

Ms CROZIER — Well, they have already started that, as I said. They have got their mates already rolling in. But why was that left out of this very important bill? Why was that not an obvious consideration? I will be moving an amendment to this, and I am pleased that I have the support of the crossbench, the Greens and the government for my amendment. But when I did put this to the government, the government said, ‘Well, we’ll support your amendment if you speak to that in the committee stage only, to expedite the passage of this bill’. I absolutely rejected that, coming from the government in such a way. I said —

Ms Mikakos — Because it is not necessary. The Financial Management Act 1994 already does that. It actually is unnecessary, but we are happy to support it.

Ms CROZIER — Well, it is not very clear and it needs to be clear. You might say that about the Financial Management Act. I have had a look at the Financial Management Act and, yes, it gives advice on how to do the reporting. But this clause says the board ‘may’; it does not say ‘must’. Other agencies, especially ones like this one, which is going to be a significant agency, need to be transparent to the Victorian people. Again I say that this was an issue that came to me from the government. They said, ‘Well, yes — if you expedite the passage of the bill’, which was pretty extraordinary, I thought. I said, ‘No. I’ll have questions in committee and I will be going through those, and I’m looking forward to the minister answering those questions in due course but also supporting that amendment’.

As I have stated, Family Safety Victoria was established as an independent administrative office within the Department of Health and Human Services to drive those key elements of the government’s family violence strategy. There is documentation — various reports, various pieces of communication on this — that

has been put out over the last few months. It is really clear that Family Safety Victoria has the responsibility for policy coordination and prevention strategies. It is part of their mandate. Again we have partly got a duplication with this in terms of prevention strategies, and it is different because it is not enshrined in legislation as Respect Victoria is. There are those aspects that I want to question. I will not go on too much longer in relation to what this bill does because I have got more opportunity in the committee stage. What I would say is that the government has, I think, rushed to put this bill together. There are some obvious duplications in it. I will be interested to see the minister’s responses to that.

As I said at the outset, it is important that we continue to work on the previous government’s work in relation to addressing the issues around family violence. Too many women are losing their lives, too many children are being subjected to really horrific violence, sometimes as secondary victims witnessing it but also sometimes as primary victims getting that physical violence, and sadly far too many children are also subjected to sexual abuse. I think that is very, very alarming, and I think we as a community need to be doing much more — partly by holding those perpetrators of these heinous crimes to account. I stated clearly in my opening remarks how I think this government has failed in taking this message to those perpetrators through the soft sentencing regimes that are out there, and there needs to be much more done in that area. I am very pleased that Matthew Guy, together with me and others, such as John Pesutto in the Assembly and Edward O’Donohue, have been leading the charge in that way.

This is not particularly related to this, but many of the ideas and bills that have come into this place — the no body, no parole legislation that was spoken about in the previous legislation debated in the house this afternoon is one such example — have come in because the previous government took that lead. There are many more examples. It just demonstrates how inept the government has been on many of these issues.

These crimes that are committed behind closed doors are just as heinous as other crimes, and they need to be called out for what they are: heinous crimes. Those perpetrators, as I have stated, need to be held to account. With those closing remarks, I am looking forward to the committee stage and also to the government supporting, along with others, the amendment that I have put forward to ensure that we have total transparency on this agency and we have financial reporting to the Parliament on an annual basis so that all Victorian can actually see what will occur.

Mr MELHEM (Western Metropolitan) (17:10) — I am pleased to speak on the Prevention of Family Violence Bill 2018. In doing so I just want to reflect on what has led us to this point. I just want to go back to 12 February 2014, when Luke Batty was murdered by his father, Greg. Greg had a long history of family violence against his partner and Luke's mother, Rosie. As a result of that, the subsequent inquest into Luke's death highlighted a range of systemic failures in our responses to family violence. It was tragedies like this which drove the Andrews Labor government to instigate the first-ever Royal Commission into Family Violence on 22 February 2015. That was one of the major announcements the then opposition, now Andrews government, made — to initiate a Royal Commission into Family Violence.

Throughout the royal commission witnesses gave evidence of the family violence they had experienced, witnessed or knew about. That demonstrated that we needed reform, including reform of police, justice, community services, government agencies and workplaces. The 13-month commission concluded with a final report with 227 recommendations, which we moved swiftly to commit to implementing. To date I understand that we have implemented 63 of these recommendations, with the remainder underway, and it is expected that by the end of 2018 around 70 per cent of the recommendations will have been implemented. Frankly, we owe it to the women, we owe it to the children and we owe it their children. We owe it, overwhelmingly, to the victims of this kind of abuse to fix this system.

I agree with some of the comments Ms Crozier made, which highlighted that we need to deal with the people who are actually committing the abuse — predominantly men. It is no longer acceptable to us as a society that they continue to commit violence against their children, against their partners, against their wives and so forth. It is not acceptable in our society anymore, not in the 21st century, not in Victoria, and we need to do something about it. We are doing something about it.

I do not agree with Ms Crozier's comments in trying to critique what governments have done in that space. I thought the comments would have been of encouragement and of acknowledgement of the good work this government has done in this space and with no criticism of previous governments either. They have started a process, but we have taken it a step further than any other government in the commonwealth of Australia. I think following the royal commission — I am going back to Rosie Batty and the royal commission's recommendations — there has been a bipartisan approach.

Today I just want to pay tribute to and remember the former Minister for Women, the Honourable Fiona Richardson, who passed away 12 months ago. I think today is a fitting time that we are, in her memory, now implementing another tranche of the recommendations coming out of the royal commission, which is recommendation 188. I think it is fitting to actually pay tribute to her and to her legacy.

Now, remember when all sides of politics got together and basically agreed that one thing we can do is make sure that family violence stops in this state and that family violence will be a thing of the past. That is what we aim for and that is what we would like to see, but is that going to be a reality? Is there going to be zero family violence committed in this state of Victoria? Unfortunately the bad news is that the answer is no — because we are dealing with humans. Humans sometimes commit heinous crimes — they just basically cannot help themselves — and most of those who do are men, because they use their physique. They think they can get away with it. They commit violence against their own children, against their partners, against their wives and so forth, and that sort of thing has to stop. But I think the good thing is the community at large now is better educated and there is more commitment from everyone to basically say, 'Family violence has to stop'.

I think it is a good thing that our kids in the current generation, the new generation, are learning that violence is no longer acceptable and family violence is no longer acceptable. Respecting women, respecting partners and respecting our fellow human beings is something that should be part of our teaching and something we should actually go and teach in workplaces. That is where Respect Victoria will come in. Part of our response to recommendation 188 of the royal commission is basically to establish an independent agency to do exactly that.

If I may, I will quote from the royal commission in relation to this particular point:

Unless we address the problem of family violence at its source, and get better at preventing it from occurring in the first place, our communities and support systems will continue to be overwhelmed.

...

Strategies that seek to prevent violence against women focus on addressing gender inequality by, among other things, challenging gender norms and attitudes towards women:

...

... prevention efforts need to address social conditions such as socioeconomic disadvantage; discrimination based on race,

sexuality or age; and prior exposure to violence alongside gender inequality.

That is from volume 6, page 1, of the Royal Commission into Family Violence report. It then goes on to say:

There is a plethora of programs, some positive innovation, and strong sector momentum to continue the work in prevention ...

Implementing the family violence prevention plan will require a process to oversee and coordinate prevention activities within and across government, local government, community agencies and the broader community.

So that is exactly what this bill would do. It is to establish Respect Victoria as an independent statutory agency which will have ongoing funding. My understanding is that the government has already committed a dedicated base funding of \$3 million per annum for the agency's operation. In addition to \$100 million for prevention programs over the last four years, the government has already provided \$12 million for Respect Victoria, and it will continue to receive dedicated and sustained funding.

The funding is there, the agency is there and the board has just been appointed, including the chair and the CEO. The agency is currently in the process of advertising and starting to look at employing staff to basically carry out the work. I think it is important to note that the agency is an Australian first, and it is possibly a world first for an agency like this to actually exist and be enshrined in legislation.

Respect Victoria will drive part of the implementation of Victoria's *Free from Violence* primary prevention strategy and action plan, the development of which fulfils recommendation 187. It will coordinate activities and provide expert advice on best practice. It will drive communication and engagement with the community to change the culture that allows family violence to happen in the first place, and it will lead research into what works to prevent family violence before it starts. It will develop a framework for monitoring progress in family violence prevention, including endorsement of primary prevention programs, raising standards over time. It will provide advice to government, organisations and the community on best practice in primary prevention. It will promote awareness in the community, including through the delivery of behavioural change campaigns, and have the ability to fund programs with the authorisation of the minister.

Respect Victoria will also inform government, industry and the community on what works in the prevention of family violence. It will address the gendered and other

drivers of family violence, including ageism, racism, homophobia and transphobia. Respect Victoria will create a trusted brand. I think it is very important to have a brand that everyone can trust. It is away from the political arguments and away from political interference. Having that statutory authority in place makes sure of that and ensures that we have in place the right people at the head of the organisation. I think we have done so with the current appointments to the board. We need to make sure that we have that trusted brand so they can run campaigns and education programs in the community and workplaces so that the current generation, and most importantly the next generation and the generation after that, get to a situation where family violence becomes a thing of the past.

We can do it. It is going to take a lot of time, a lot of effort and a lot of commitment, but it can be achieved. Will it be achieved tomorrow? Unfortunately not. It is going to take a bit of time, because family violence statistics are among the highest for crimes committed in Victoria and Australia, and I would say probably in the world. That is something that we have to take a medium to long-term approach to so we can make sure that the day comes when the problem has been eradicated.

By providing endorsements, Respect Victoria will provide expert direction to ensure effective and coordinated programs. Through the use of its brand and expertise, Respect Victoria will encourage non-government-funded programs to seek external validation. It will also be required to provide meta-analyses of programs and trends, further strengthening its coordination function.

Obviously the agency will also provide ongoing advice to government about how we are going in implementing the recommendations that came out of the royal commission, how we are travelling, how we are tracking in trying to eradicate family violence, where programs are working and where they are not working — they might need a bit of adjustment — where investment should go and what programs we need to make sure we achieve the ultimate goal, which is a state or a world free of family violence.

I will say this to every man in Victoria and Australia: committing a violent act against your mother, against your wife, against your daughter or against your child is not acceptable. That has to stop, and it has to stop now. I say to other men: if you know of someone committing these crimes, it does not matter how low level that crime might be, stand up and put an end to it. I say to the victims: stand up, talk about it and report it so we

can do something about it. Collectively we can achieve this; collectively we can actually change the way of thinking and reduce and hopefully one day eliminate family violence in this state. With those comments, I commend the bill to the house.

Ms TRUONG (Western Metropolitan) (17:23) — I rise to speak today to the Prevention of Family Violence Bill 2018. The Greens will support the immediate passage of this bill. We understand this bill establishes the Family Violence Prevention Agency, otherwise known as Respect Victoria, as an independent statutory authority. This bill defines the functions, powers and duties of the agency and provides for the establishment of the board and the appointment of its CEO. In doing so we believe the state government will fulfil recommendation 188 of the Royal Commission into Family Violence. We also understand that the legislation delivers on a key component of recommendation 188, delivering a statutory body with the independence necessary to embed, coordinate and drive the primary prevention of family violence across Victoria, as outlined in the strategy and action plan *Free from Violence: Victoria's Strategy to Prevent Family Violence and All Forms of Violence against Women*.

I grew up experiencing family violence. I did not know any different. I was told that it was good for me, that I needed to be physically assaulted and bullied to tell right from wrong. I spent my teens and my adult life trying to unlearn this lie that I was the cause of the violence inflicted upon me. I watched my mum get beaten up for perming her hair or speaking her mind. We were threatened with homelessness, made to feel worthless and powerless. The violence had become such a normal part of home that I was confused when the police would turn up. And I did not question it when mum would be taken to hospital, get treated and then be sent home to a place of danger rather than refuge, without anyone stopping to ask us if we were okay.

I doubt that the initiative that Ms Crozier referred to earlier, one that is based on using such a blunt tool as criminalising family violence, would have helped bring safety and security to my family. The perpetrators know what they are doing is wrong. It is the environment and the context that allow it to happen. If Respect Victoria had existed back then, my childhood would have been so different, and the following years spent on overcoming trauma instead could have been spent living a safe and peaceful life.

This bill is so important because this agency will bring light, research and resources to bear on this problem

that has been hidden behind closed doors for far too long. Despite growing awareness and a shifting of community attitudes, family violence affects too many constituents in my own electorate of Western Metropolitan Region. Families across this state live with the fear and humiliation that I grew up with. Their experiences are often compounded by intersectional disadvantage, such as gender, race and disability. So a behavioural 'credit check' on a prospective partner would not help these families.

Luckily the public conversation and mandate for change are strong and growing, owing much to the courage and perseverance of survivors and activists. As a society, we are all beginning to recognise what the experts have long known: gender inequality creates the social conditions for family violence, discrimination and violence against women. Laughing at sexist jokes, reducing a woman's worth to her appearance, turning a blind eye to the gender pay gap or blaming women for not working hard enough to get board positions or to otherwise take the place of a man in power — it is all at the same end of the continuum of violence and the perceived entitlement to control women and their bodies.

We Greens are pleased that this legislation takes seriously the royal commission's intent to ensure that survivors of family violence are front and centre in all ongoing debates and forums. In our view what is critical in this strategy is the clear and unambiguous recognition that the aim of reducing and preventing family violence over the long term requires us to focus our attention on reducing violence against women.

The gendered nature of family violence is clear, looking at the evidence from any official police or court data or any other data source. The statistics speak for themselves. According to Victorian crime statistics, in the 12 months to March 2018, 75 per cent of family members affected by family violence incidents were female, compared to only 25 per cent who were male. It is estimated, based on an Australian Bureau of Statistics personal safety survey, that across Australia 95 per cent of all victims of violence experienced violence from a male perpetrator. The Australian Institute of Health and Welfare stated that one in six Australian women have been subjected since the age of 15 to physical or sexual violence by a current or previous cohabiting partner. It is only one in 16 for men.

Let me say it again: the unequal position of women, and broadly speaking anyone who does not identify as a straight, cisgender male, and the violence against them depend upon social norms and gender roles that

legitimise demonstrations of power against women. Criminalising the behaviour will not stop this.

Let us keep in mind the serious implications of family violence in our state. In the last 12 months, 53 695 recorded criminal incidents in Victoria — that is, 14.1 per cent — related to a family incident. Over the last 12 months there were between 4000 and 5000 family incidents recorded per month. I hear time and again about the current shortfall in the availability of public housing for individuals affected by family violence. Considering that one-third of Victorians accessing homelessness services are escaping this kind of violence, I am very worried that the delivery of short-term and medium-term housing is not happening quickly enough or meaningfully enough.

Statistics show that the number of repeat offenders is increasing. The proportion of perpetrators who had more than one incident recorded annually increased significantly over the past 10 years, from 18.4 per cent in 2006 to 27 per cent in 2015. Victorian crime statistics show that outside of the family violence context, sexual crimes are increasing whereas overall crime is falling. Over the last 24 months the major principal offence category with a significant upward trend was sexual violence, up 13.4 per cent. A key strategy in ending the tidal wave of family violence in Victoria in the long term must be to ensure that families affected by this kind of violence are protected from violence, are provided options to resolve family conflict and are empowered with the support necessary to ensure future family violence is not given a chance rather than picking good guys and bad guys and criminalising the behaviour.

We Greens understand that Respect Victoria will have three functions: research and evaluation, advice to the relevant minister and community engagement through campaigns. We acknowledge the importance of preventing family violence. We acknowledge that by establishing Respect Victoria as an independent statutory authority, strategies developed and funding decisions made by Respect Victoria will be guided by experts and will empower the authority to provide independent policy advice to government. This measure is incredibly important.

We acknowledge that the legislation is also consistent with recommendation 188 in its focus on evidence-based methods to ensure the effectiveness of programs and, more importantly, that the impact of programs is measured for adjustment in the long term. We also acknowledge that the legislation outlines that every three years the agency must conduct a review of the trends and outcomes in Victoria in relation to the

prevention of family violence and violence against women.

All stakeholders that I have spoken to are wholeheartedly in support of this bill. We Greens will pay close attention to how the sector itself evaluates the impact of the agency's work and prevention strategies. While we support the state government's commitment to the royal commission and their endorsement of an independent statutory authority to deliver primary prevention strategies, we Greens expect to see greater public investment in family violence primary prevention strategies over time. We are also looking forward to state government measures that embed recommendation 189 and see the introduction of Respectful Relationships education in government schools in Victoria from prep to year 12.

The Greens support the passage of this bill. We believe this is good legislation. We will also support the Liberal Party's amendment to ensure that the financial performance of the agency is subject to an annual report and that this is laid before each house of Parliament.

Mr FINN (Western Metropolitan) (17:32) — In rising to speak on the Prevention of Family Violence Bill 2018 I begin by commending Ms Crozier for the work that she has done over such a long period of time in fighting family violence. I also commend Matthew Guy, the Leader of the Opposition; Ed O'Donohue, the shadow Minister for Police; and John Pesutto, the shadow Attorney-General in the other place. They have been a very effective team in putting together a program which I believe will be very effective in fighting family violence post-24 November this year when they will take the reins of government.

I abhor family violence, particularly any violence by men against women. Violence by women against men is not good, clearly, but violence by men against women is deplorable and something that I cannot understand. I have been most fortunate in my life never to have experienced that in my family, including earlier in my life with my mother and father, who were very much a team who worked very closely together on a farm. They were the most equal couple I think I have ever seen. They gave me a very practical lesson in equality very early in the piece, and that has pretty much followed through to my current situation with my wife and our children. My view, very strongly, is that any man who raises his hand against a woman is not a real man. Any man who raises his hand against a woman is a coward. Any man who raises his hand against a woman is gutless. Any man who raises his hand against a woman is not worth the time of day as far as I am concerned.

There is only one good thing about family violence, and that is the fact that we are actually talking about it, that we are shedding a light into darkened corners that have never seen that light before. As Ms Truong said earlier in bringing her experiences to this debate, there are many who regard family violence as being normal. That was something that she struggled with, obviously, for a very long time. I could not help but feel great empathy and great sympathy for her in what she has been through.

What we are doing now in so many areas is shedding a light into those darkest corners where some pretty vile individuals have been hiding. We have to flush them out and flush them away in fact. That is a good thing that we are doing by having this debate and focusing on so many other areas at the moment, because the impact on women of domestic violence is abominable. We have seen already this year a number of women killed by partners or former partners and a number who have allegedly been killed by partners or former partners as well — I should not be jumping the gun on any of those. It is an appalling situation where this occurs. As Ms Crozier said, it is most important that we throw the book at these characters. It is most important that they not be allowed to get away with it because it is ‘just a domestic’. It is not just a domestic; it is a very, very serious crime. It is a very serious crime against women and quite often a very serious crime against children, and those bottom-feeding scum who use their children as weapons against their partners in a domestic situation are beneath the contempt of anyone.

I still cannot drive across the West Gate Bridge, which is something I do quite often, without thinking about Darcey Freeman and the enormous betrayal that her father committed against her when he threw her off that bridge as a weapon against her mother. There is too much of that that goes on. Indeed if any of it goes on anywhere, it is too much. It is something about which we should indeed have —

Mr Ondarchie — Zero tolerance.

Mr FINN — as Mr Ondarchie says, zero tolerance. Zero tolerance is the only way that we can treat such evil crimes. There is an impact on women and an impact on children, many of whom are subject to some pretty harrowing experiences. Even if they are not the primary target of the violence, they go through some pretty harrowing experiences, and quite often it impacts them not just through their childhood but indeed throughout their lives, because if you see your mother being beaten up every day by your father and that does not impact you, there is something desperately wrong. If that does not affect how you think and how you view

the world, then I would be staggered. Of course we should not forget that some men are also victims of domestic violence. Granted, not as many as women, not by any stretch of the imagination, but there are some men, and we should not forget them as well.

As I said before, family violence should never be considered as a lesser crime than anything else. We have seen in years gone by police, for example — some police — regarding family violence as, as I mentioned earlier, ‘just a domestic’. The judiciary has seen family violence as just a domestic, in some way less of a crime than if it happened to somebody that you did not know. So if you beat up your partner or if you beat up your wife, that, in the eyes of some law officers and some in the judiciary was seen in years gone by as less of a crime than if you beat up somebody who you did not know. Now, work that one out. That makes no sense to me at all.

If you beat up your partner or if you beat up your neighbour or if you beat up somebody that you have never met before, you should cop the same wrath, the full wrath of the law, whoever you commit that crime against. It makes no sense to me that there should be changes in sentencing as a result of your relationship with the victim. That is a form of insanity in my view.

There is one point in this that I want to make, and that is that not all men commit these crimes. There is a tendency by some of the more strident sections of the feminist movement to say, ‘Men do it’. No, some men do it, and those men, as I said before, I view as less than men, some considerably less than men.

An honourable member — Scumbags.

Mr FINN — They are scumbags. They are dirtbags. They are a range of things that I cannot mention in this house. I would like to. Let me tell you, I would dearly love to let my spleen go on these low-lives, but I think it is important that we emphasise that it is some men who commit these dreadful crimes and that there are many good, respectful men who would never dream in a million years of committing these crimes in this state.

An honourable member — They have respect.

Mr FINN — They do have respect, exactly right. That is exactly right, and they are brought up with respect, as indeed I was, and I am hopeful that most members in this house, male and female, would be of that same view.

We have to point out to the government, and it is a bit disappointing that we have to, that men do not attack women because they are men. Men attack women

because they are mongrels, they are cowards, they are scum and they are low-lives. They are all those things that I unfortunately cannot say. Men attack women not because they are men; they attack women because they are bad men. They are bad, and there is a big difference. It is not dependent on the gender; it is dependent upon the demeanour and the standards and the level of respect that that individual has for other people, and I really think that is something that we really should take into consideration far more often.

It is very easy for some of the more strident people involved in this area to scream, 'It's all men, it's all men!'. As I say, it is not all men; it is bad men. It is men that have to be stopped, but it is not all men. Men do not attack women because they are men; they attack women because they are bad men. And, as I say, that cannot be emphasised too strongly.

I now get to the bill itself, which is establishing Respect Victoria, which I understand has a long title of the family violence prevention agency. The bill is to establish the board of the family violence prevention agency as well. I am a bit concerned about this because generally speaking, when this government sets up an agency or it sets up a bureaucracy of any sort at all, it fills it with its mates, and it is all about promoting its ideological bent and giving more money to those who are going to support it at the next election. I am very concerned that that is exactly what is going to happen in this case.

My wife was and indeed still is a nurse, but she was a nurse for five years doing night duty at St Vincent's emergency. She can tell you more about domestic violence than anybody else that I know. It is people like her that we should be putting on these boards — people who have the experience — not somebody who is straight out of the La Trobe University sociology department who has got some weird and warped idea of the world. We need practical advice to help victims of domestic violence. We need to be able to say to women in an abusive relationship, 'It's okay to get out', because from what my wife has told me the number of women who constantly go back again and again and again to be abused again and again and again in the same relationship is quite staggering. Women need to be told, 'It's okay to walk out. It's okay to get away. It's preferable to get away'. They do not need to be given some sociological, ideological rant from some university leftie graduate.

These are basic, important things, and as I said I am very concerned that Respect Victoria, which on the surface would appear to be a very good idea, will be hijacked for political purposes. That I think would be a

very, very unfortunate thing, but I really hope that in some way it will go to stopping the scourge of family violence in this state.

Mr MORRIS (Western Victoria) (17:47) — I am very pleased to follow Mr Finn in making my contribution to the Prevention of Family Violence Bill 2018. I note that the main purpose of this bill is to establish a family violence prevention agency, which will be known as Respect Victoria. The agency's main functions will be to oversee, fund and promote family violence programs run by organisations, to provide policy advice to the minister in relation to family violence prevention and to conduct a review of the trends and outcomes in relation to family violence prevention every three years. The bill seeks to fulfil recommendation 188 of the Royal Commission into Family Violence by creating an agency that will be the first part of the Labor government's primary prevention strategy.

Some of the main provisions of this bill are contained within clause 3, which sets a new definition of 'violence against women'. I think it is a very important point that family violence is family violence irrespective of the gender of the person upon whom the violence is committed or who commits the violence — whether it is a man committing violence against a woman, a woman committing violence against a man, a woman on another woman or a man on another man or indeed a child on a parent or a parent on a child. That is something that this government has certainly lost sight of. We need to ensure that all family violence, irrespective of the gender of the victim or the perpetrator, is addressed and taken very seriously.

This is something that I have unfortunately had far too many constituents contact me about. I have had far too many men contact me to say, 'I have been a victim of family violence, but this government refuses to acknowledge that violence from a woman upon a man exists'. I do not think there is any argument in the community that the vast majority of violence is perpetrated by men upon women; I do not think there is any discussion necessarily about that fact. I think it is hard enough for some of these men who have been attacked, who have been treated exceptionally poorly by a female partner. Some of them certainly felt that they could not report these crimes because they felt that because of their gender, because they were men, they were going to be seen as the perpetrators of that violence. That is not something that we want to see in the state of Victoria. We want all violent behaviour, all criminal behaviour to be addressed for exactly what it is. Your race should not matter, your age should not matter and your gender should not matter. If you break

the law, you should be held accountable for breaking the law. Unfortunately under this government that is not what we are seeing at this point in time.

I cannot stress enough that the men who have contacted me feel shamed. They contact me because a female partner has attacked them and they feel that they are not going to be supported by the groups that this government supports because this government says family violence is only violence perpetrated by a man on a woman, and this is something that I regularly hear from constituents. This is something that needs to be addressed because I suppose you could almost say all family violence is equal irrespective of the gender that it is being committed on or committed by.

Further provisions of this bill are in clauses 5 and 6, which establish a family violence prevention agency. Clause 15 provides for reviews of that agency. Clauses 16 to 25 establish the board of the agency and provide for the appointment of the CEO. Clause 26 goes to the reporting of the financial performance of the agency.

I certainly note that this is a very significant area, and I hope there is much support in this chamber for addressing family violence. On the odd occasion I have interactions with Victoria Police — in a wholly professional capacity I must say — and I have spoken to Victoria Police particularly in the fine City of Ballarat about where the pressure points are, where the issues that need to be addressed are and where the majority of their work is taken up. They have indicated to me that certainly family violence is the number one area that they address, and indeed it is the number one cause of the workload, for want of a better phrase, that Victoria Police in Ballarat undertake.

The second most demanding area for Victoria Police in Ballarat is out of control young people, who unfortunately under this government's watch have continued to commit crime after crime after crime. Unfortunately under this government's soft-on-crime approach these young people have been bailed time and time again and released into the community to continue to commit the same crimes over and over again, often on very vulnerable people in our community. The Labor government have unfortunately washed their hands of their responsibility to protect the community. Rather they just let these young hooligans back into the community time and time again. It is something I know the community as a whole has certainly had enough of, and that is why the community in Ballarat, I well know, is very much looking forward to electing the Guy government in November this year to ensure that we

have a responsible and responsive government in Victoria once again.

There have been some areas of concern that have been raised with regard to this bill. One of those concerns goes to the definition of violence against women. Of course violence against women is already covered under the definition of family violence in the Family Violence Protection Act 2008, so it just once again highlights this government's divisive approach to family violence, where this government wants to cast aspersions on every male in the state of Victoria and say that, 'By virtue of your gender, you are a perpetrator. You are a perpetrator just because of the fact that you were born a male'.

Ms Crozier — That is how it is perceived.

Mr MORRIS — Well, this is certainly how many in the community perceive the way this government goes about doing what it is doing here. I am a very proud father of three boys who I attempt to educate and treat with respect. I know my good wife does the same to ensure that our boys will grow up knowing that it is important to respect everybody in the community, whether they be men, women or whoever else. We need to treat everybody with respect. Of course the best way to do that is by modelling good behaviour at home. We well know and understand that many people who commit violent acts against a partner have unfortunately grown up in a household where they witnessed such behaviour when they were younger. Unfortunately that cycle continues. At some point we need to make sure we make a break with that. We need to stop that family violence and ensure it does not continue.

One of the things that Victoria Police often tell me is that family violence does not discriminate. Whether it is by postcode or by suburb, whether you are living in a wealthier area of eastern Melbourne or you are living elsewhere in regional or outer metro Melbourne, the amount of wealth that you have, the income that you have, from my understanding from those on the ground it is no indication of the likelihood or unlikelihood that someone will be a victim or indeed a perpetrator of family violence. I think that needs to be well-known, because often people assume that family violence only occurs in certain parts of our community. Unfortunately it is widespread, and it needs to be addressed, and addressed appropriately, significantly and without discrimination.

The bill allows regulations to be made that at a later point prescribe the functions of the agency. Given the policy advice about the function the agency will have, it

is unfortunately unclear what role the department will have in relation to providing policy advice to the minister of the day with regard to the agency that is going to be brought about by this bill.

There is also another area of concern with regard to the bill. It is unclear why both the minister and the secretary of the department need to be able to issue guidelines about the agency's function. One would have thought it might have been one or the other rather than both that would issue guidelines about the agency's function. It seems to be either an oversight or a duplication of function within the bill itself.

The family violence prevention agency is not required to report on its finances unless requested by the minister. One would have thought the reporting of finances should have been committed to through this bill rather than having to be requested by the minister. I would have thought this government, of all governments, would have understood the importance of transparency and oversight when it comes to governance arrangements. I thought this government may have learned its lesson, but apparently not.

Another area of concern relates to Family Safety Victoria (FSV), which was established as an independent administrative office within the Department of Health and Human Services to drive key elements of the state's family violence strategy. Part of FSV's mandate is also about policy coordination and prevention strategies. Respect Victoria will be enshrined in legislation to provide policy advice to the Parliament and the government of the day. Whilst it is always going to be incredibly important that we do all we can to address family violence, we need to make sure it is done in the right way. Not alienating people throughout the process, and particularly victims of family violence, is an incredibly important way of going about this, which is of course an incredibly sensitive task.

I have heard contributions from other members indicating that it is unfortunate that on many occasions victims of family violence go back to the perpetrator of that violence time and time again. It is an issue I have often reflected upon, and I can only understand part of what people suffering family violence must be going through. If you have the person who you rely on and the person who is supposed to show you love and respect being the one who is hurting you the most, I cannot comprehend the complexity of the impact on the relationship. Indeed it becomes even more complicated when there is financial reliance or of course when children are involved in the relationship as well.

Whilst family violence is a complex area, we should always be doing all that we can to assist those who are victims of it. We should be holding to account those who perpetrate it, irrespective of gender, and we should always ensure that when dealing in this sphere we knowledge that it is a complex and multifaceted issue and problem and not one that a simplistic approach is going to be able to address. I certainly look forward to hearing other members' contributions to this bill. It is one for which I am sure there will be broad support across this chamber.

Ms PATTEN (Northern Metropolitan) (18:02) — I rise to briefly speak on the Prevention of Family Violence Bill 2018. As previous speakers have said, this is a new principle-based approach to family violence and, most importantly, to the prevention of family violence. We know that inequality is one of the causes of family violence. We know that a lack of respect is one of the causes not only of family violence but of violence in our community, so I am very pleased to support this bill.

I am very pleased that this bill, which establishes Respect Victoria, is entirely about prevention and research; it is basically about trying to prevent. As we quite often talk about, it is about putting the fence at the top of the cliff rather than paying for the ambulances at the bottom, which is really how we have been dealing with family violence for decades, when we have even accepted it. Family violence not only costs us personally through the 160 000 Victorians who are victims of family violence, but it costs us financially as well. There is \$5.6 billion being spent just on police, on legal processes and on court systems. And then you can look at the cost — and I am not talking about the emotional cost but the financial cost — that is experienced by the victims. That is calculated by KPMG to be sitting at around \$2.6 billion.

When I was reading this bill I could not help thinking about Aretha Franklin and remembering that one of the songs that we all know her for is *Respect*. While I would not want to quote at great length the words of that song as part of my contribution because I think some of it is entirely inappropriate, some parts of it or not. At the beginning she sings, 'All I'm asking for is a little bit of respect; when I get home, a bit of respect'. That really hits the nail on the head with family violence. This is about respect in our homes. This is about respect for our families. This is about respect.

I heard Mr Finn and Mr Morris going on about the men who are being 'tarred' by this and the fact that this is just about women; it is not. It is actually about our Aboriginal communities, which have far greater levels

of violence in them. This is about preventing violence in our Aboriginal communities, in our multicultural communities, in our LGBTI communities and against our elderly, both male and female — against all people. It is not targeted at violence against women. It is targeted at preventing violence, full stop.

I was very fortunate to meet the new CEO of Respect Victoria, Tracey Gaudry, the other week. I was incredibly impressed with her passion and with the fact that we are finally going to have some measures. We are finally going to have some understanding of what works in preventing violence and understanding of the complexities of family violence and family violence in our community.

As we know, what you cannot measure, you cannot manage. The establishment of Respect Victoria will enable us to put in some performance measures to help us to understand how we can deal with this issue — how we can finally rid ourselves of family violence that, as we know, kills one to two people every week. We find it is much easier to talk about Eurydice Dixon and the random violence in the street than it is to talk about the violence that is taking place in our own homes. Whether that is against grandparents or whether that is against girlfriends or boyfriends, it is about trying to prevent that violence. I certainly feel that one of the most important things is being able to measure it and being able to pull together what everyone is doing.

I know that we are seeing some wonderful projects in all of our communities. I lament the loss of some of those wonderful pilot projects. There was one in my region run by Women's Health in the North, and it was around talking to young men. These were young men who were playing soccer at the age of 12 — boys really. They were boys from Syrian communities and other multicultural backgrounds. They were going home and talking about what they had learned at their soccer training and about the information that they had got. It was successful. Their understanding of respect and the information that they could take back to their families was really remarkable. It was so sad that even though the assessment of that project was that it was terribly valuable and it was very successful, it was not re-funded. It did not get ongoing funding. I hope that Respect Victoria enables us to recognise those wonderful, targeted community programs that work, and that we can build on those and take those into the future.

Mr Morris said that family violence is postcode blind. I have to say that in some cases it is not. We know that our most disadvantaged are actually the most likely to be affected by family violence. I know that in Northern

Metropolitan Region it is in the poorer postcodes — and the Brotherhood of St Laurence will concur with this — where we see higher levels of violence. In our Aboriginal communities we see higher levels of violence. We do need to address this. I am not saying that family violence does not happen across the board. Yes, it does. But there is no doubt that where there are greater levels of inequality, there are greater levels of family violence. Where there is less respect — and some of that might even just be self-respect — there are greater levels of family violence.

I think this is a very good start. I think we have a long way to go, but I think this starts us on a path. I look forward to the process and seeing what Respect Victoria does. We have already seen some of the great community service advertising that they have been bringing out, and I know that that is getting conversations going around our communities and certainly among the people that I have met with. I support Ms Crozier's call for some financial reporting. I look forward to the reporting. I look forward to learning more about Respect Victoria.

I would also just like to note that I was a little bit concerned about Mr Finn being somewhat disparaging about this organisation, saying, 'Oh, maybe it's just people with expert degrees spouting what they've learned at Monash in their arts or sociology degree or whatever'. But let us just look at this. Tracey Gaudry is an incredibly competent, experienced woman heading this up, with people like Rod Jackson, who has been heading up the Victorian Aboriginal Health Service Co-op and has headed up national organisations and been a member of Aboriginal economic boards and regional partnerships. He has been sitting on boards for a whole range of organisations. Emily Maguire, Kate Fitz-Gibbon, Steve Walsh — all of these people are incredibly experienced and have decades of experience working in the law, working in the community, working in health and working in family violence areas specifically, as do Julia Mason, Melanie Eagle and Andi Diamond, and I hope I have not missed anyone. These are formidable leaders in our community, and I think they will provide great stewardship for this organisation. I commend this bill, I support this bill, I support Respect Victoria and I am very much look forward to working with them in the future.

Mr RAMSAY (Western Victoria) (18:12) — I also will make a small contribution tonight with respect to the Prevention of Family Violence Bill 2018. Like Ms Crozier and others, I wish to acknowledge the work that has been done on all of the political benches with respect to highlighting the work the Royal Commission into Family Violence did along with the individual

work of many to raise the importance of the impacts of family violence generally across Australia. I also would like to acknowledge the work that Fiona Richardson did as the Minister for the Prevention of Family Violence in highlighting the impacts that family violence has particularly in Victoria but also, on a larger scale, Australia-wide.

I read some of the contributions from the debate in the other house, and some of the statistics that were used are really quite frightening. I can certainly understand the importance that certainly this bill is being given for its passage, and from the outset I would like to put on the record that the Liberal and National parties have indicated bipartisan support to end family violence in this state. We have a position of not opposing this bill, and also Ms Crozier has flagged an amendment in relation to financial reporting.

This bill, as has been said, establishes a family violence prevention agency which will be known as Respect Victoria, and its primary function will be to oversee, fund and promote family violence programs run by organisations; provide policy advice to the minister in relation to family violence prevention; and conduct a review of trends and outcomes in relation to family violence prevention every three years. We believe that providing an amendment that gives the bill appropriate auditing and financial reporting will actually strengthen it.

The bill does fulfil recommendation 188 of the Royal Commission into Family Violence by creating this agency, and it will be the first pillar, as we have been notified, of the government's primary prevention strategy.

Mr Morris has actually gone through a number of the clauses that may be debated in a clause-by-clause process in committee, if that is in fact where the bill is going. Clause 3 relates to a new definition of violence against women. We have already heard that in fact under another act, the Family Violence Protection Act 2008, that is already covered under the definition of family violence. Clauses 5 and 6 relate to the establishment of the agency. Clause 15 provides for reviews of the agency. Clauses 16 to 25 talk about the establishment of the board of the agency and the appointment of the CEO, and clause 26 talks about the actual performance of the agency.

Some of the statistics are worth putting on the record; they were certainly a surprise to me. From the information I have gleaned there were about 76 500 reported family violence incidents in Victoria between 2016 and 2017. Of those, children were present at one

in three of those incidents. It is a fairly frightening statistic that our children are being subjected to family violence in many of those incidents. No doubt they will be scarred in some way from being there. Whether it is a domestic dispute or an extended family violence dispute, it will have a substantial personal impact on them.

It has been indicated that there is a significant problem within the Indigenous community, and particularly with Aboriginal women. Another statistic I noted was that Aboriginal women are 35 times more likely to be hospitalised from a family violence incident than other women. That is a very high statistic, and obviously we have a lot of work to do in our Indigenous communities with respect to family violence.

In fact this was borne out in an inquiry that I chaired in the last Parliament with respect to drugs and alcohol. There is no doubt that both of those play a significant role in creating the circumstances for family violence, particularly in the home. In fact the inquiry into crystal methamphetamine showed a significant increase in family violence from drug users. We recognise the impact that the drug has on those who indulge in it. It creates an environment where family violence can rear its ugly head very easily from those taking those drugs. The alcohol agencies tell us that alcohol is by far the most abused substance as an initiator of family violence in the home. We need to ensure that we do everything possible to reduce the impact of one legal drug and one illicit drug with respect to family violence.

Another statistic, which I gleaned from some of the contributions in the Assembly, is that 39 women have died because of family violence in Australia this year. Other contributors have said that it is not all about women with respect to family violence; obviously it is not gender specific. Nevertheless women seem to be more at risk of family violence than any other gender. So yes, they are our primary concern, but we do not forget the fact that there is violence against men as well, and I am sure there are other examples that people have referred to.

This is not a complex bill, but it is an important one. It is supported by the coalition. Obviously there will be some matters that we wish to discuss in a little more detail, but nevertheless this is a recommendation from the royal commission. It is something that the Liberal Party and The Nationals support in a bipartisan way to try to stem the curse of family violence in this state, but also nationally. We have statistics that clearly demonstrate that this is a growing problem, not a shrinking problem, so we need to do everything we can to try to reduce both the acts and the impact of family

violence right across this state. It is on that basis that with my colleagues I support, or do not oppose, this bill going forward.

Ms FITZHERBERT (Southern Metropolitan) (18:20) — I am pleased to be able to speak briefly on the bill that is before us this evening, the Prevention of Family Violence Bill 2018. I have listened to the other contributions with a great deal of interest. I too want to make reference to Fiona Richardson, her very passionate interest in this area and the contribution she made to it and to say how unfortunate it is that she is not here to be taking an active role in the movement of this bill through the Parliament. I also listened with interest to the contribution made by Ms Truong before. Some very personal comments were made there. It was generous of Ms Truong to share those with the chamber.

Domestic violence or family violence is of course all around us. We have discussed during this debate the figures in relation to incidence but also in relation to different aspects of the problem. What is clear is that it is insidious. One figure that sticks particularly in my mind is that we have on average one woman dying per week in this country due to family violence, which is a horrendous figure and a frightening one — and it shows the extent of the problem. It is of course not limited to just women. Ms Truong I note quoted some figures that indicated that women comprise 75 per cent of those who experience family violence. That means that there is another 25 per cent, who I assume are men or possibly children, who come into those figures as well.

I am approached quite often, as I was recently, about elder abuse, which I think is still sadly a very hidden issue that I think victims find shameful. They feel particularly vulnerable and do not want to speak about their experiences. But there is evidence that it is becoming increasingly talked about and that people are seeking assistance. I had a meeting recently with some representatives of the Council on the Ageing, and they were telling me about their helpline and the number of approaches that they have each week. They range from people who are feeling pressured, usually over a financial issue or an issue to do with a residence, through to people who are experiencing far more serious abuse, which unfortunately sometimes is physical. I think our understanding of the problem has become much greater in recent years, and of course we have seen the royal commission and other work that has been done in parliaments around the country.

In this Parliament, domestic violence has often been our focus, as it should be, because this is genuinely a blight on our community. It had considerable attention in the

previous Parliament as well. I must say that in debates like this it frustrates me that governments ask for bipartisanship and then get stuck in in relation to a previous record, because I think the record of the previous government in this area was commendable. Ms Crozier talked about some aspects of this record. It is noteworthy that in 2014 the Parliament was making its biggest ever funding commitment by a long way to family violence. In October 2014 there was an additional \$150 million package which included a number of initiatives similar to what we will see oversighted by the family violence prevention agency. Some of this funding was of course repurposed by the current government. It was removed from programs, and it was put towards the royal commission.

The other thing that I want to highlight from the previous government of course is *Victoria's Action Plan to Address Violence against Women & Children 2012–15: Everyone Has a Responsibility to Act*. I think in this area there is always more work to do, but let us not pretend that it has only happened under this government.

My understanding is that for many families family violence is a deeply complex issue. It has elements of criminality. It has elements of control. It is made so much more complex by being between people who know each other intimately, who have longstanding bonds and who are often bound together by practical domestic constraints like mortgages, shared parenthood and all the responsibilities that go with all that. Earlier in this debate there was discussion about the place of criminal accountability in relation to family violence. Obviously there has to be a place for that. There needs to be accountability. There are sometimes dreadful crimes for which people deserve to be charged and to pay a very serious penalty in relation to family violence, but it is true that that is not the only answer at all.

What is interesting about the agency is that its focus is on prevention rather than dealing with what happens afterwards in terms of accountability and that it is intended to draw together the sort of research, program funding and oversight functions into one place. It will be fascinating to see the reporting of this body as it goes forward and to see what its focuses are, what its achievements are, what its outcomes are and what it can demonstrate as real change that is coming about as a result of this investment, because that is what this is. Ms Crozier has indicated her interest in looking at the financial reporting aspects of the agency. Ms Patten echoed those comments as well. That will be something to consider when we go into the committee stage on this bill, if that is happening, and I look forward to

seeing that. I think with any investment of effort, time and money of this kind what you want to see is some real outcomes that are specific to the work of the agency to show its worth and to show that the effort that is being put in, the funding that is being put in, is coming out with some very real benefits. That needs to have some rigour to it.

It was interesting listening to Ms Patten earlier when she was talking about interaction that she has had with people who have been appointed to key roles within this organisation. I do not know that Ms Crozier and I have had the benefit of that insight. It would have been quite useful in preparation for the discussion of this bill to have that sort of option. I think it would have given us a greater understanding of the work that is going to be undertaken by the agency, and that could have added to our understanding tonight.

In particular it would be interesting to get a sense of the priorities because, as I said earlier in my comments, when we speak about family violence we often think of women — and so we should, because they are the majority of people who are experiencing domestic and family violence — but it is broader than that. It is men, it is children, it is elder abuse. We have also changed our definitions of what we focus on to focus on issues like, for example, abusing people through financial control or psychological abuse — things that may not leave bruises or cuts but leave wounds of a different kind and are in my view quite insidious as a form of control and also in the damage done to people.

If we do go into committee stage, I would be interested to know what are going to be the immediate priorities of this agency in terms of its programs, its funding and its research capability when it is trying to make decisions about how it prioritises the resources that it has. It is a big problem. We cannot solve it all at once, so I am interested to dig down into what the immediate priorities of the organisation will be and the tests and performance measures that it will set itself in relation to those. On that note, I will conclude my remarks.

Sitting suspended 6.29 p.m. until 8.03 p.m.

Ms BATH (Eastern Victoria) (20:03) — I am pleased to rise this evening to speak on the Prevention of Family Violence Bill 2018. In doing so I want to highlight the fact that this legislation has come about as a result of the Royal Commission into Family Violence, and indeed recommendation 188 of the royal commission. That recommendation related to the formulation of an agency which would have an oversight of a whole range of aspects: to have funding taken into account; to promote family violence

prevention programs run by organisations; to provide policy advice to the minister, and it is very important to hear from the grassroots about what is happening out in the real world rather than in this place; and to conduct a review of what is happening in terms of the trends and outcomes in relation to family violence prevention and do this every three years.

Family violence is an insidious disease and something that is far too prevalent across all of our state. Family violence is all about control and power. There is no such thing as, 'I'm teaching you a good lesson'; it does not exist. There is no such thing in family violence as, 'This is for your own good'. There is no such thing as, 'Well, my father did it to me, so it's okay to do it to someone else'. It is about power and control. Indeed the men who do this — and it is largely men who do this — can turn it into an art form. They can be incredibly clever. They can be incredibly manipulative, and I will discuss that in a minute. It reaches across the state and across the divide of socio-economic backgrounds, genders and postcodes. I do take the point, and I think Ms Patten raised it, that this is more prevalent in postcode areas where there are families that are really struggling: where there are low socio-economic outcomes, where people are on the fringe of being homeless — and we have talked about that a lot in the last few months — and where there are people who are struggling to cope with their bills and the like. Where there are greater demands on the family you do see more family violence, without a doubt, but it reaches across all of the spectra of our communities.

Indeed these clever, manipulative men create a world of fear and intimidation, and they do it in a variety of ways. They do it in terms of financial control. They sometimes shackle a woman so that unfortunately she cannot escape due to the financial constraints that he places on her. They do it in terms of emotional control and emotional manipulation. I particularly took on Ms Fitzherbert's comments around the complexities of having a family and children at home, so therefore often the woman stays at home to look after and protect her children. It is hard for her to leave; it is hard physically for her to collect her family and exit the family home. Also, it can just be that physical control as well — purely that intimidation, that brute force and physicality.

I grew up in a family where, if my family was representative across this state, we would not see this bill; there would be no need for it. I grew up in a very loving family. Women and men were equal and I had great role models, but sadly this is not the case for many women. For many women who are in this situation life is surreal. Life looks like a black tunnel or

a dark tunnel, and through that tunnel there is a light way down the end. People look like they are leading normal lives, and that woman wants to get to that better place, but in actual fact her daily life is around coping with that darkness and coping with that pain.

Now, I will not dwell on that anymore but say that I admire so greatly those women that make that step — that call in to some of the many agencies that we have, and we have many of them in Gippsland, in my patch — that ask for help, go into the police station and make that step to get out of that situation. I congratulate them. I also commend the women who are still there and are still fighting for the safety of their family.

Indeed somebody who I am gaining more and more admiration for as I go and as I learn about her is a Central Australian councillor called Jacinta Nampijinpa Price. She stands up against a wealth of tirades, of opposition, but she calls people out as she sees them. She defends families in her area and she defends the children. One of her quotes, which I really appreciate, is:

Violence can only stop when a perpetrator takes responsibility for their behaviour. No excuses!

She also has said that drunkenness is not an excuse, drug addiction is not an excuse, ‘It happened to me, so it will happen again’ is not an excuse. I really appreciate the fact that she stands up and calls out family violence.

There are some great facilities and great movements in our electorates, and I would just like to raise a couple of them in relation to Gippsland family services — they are called, to be correct, Gippsland Women’s Health (GWH). I note that there is a lot around prevention and around the continuation of preventive programs in this bill. GWH ran a really great program a while back talking to young people in our sporting clubs — our football clubs and the like. They went around after training and had a great discussion with the young people there and highlighted the issues around family violence. I also want to highlight and congratulate many of our fabulous men who have joined the White Ribbon movement and who really stand up and call out that violence, and there are a great many of them, again, in Eastern Victoria Region.

I would also like to talk about a couple of case studies where these people got to the light at the end of the tunnel but also one where, tragically, a woman was not able to make it and she passed away at the hands of a perpetrator. There is a great young woman, a 26-year-old Traralgon woman, who suffered abuse at the hands of her husband over a five-year period. She

suffered both physically and mentally at the hands of a man who was psychotic due to his past drug use. Two children and a distinct lack of finance prevented her from being able to leave that relationship, but three attempts later and with massive support from her family she was able to make the break and flee, and she started her life anew. This wonderful young lady went on to complete tertiary studies, is enjoying a quality life and is renewing her life. I just commend her, and I am sure there are countless other examples that we could identify and mention. As I said, there is one very sad case, and I remember sitting in the hairdressers in Traralgon when I heard about this case. She was a wonderful mother of four from Glengarry and a dedicated nurse who unfortunately in broad daylight perished at the hands of someone she knew. This happens all too often.

I just want to provide some additional information to Ms Truong in relation to her comments about the Liberal and Nationals scheme Right to Ask, Right to Know. I am not picking on you, Ms Truong, but I just wanted to say that you made a comment that this scheme looked at a credit check. It is not about a credit check per se, but it actually goes to looking at past criminal activity and past violent behaviour. Therefore if somebody, either a person in a relationship or a family member is concerned about a potential future partner, then they can go into a police station and apply for a full check on the history of that person in terms of their violent offences. I think this is a very proper and sensible approach. It has worked in England and I think it will work very well here. It is going to be rolled out as a trial in six locations. I think the locations will be based on violence levels in each region, and I think unfortunately the Latrobe Valley qualifies. I say ‘unfortunately’ because I would rather them not, but if that is the case and this scheme is rolled out, this has great potential to thwart the fact that people can engage in relationships and get embedded in relationships without fully knowing the other person. That can happen and has happened, and we have seen some catastrophic events from that.

Again, there are some great resources throughout Gippsland, and there are a lot of them. I note the Latrobe Community Health Service and the Salvation Army outreach service. I have mentioned Gippsland Women’s Health. There is also Quantum Support Services, and it was really good to have a briefing recently with Quantum’s Chris McNamara about homelessness. Again, some of our homelessness is unfortunately at the hands of violent offenders. People need to exit, and sometimes they cannot find good housing after that. Berry Street are high up on the list of organisations that do a tremendous job as well, as is

Relationships Australia, and I really love the way Relationships Australia have got in behind the United Muslim Sisters of Latrobe Valley. They get in and support them really well, which is tremendous.

One group I would like to talk about is Windermere's Gippsland Victim Assistance Program, which covers the entire region of Gippsland. There are nine outreach workers who work there. They support, they advocate and they provide that very practical assistance to our victims of serious crimes. One concerning trend that we still see is that in 2016, 40 per cent of their 1100 cases in that year came from victims of violence within a family context, so there is too much prevalence of family violence.

I would like to go to another area. I talked about Jacinta before; unfortunately our Indigenous community are still overrepresented in this space. Windermere's Gippsland Victim Assistance Program do a tremendous job. They have a support worker, and they provide assistance to victims in relation to indictable offences. They talk to and work with victims in overcoming the trauma of that, and I appreciate their work. They also advocate for clients through Quantum Support Services for extra support services. They help victims make impact statements. It must be a huge leap to write down your experiences and take that to court in an impact statement, and I appreciate that effort. Unfortunately, as I have said, the demand is growing, which is quite a shame when we hear that the Department of Justice and Regulation has actually removed funding from this good program, from Windermere, for a critical intake worker position. I am aghast and cannot understand why they would bother doing that.

In my last couple of minutes I say it is really important that we continue to call this out. I know other members in this Parliament would have been well aware of a terrible, terrible occurrence down at Phillip Island where a most delightful lady, a mother of three, lost her life at the hands of her ex-husband. I think we all stopped and just emotionally put our arms around that family in that township because those children will not get to grow up with their mother, as our children have done and are doing. What frightened me about that case though was that, from my understanding, she had requested support. She had gone into the police station and said, 'I feel like my life is in danger'. I think what has come out from that situation is that Victoria Police have said, 'We need to address why this is happening and how we can be more responsive'. So I give credit to Victoria Police that they have said that this is not right, that somebody should not go into the police station, say that they feel threatened and then, in the long term, have evil transpire.

It is not anyone's particular fault other than the perpetrator. But we still need to see how people can do this better at the coalface, how our police force can serve victims or potential victims better. I am pleased to see that the police are going to delve into and respond to that crisis there. I commend the bill. I know The Nationals are taking a not opposed position on this and I am sure there will be some good benefits that come out of it.

Mrs PEULICH (South Eastern Metropolitan) (20:18) — I am just going to make some brief remarks on the Prevention of Family Violence Bill 2018, which seeks to establish the family violence prevention agency and to provide for the functions, powers and duties of the agency; to establish the board of the family violence prevention agency and to provide for the functions of the board; and to provide for the appointment of the chief executive officer of the family violence prevention agency.

It is 2018, and I note that many of the initiatives, ideas and recommendations which underpin this particular legislation were actually part of a 2012–15 government strategy, *Victoria's Action Plan to Address Violence Against Women & Children: Everyone Has a Responsibility to Act*. I know that former Premier Ted Baillieu was particularly strong on this, and good ideas do survive governments. I note a lot of people have had a lot to contribute, a lot to say, and everyone brings their own personal experiences and that of people who are close to them to this debate. I am going to add another layer of complexity, and that is to talk about people from culturally and linguistically diverse backgrounds.

Given that many people who come to Australia come from different parts of the world and have lived in Third World countries or developing countries, often places that have experienced conflict and often for prolonged periods of time — even those places that have not, that have been fairly orderly but perhaps had left-wing or right-wing dictatorships — their notion of what is appropriate behaviour or relationships between men and women can be remarkably different to our understanding of what is acceptable. There is obviously an aspiration, and this bill allows this agency to coordinate and to explore some of the complexities and make sure that there are programs in place, but it is not going to be a magic wand. In actual fact it is a lifelong process for many.

I know that in the country in which I was born there is embedded in that culture a tolerance of a different level of violence, whether it is the use of language, whether it is the way that you raise children or whether it is in

relationships between spouses. For people to change their behaviour, they have to unlearn a lot of behaviour. I am a firm believer that people can and do change. The only area where I beg to differ from some of the comments made is that there are people who have raised their hands or who have committed violence who do change. I think they deserve the opportunity to change by having the appropriate research and the appropriate programs to help them to rehabilitate themselves and their relationships.

Many women that I have spoken to — and I will draw on my own personal experiences although I will not speak about them — have said that people who have committed domestic violence, men who have perhaps beaten their wives, can develop and grow into being very caring, affectionate and devoted husbands and very caring and devoted fathers and grandfathers. I do not believe we should ever consign people to the dustbin. If there is an opportunity for this agency to do some of that deep research to look at which particular culturally and linguistically diverse communities need some special assistance, perhaps some special behavioural change programs for men or help in learning how to be a father or how to be a better father or learning how to be a better mother, then our Victorians deserve that opportunity.

A lot of the time people will not perceive that their own behaviour would fit into the category of family violence. A lot of the time people have a fairly black-and-white notion of what family violence means. Often it may be seen as just physical violence rather than emotional violence or exercising financial control or control of social relationships, so that people are not aware that in actual fact what they are doing, what may be commonplace in their community or in their family home, is not acceptable to the broader community. Of course for Australia, being a country whose history has been built on successive waves of migration, this will continue to be a challenge for us. There will always be that challenge. The family violence prevention agency will have ongoing work to do.

The sorts of concerns I have are about things that make no difference — lighting up 16 buildings for 16 days in the colour orange I think is laughable. I would see that money and resources would be better spent on things that make a real difference. As I said, without speaking extensively about all the things that people have commented on, all I would ask members to consider is that the experiences that people bring with them when they migrate to Australia are very varied and are embedded in their own sense of identity, in their own culture and in their relationships. They will often need a long, long time to learn, to change and to modify.

A lot of women who are victims of family violence will not report that family violence because they think that the agencies and authorities are all geared to splitting families up. They want that violence to stop, but they want the family to remain intact. What is important is that these services are delivered in a culturally appropriate way that does not ever put people's lives in danger. I think we have also got to understand, as I said before, that a lifetime of learnings — sometimes bad learnings — do take a long time to change.

Just harking back to my own experience, a person who I knew, someone who would have fallen foul of many of the standards that we expect of people in today's society, ended up developing and growing and becoming a very devoted father, a very devoted husband and a very devoted grandfather. Yet on the surface many would say that these perpetrators should be thrown to the wall and treated accordingly. All I say is that there is the opportunity of change, and the greatest thing that we have working in our favour as a society is the strength of the family unit. If there is any opportunity of making that family unit more functional, whether it is by addressing the real problems of drugs and their addictive nature — in particular ice, which makes every dark thought a reality and gives people the strength of 10 men or women — or dealing with alcoholism, compulsive gambling or some of the more harmful cultural practices, then these are the practical problems that we need to address in order to minimise the likelihood of family violence occurring and the impacts of it. These things can prevent and diminish the destructive effects of family violence. As I said before, it is not exclusively among people from multicultural backgrounds, but certainly there is a lot of it there. A lot of it is not seen by the rest of us, it is not understood by the rest of us and often it is not reported.

We had a debate recently about dowries. There are cultural practices where if a woman reports family violence and the marriage breaks down, that dowry, for example, may be sought to be repaid overseas. A lot of those women do not actually report it because the impacts are felt by their family, who may be many, many miles away. There is an opportunity for this agency to actually bring to the understanding of this very complex issue some of the practices that are obscure and opaque to the rest of us but which really do impact on the daily lives of people from such a diverse range of countries, as well as on children.

With those few words, I wish the agency well. It is a shame that it was not established earlier and that there has been a delay. All of the good ideas are here outlined in the 2012–2015 strategy. We are now here three years later discussing the establishment of this agency; it is

time lost. There is much work to be done, and it is not going to be a magic wand. That work will be ongoing, but it has the capacity of making a real and practical difference to the lives of women and children and families, and in particular those from multicultural backgrounds. I wish the agency well, and I look forward to some of the work that may emerge out of it.

Mr O’SULLIVAN (Northern Victoria) (20:28) — I have a lot of joy in rising tonight to speak on the Prevention of Family Violence Bill 2018. This is one of those issues on which the whole of the chamber and the whole of our community all stand together as one in our condemnation of acts of family violence that may occur in our communities, wherever those communities may be — and it is not just here in the state of Victoria but right around Australia and around the world.

Unfortunately our society can be a nasty place at times, and sometimes it is in the sanctity of someone’s home where some of the most awful things occur. I think family violence is right up there as one of the most despicable acts. I am fairly fortunate in terms of my upbringing. As I mentioned in my first speech in this place, I was very lucky in growing up in a very loving family up in the country at Patchewollock where my comprehension of any sort of family violence was non-existent. It certainly did not happen in my household, it did not happen in any other households that I was aware of, and I would almost go as far as saying I do not think it happened in our township. Maybe it is naive of me to say that that was the case, but as a kid growing up at times you sense things, and that was something that I never sensed. I was very lucky that that was the case. It meant that I grew up in a family that was very loving, and I had a very good childhood where no acts of violence were occurring in our household, other than some of the discipline that I got for being fairly naughty when I was younger, but that was probably fairly appropriate and probably served me well in the long run.

In terms of family violence, I was listening to the contribution of my colleague Ms Bath. Some of the things that she said really resonated with me, and I am going to repeat them, because they meant a lot to me. It does not matter what the reasons are for violence within the home occurring — and there are many reasons, excuses, explanations or whatever you want to call them — none of them are ever acceptable. It is never okay. It is never, ever okay for someone to experience that level of violence within what can be, should be or has been a loving relationship. Sometimes it appears that the statistics show that women are mostly the victims in domestic violence situations, and that is a tragedy, because certainly when I was growing up the

values that my household was able to put upon me included that it was never okay to hit a girl. It did not matter how old you were or what you did, it was never okay to do — not violence, but even whacking a girl or whatever while playing around; you just could not do it.

It was not just in my household. For any other boys, if they got rough with a girl, they got a clip behind the ear. That might not be the way things work nowadays, but back in those days it served us well, because from a very early age we were taught that it was never okay to hit a girl. Throughout my whole lifetime and for the rest of my lifetime — hopefully it will go for a fair while yet — that is a philosophy that will never, ever leave me. It is just never okay to hit a girl. One of the things that I find strange in the family violence scenario is that I genuinely do not understand how anyone could ever think that it is okay. I genuinely do not understand it. It goes back to something that Ms Bath said. It is never okay, and there is never an excuse that is appropriate in terms of trying to explain why it occurred. There are no excuses, and it is never okay.

Another thing that Ms Bath said is that sometimes drugs are involved and sometimes alcohol is involved, and I think at times people would say that is a reason or an excuse. It is not an excuse, it is not a reason and it is not okay. That is something that I have thought about before today, but when I heard Ms Bath say it, it was something that certainly did resonate with me — that there are no excuses. There is something very wrong with someone who decides that that is a course of action that they want to take. I do not understand it.

But among the things I think have been positive over the last few years — and it is something that we have only more recently been prepared to talk about more openly than we once were, because it was one of those things that for a long time was a secret hidden within the family home where it was occurring — and that have really resonated with me are the ads that have been aired on TV. It has not been just in recent times but over the last three to five years that there have been TV ads to raise awareness of the issue. Whenever I see those ads on TV it really hits home to me that this is something that is real — this is something that does occur. Whenever you see those ads they make you angry that that is actually occurring. Many women feel so powerless in terms of being able to deal with that, if they are having that violence perpetrated upon them by, quite often, someone who loves them — their husband, their partner or whoever it is. It is just staggering that you can have that sort of violence against you undertaken by someone who is your partner, your lover, your husband. It is not always women. The statistics do

show that it does happen to men as well, but not to the same extent.

That is why I think this bill is terrific in terms of establishing the family violence prevention agency and setting out the functions, the power and the duties of the agency. This is something that is terrific in terms of going some way to help address this issue. The board of the family violence prevention agency will be set up under this piece of legislation, along with the appointment of the CEO. That is a really positive step forward — that we will have an agency that is solely focused on this particular issue in our community. It is a scourge in our community that is as bad as any there is. Probably perpetrating violence against children would be worse in my view, but that is not to say that this is any better — it is not.

This agency can go down the path of being able to establish awareness and trying to understand why this happens. I am not sure if any of us could explain in any short sort of form why it happens, but if this agency can do the work that it needs to do to be able to formulate some sort of an understanding as to how this sort of violence can occur in the family home, that might go part of the way to actually being able to put measures in place. I do not know what those measures would be, so I really do hope this agency is able to make a real difference in this space. Hopefully it will not be an agency that just becomes another bureaucratic agency. I think we all hope that it genuinely can do some terrific work that will bring about an understanding. Once you have got an understanding of the problem then you can work out what the best way is to address that problem and try and eradicate it.

I think we would probably all agree that there is a whole range of things that have popped up over the generations that have been a scourge on our society and, through a whole range of activities, have been essentially eliminated. Look at, for example, drink-driving. That was something that was very prevalent years ago, but a whole range of publicity, laws that have been applied and education of people has certainly changed the number of fatalities that we have seen on our roads over a number of years along with a whole range of other things. So I certainly support the establishment of this agency if it can go down a similar path of being able to recognise the problem, understand the problem and try and come up with some understandings as to why it happens and come up with some measures, some solutions and some ideas about how we can get on top of this issue.

It is not going to be an easy situation, because these issues are always very complex. No issue is exactly the

same as another in terms of the variation from one person to another. There is the human mind and human involvement in this that makes it complicated. It makes things very, very difficult in terms of being able to understand a pattern of this occurring, because the reasons one person does it are different to the reasons that someone else does it. The agency is going to have its work cut out, but let us hope that it can do that in the best sort of way.

The Royal Commission into Family Violence has obviously been something that has certainly raised awareness of this issue, and hopefully that will also be able to play a part in terms of the agency working its way through this issue. I would like to also recognise the work that Ms Wooldridge did in this area in the previous government. She certainly has done quite a bit of work in relation to this as well. There was money committed to it from the former government in relation to this work, so this is something that both sides of the house have been realising is a problem that needs to be addressed. So I take my hat off to the former government and take my hat off to the current government in terms of the work that they have done and are doing on this issue. Hopefully if we keep working hard and this agency gets all the support it needs and can do the work that it needs to undertake, we can make a real difference in this space. That would make a real difference in our community and would make a real difference for those people who are directly involved. It is not just the immediate people involved; it has flown-on effects on other family members, on relatives, on children in particular, on friends and within the community. So if this is something that we can stamp out or minimise in our society, that would be a great outcome and would make this a much, much, much better place to live.

Mr ONDARCHIE (Northern Metropolitan) (20:41) — The Prevention of Family Violence Bill 2018 is the matter before the house which I will speak to tonight. It is not just the responsibility of the Parliament to prevent family violence; it is the responsibility of every single Victorian. We all own this. And whilst we are representatives of those Victorians, the message to all Victorians is: you all have some responsibility to prevent family violence.

This bill provides for a new agency called the family violence prevention agency, with its working title of Respect Victoria. The functions of this agency will be to oversee, fund and promote family violence programs run by various organisations; to provide advice to the minister — and certainly the minister needs it — in relation to family violence prevention; and to conduct a review of trends and outcomes in relation to family

violence prevention over three years. I think there should be a fourth point to this agency as well — that is, could you get it done? Could you spend less money on bureaucracy and less money on having people warming chairs in a public office and put more effort into directing money to where direct care can be given? I would like to see less money on bureaucracy and more on action.

This bill fulfils recommendation 188 of the Royal Commission into Family Violence by creating an agency that will be the first pillar of the government's primary prevention strategy. This is not an end in itself. The government should not be patting themselves on the back or rewarding themselves for creating an agency, because it is about solving the issue and preventing family violence in this state.

Just on that, can I pay tribute to our lead speaker on this, Ms Crozier, because I have seen over a long period of time her heartfelt dedication to this matter. I had the privilege of sharing a parliamentary office with her for six years until we went through an amicable separation and moved into separate offices, but I watched her energy, her care, her dedication and her absolute and unwavering commitment to dealing with the prevention of family violence in this state. So, Ms Crozier, I say to you: when it comes to looking after children and looking after families, I congratulate you and commend you on the great work that you have done to this point. I know that you led the inquiry into child abuse, but this is a greater picture that we are talking about here in terms of making sure that families are protected as well, so I do say thank you, Ms Crozier, on behalf of Victorians.

I have got to say I am blessed by a beautiful and wonderful family — a beautiful wife, five and now six children in my home, as we welcome Katey into our home, and three beautiful grandchildren. I am a lucky man. I am a very, very lucky man, but not all families are as blessed and as lucky as we have been. So this goes to making sure that we can support families and support those who have been unduly treated as a result of being part of a family, and primarily I am talking about men in this state who act against women. We can go into a whole lot of explanations about the different levels of family violence, but in the main men are the perpetrators and we need to do something about this. I have some ideas about that, but the law would deal with me for wanting to deal with those people in the way that I see fit.

I have had some association with supporting people who have been affected by family violence prior to entering this place and since in terms of helping

towards providing safe housing — places for women to find safe refuge — providing housing, providing clothing and providing toys for those homes as well so that when, in the main, women and children escape to those homes for safe refuge there is some clothing for them and there are some toys for the kids. Whilst it is not ideally the life they would choose in that immediate time, it provides them with some safety and some certainty.

The legislation before us today is personally very important to me, and it is important also to the area I represent — Northern Metropolitan Region. I am sure, Acting President Patten, you are aware of the challenges in Northern Metropolitan Region when it comes to this matter. Can I tell you that in Northern Metropolitan Region — I will take, for example, the City of Whittlesea — we are regressing in what is happening around family violence. People say to me, 'Oh, there's just more reporting'. There is not just more reporting; it is happening. It is happening out there. There has been on average a 29 per cent increase over the last three or four years in family violence matters, and if you look at the City of Whittlesea there is a higher average incidence of family violence than across the bulk of the Victorian population.

People who are affected by family violence are more likely to become homeless, experience mental health concerns, be injured, be hospitalised or in some cases be killed. Family violence is a common factor in child protection notifications and has a major impact on that important family unit as well as of course the broader community. The stats are sadly growing. When I talk about the challenges in Victoria with my mates in the police force out in the broader Whittlesea area and in the suburbs that are part of that Whittlesea local government area, family violence has become probably the highest priority for their activity.

If we look at just, for example, the Whittlesea area — and I will not get this figure exactly right, but it is close — family violence accounts for about 60 per cent of Victoria Police's work in that area, the area in which I live. It is growing rapidly, and if you look at Whittlesea there has been significant growth. In the City of Hume, also in the northern metropolitan area, there has also been significant growth. Both of those municipalities have amongst the highest rates of family violence of anywhere in Victoria.

Police have shifted their focus from targeting offenders to ensuring they are supporting and helping victims with support workers. Places like Berry Street are now forming part of that whole Whittlesea family violence unit. The family violence unit in the City of Whittlesea

has grown significantly over the last few years and now includes at least three sergeants and at least three senior constables or leading constables as well, and there are plans to grow that as well.

Can I at this point just take a moment to pay tribute to Sergeant Chantel Vidler, based at Mill Park police station, who covers a wide area. Some of you would know Chantel Vidler. Acting President Patten, I suspect you have met her at some point as well. Her leadership of that family violence unit is exemplary. She is not only a great copper; she is a great person as well, and she cares deeply about the people she comes into contact with and does an amazing job. I know she only works a number of shifts per week, but I suspect she is working well outside those shifts as well to help particularly women who have been affected by this. I think the message is getting out there that people can come to the police and they will assist, and I would like to see much more of that.

There are lots of reasons for family violence, and I am far from being an expert to talk about why, but some of the attributed reasons for this are things like mortgage stress, where households are experiencing financial stress. Cultural issues are also an additional factor. In the vast multicultural community that exists in Northern Metropolitan Region there are some challenges. There are some challenges where there are incidents of family violence. In some of our cultures the women particularly see it as an embarrassment that they are victims of family violence. They also think they lose face because they are victims of family violence in their own homes.

Can I say to those women and those who advise those women that it is okay to talk about it. It is okay to come and seek some help. You will not lose any face. Do not be embarrassed. We care about you. We want to help you, so talk to somebody. Talk to somebody in your community. Look for leadership in your community or in the municipality or in the region, someone you can talk to about this. Please do not just sit back and take it. It is not acceptable. We do not accept it, and we will do something about it in this state. It is a challenge in multicultural communities. I see you nodding, Acting President, because I know that you have seen it too.

Some of the data from the courts indicates that breaches of court orders and assault-related offences were involved in the majority of family violence incidents in the local government areas of Whittlesea and Hume. In Whittlesea, if we take the year before last, intervention orders were sought 417 times, and safety notices were issued in over 440 occasions. During that same time

520 intervention orders were sought in Hume, and 560 safety notices were issued as well.

Sadly, family violence continues to be featured in our media regularly. Unfortunately so far this year, as this information tells me, we have seen the loss of 39 women in Australia already due to family violence or domestic violence. That is 39 too many. What a shameful society we are when family violence is one of the key things we have to tackle in this state — we have to be better at it. I come back to my original point: every single Victorian has a responsibility to deal with this. If you see something, if you know something or if you hear something, you have to tell somebody. As we have very busy lifestyles and very crowded neighbourhoods there is a slightly growing incidence of people hearing something, knowing something or observing something but then just saying, 'I might mind my own business here'. Each of us has a responsibility, and each of us has a responsibility to the women in this state. It is not enough to just sit back and hope it will be okay, because it is not okay.

More than 67 500 family violence incidents were reported to Victoria Police in the period 2016 to 2017 and that is just in Victoria. One in four Australian women experience intimate partner violence; that is 2.2 million Australian women. One woman is killed in Australia by an intimate partner or an ex-partner almost every week. Unfortunately children are present in one out of every three violent cases reported to police. So we have to think about more than just what has happened to these women; what about those children? Aboriginal women are 35 times more likely to be hospitalised from a family violence incident than other women.

I could go on to talk about the economic cost of this. Whilst that would add some strength to my debate today, it is a cost that we have to bear because we have to get this right. I want to say to the government: just simply setting up an agency is not an end in itself; it is not just the solution. Please, Minister, I beg of you: do not sit back proudly and tick a box that says the legislation got through and we have created an agency — because creating an agency on its own is not going to solve the problem.

Ms Symes — You're reflecting on the minister, who is really passionate about this.

Mr ONDARCHIE — I will pick up that interjection, Ms Symes, and I thank you for it. I am not reflecting on the minister —

Ms Symes — You are!

Mr ONDARCHIE — I am just asking that that does not happen. What I am saying is we all carry a responsibility to protect women in this state, and simply creating an agency is not an end in itself.

Ms Symes — Did we say that? Did anybody say that apart from you? No-one else did.

Mr ONDARCHIE — I am saying it. Sadly, others are not, because they think this is an end in itself, and it is not. We each have a responsibility to protect the women in this state.

In the Liberal-Nationals we have always encouraged bipartisan support for ending the scourge of family violence in Victoria. It is important that we support the agencies that are delivering these things and get the money down to where it is really needed. It is not about new computers and desks at an agency; it is about channelling the money to where action can really be taken. We of course do not oppose this bill, because anything that goes to protecting our women and children in this state, in the main, should be supported by all sides of Parliament.

This bill fulfils recommendation 188 of the Royal Commission into Family Violence. It allows for regulations to be made at a later point prescribing other functions of the agency. It provides for policy advice that the agency will provide to the minister of the day. I encourage the minister of the day, whoever that may be, to seek advice from people other than just their own agency: get out and talk to people. For a short period of my career I had the privilege to be executive director of the Royal Women's Hospital. I saw some things that we should never, ever let happen in Victoria. So what I would encourage those advising the minister — the agency of the day — is to get out to some of our hospitals and see what is happening and listen to people. Try to find ways of preventing them from ever having to get to hospital in the first place. I encourage the passage of this bill. We will consider more of the elements of this bill in the committee stage.

Ms MIKAKOS (Minister for Families and Children) (20:55) — It is with immense pride that I rise to make a contribution in summing up the debate on this important bill. I really want to lead off from where Mr Ondarchie ended. I agree that we all have a shared responsibility to address the issue of family violence in our society, but I do think that as legislators we have a unique opportunity to take responsibility and show some leadership on this issue.

We are debating this bill today on a very sad anniversary, particularly for members on this side of the

house but I think for all members of this Parliament. It is in fact 12 months since we lost a colleague, our first Minister for the Prevention of Family Violence, the late Fiona Richardson, who was a champion of the issue of prevention of family violence. I am sure she is watching over us all tonight as we seek to establish an Australian first here — it might even be a world first — in establishing a dedicated prevention agency for family violence in Victoria. The reason we are doing this is that following the evidence considered by the Royal Commission into Family Violence it came up with a wide breadth of recommendations on how we could end family violence in our state. The commission took a very firm view that the focus should not just be on a service response or a crisis response, important as that is. Certainly as the minister who deals very much with that end of the statutory system I know it is a very important part of our response, but it should not be the only focus; it should not be the entire scope of the government's efforts and the community's efforts on this issue. This is why the royal commission did make a very important recommendation, recommendation 188, to establish a prevention agency, which is what we are doing through the passage of this bill — Respect Victoria.

I make the point to all members that it is well understood that we have an absolute crisis in our nation with respect to the issue of family violence.

Mr Ondarchie referred to 39 deaths. The latest figure that I have been given is that it is in fact 41 deaths of Australian women who have died as a result of family violence just this year, and we are not even anywhere near the end of this year. It is with great sadness that we are all participating in this debate, and we have heard some very moving contributions. Ms Truong is in the chamber, and I particularly want to acknowledge her contribution — a very moving personal contribution. She has shown great courage in sharing her experience with the house, and I thank her for that. As someone who has personally been the victim of family violence, and I think there would be many others in this chamber who have similarly had such an experience, I recall the great admiration I felt for the late Fiona Richardson for similarly sharing her own personal experience.

We are all well aware of the really alarming statistics in this area. One in three Australian women have experienced physical violence. One in five Australian women have experienced sexual violence. Ninety per cent of Australian women with an intellectual disability have been subjected to sexual abuse, more than two-thirds of them before they turned 18 years of age. One in four Australian women and one in seven Australian men have experienced emotional abuse by a current or former partner.

These are all very alarming statistics, but they are not just statistics, these are real people. We all know that there are people in our families, in our communities, amongst our loved ones and amongst our friends who have experienced the terrible scourge that is family violence. We see this impacting on our community every day. We know that family violence takes up around 60 per cent of Victoria Police's time, with a police officer called out to attend a family violence incident every 7 minutes. I think what that tells us is that this is an urgent issue that does require our very considered and comprehensive response. That is why I am very proud that we have committed to implementing each and every one of the royal commission's recommendations. No-one is suggesting that one recommendation alone or one agency alone is going to be able to address the breadth and the scope of this issue, but it is going to make a very significant impact.

Based on the evidence, it was the considered recommendation of the royal commission that we need to take this step and that we need to establish a dedicated prevention agency. We have listened to the considered views of those who work in this field in terms of how this has been established. The suggestion was made much earlier by Ms Crozier that we have not followed the recommendation. The recommendation was to have an initiative either inside or outside the government. We have chosen to go with a legislated body — a statutory body — outside the government because that was in fact supported by the family violence sector and by those people who work in the area. The reference to 'outside the government' means exactly that. If you look at the commentary that is given in the royal commission report, it does actually give other examples of other similarly legislated statutory authorities that perform similar functions, and it gives some examples in the report.

We have implemented this recommendation. We have listened to the views of those who have worked in this field for decades, people who I have absolute admiration for. I have spoken to people who work in this field, and they are overwhelmingly women — whether they are in women's refuges or whether they are working as part of the frontline response, taking phone calls, counselling women and supporting women and children to overcome the trauma that they have experienced from family violence. Whether it is those working in our child protection agencies or those working in family violence agencies, they do incredible work, and I have nothing but admiration for them.

In terms of the issue that has been raised continually in the course of this debate around the causal factors of

family violence I want to make it very clear that the royal commission itself made a number of comments in relation to this issue. It was not tasked, I guess, with really examining in-depth exactly all the drivers, but it did make a number of references to the issue of gender equality, and I refer to just some of those comments. On page 3 of its report it said:

... the commission had particular regard to the need to establish a culture of non-violence and gender equality and to shape appropriate attitudes towards women and children.

It went on further, saying on page 256:

Proponents of gender-based interventions generally acknowledge that the life experiences of perpetrators (such as childhood exposure to violence or substance misuse) have been shown to increase the likelihood of violence against women; however, they argue these factors only come into play when a perpetrator has low support for gender equality and adheres to rigid gender roles and stereotypes.

On that same page it also goes on to talk about the UN. The quote continues:

In this context, UN Women acknowledged that other risk factors are influential, but 'need to be addressed as they intersect or interact with unequal gender relations'.

The royal commission certainly did make some comments in relation to the issues of gender equality. It is certainly widely understood and acknowledged as being a very significant factor. No-one has suggested in the government that men cannot similarly be victims of family violence, but we know that around 95 per cent of all victims of violence in Australia report a male perpetrator. Overwhelmingly family violence is male-on-female violence. It is not exclusively the case, but it is overwhelmingly the case.

I make the point that there were suggestions being made by Mr Morris that the inclusion of a definition of 'violence against women' in this bill is somehow a slur on all Victorian men. I find that suggestion absolutely abhorrent. I find that really preposterous. I just want to refer him to a quote from Ms Wooldridge when she was involved in the establishment of Our Watch. At the time she was quoted in the *Guardian*, on 17 September 2014, a little bit before the last state election.

She said as follows in this newspaper article:

... we're also realistic about the extent of the challenge, because the origins of the behaviours of those perpetrating violence come from deeply held views about gender equality.

Then she went on to say:

They are embedded from an early age and reinforced by family behaviour, by peer groups, what children see in the

media and in school and social environments they are involved with.

I could not agree more with what Ms Wooldridge said in 2014, and I am saddened by the fact that some of her own colleagues do not agree with that view, because we know we have to break the cycle of violence. I know from my own portfolio in child protection that we have children growing up in violent families who see this playing out with their parents, or it might be one parent and a new partner, and that cycle does continue. It does not always continue, thankfully, where children grow up to be perpetrators, but we know that it does continue. We have a cycle of violence continuing because that is what children have learned as normal behaviour, and that behaviour has to be addressed. That is why we have programs like Respectful Relationships, making sure that children can understand what respectful, equal relationships can look like in our society.

It is important that those opposite who have made these suggestions understand that what this is about is making sure that we have a body that is dedicated to research and to quality assurance of these types of programs running education programs in our community. We have already seen some very successful advertisements and communication messages around these issues, and this is what we need to continue. We need to make sure that we have got a continuous message in our community about how family violence is unacceptable. I will just give one example — the ‘There’s nothing good about dads who abuse women’ TV ad that ran, making the point very strongly that you are not a good dad if you beat up on your children’s mother. I think that was a particularly effective way to get this particular message across.

Comments have also been made about whether this particular body is actually necessary. I make the point that this is going to be a body that will complement the work of organisations like Our Watch and Australia’s National Research Organisation for Women’s Safety. They have a particular focus. This body is designed to complement that work but in fact will go much further than the work that each of those bodies is doing.

I note that the royal commission in its report on page 57 talks about Our Watch:

... Our Watch is a national organisation and will be unable to provide the level of support to Victorian agencies and communities that is required to drive prevention practice.

My understanding is that Our Watch has a very specific focus on violence against women and that in fact Respect Victoria is going to go further than that. It is going to look at the issues of family violence —

including violence in LGBTI families and households, in Aboriginal families, in culturally and linguistically diverse communities and in the broad range of situations where family violence exists and violence against women exists — rather than having a very specific, narrow focus. This is an important point to make because it was being suggested by some members opposite that somehow Respect Victoria was going to slur the reputations of Victorian men. I just find that really unfortunate.

No doubt there are other issues that will come up in the course of the committee stage. I do think that this is a bill that deserves the support of all parties. I do think it is an issue that we all need to commit to supporting. We need to support each one of those royal commission recommendations because they heard all the expert evidence and they heard the plight of victim survivors in our society. All of them collectively have implored us to take action on this issue, and it needs to start with prevention. We need to make sure we stop the cycle of violence, but it is not going to end there. We need to make sure that all of those recommendations, from prevention through to service response and crisis response, are delivered. I commend the bill.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1

Ms CROZIER — I have a number of questions I would like to ask. Minister, I have just heard your summing up in relation to the government’s reasons for the set-up of a dedicated agency in terms of looking at the preventative measures. Family Safety Victoria was set up in July of last year — I think it was 2017. It was established as an independent administrative office within the Department of Health and Human Services (DHHS). I understand that at the time part of its role was also to look at developing and providing policy development to the minister and at designing family violence prevention measures. I just want to get some clarification from you. Once this bill has passed and this body will be set up, what will the role of Family Safety Victoria be in terms of that policy advice and preventative measures? How will it change? It was not enshrined in legislation, and this is. What are the differences between the two?

Ms MIKAKOS — The establishment of Respect Victoria responds to recommendation 188 of the Royal Commission into Family Violence and delivers on public commitments outlined in the Victorian government's *Free from Violence* strategy. Respect Victoria will focus on the primary prevention of all forms of family violence and address the key drivers of family violence, such as gender inequality and other forms of discrimination and marginalisation. Family Safety Victoria focuses on family violence support and response for those experiencing family violence. Respect Victoria will engage in strategic partnerships with the early intervention and response sectors and new and existing gender equality and prevention experts in Victoria, including working closely with Family Safety Victoria.

Ms CROZIER — Why was Respect Victoria not put in as part of Family Safety Victoria? It is a separate agency, but I am just wondering, because of the overlaps, if you like, about the differences in the roles. Why wasn't Family Safety Victoria also enshrined in legislation?

Ms MIKAKOS — Recommendation 188 of the royal commission, as I referred to in my summing up, used the language of resourcing an initiative either inside or outside government to have a dedicated prevention function. It did give a number of examples of other such statutory bodies. It certainly was open to the government to have this prevention body be a unit within a government department, as Family Safety Victoria was, but we did hear very strongly the views of people who work in the family violence sector who did support this being a statutory authority.

Ms CROZIER — Minister, who did you hear from who gave you that advice, that it should be set up as a statutory authority?

Ms MIKAKOS — Thank you for that question. I am advised that consultation occurred with members of the ministerial task force on the prevention of family violence. I am further advised that there are about — this might not be the precise number — 25 members on that task force, covering the breadth of people who work in family violence and academia, and I understand that the membership of that task force may well be available on a government website.

Ms CROZIER — Thank you very much, Minister. I understand that Respect Victoria had already commenced in a business unit within DHHS. Is that correct?

Ms MIKAKOS — Yes, Respect Victoria has commenced some work as a business unit within DHHS, but once this legislation passes it is certainly the government's intention that the bill will be proclaimed and that it will transition to being a statutory authority as quickly as is possible.

Ms CROZIER — If I could just clarify, when did that business unit commence operation? This bill has not been passed yet, so I am just wondering when it commenced operation and why it commenced.

Ms MIKAKOS — Because the government is certainly keen to get the work of this statutory authority going as quickly as possible, so that is why a CEO and board members have been appointed. The —

Mr Ondarchie interjected.

Ms MIKAKOS — It has happened as a business unit since August, and —

Ms Crozier — We're in August.

Ms MIKAKOS — Yes, so just a few weeks ago. Obviously following the enactment of the legislation the Governor in Council will be able to formally appoint the board and the chairperson on the recommendation of the minister, but there are already details available, as I understand it, on the government website about the intentions of that membership.

Ms CROZIER — If I could just get some clarification, Minister, you have set up a business unit, it is already in operation, you have got a CEO and the board members have been appointed, but this piece of legislation actually speaks about — and I will come to it — how the board —

Mr Ondarchie — It still hasn't had royal assent.

Ms CROZIER — Well, the bill has not had royal assent. They have already started it operating, so what I would like to know is why it has started operating. I know you are keen to get it up and running, but there are surely processes that need to be followed, especially when this legislation actually states that the board appoints the CEO or approves the CEO. I will find the correct wording in a minute. It states:

The Board must not appoint a chief executive officer that the Minister has not approved.

I want to go into more detail in clause 24 on that, but I want to go back to this business unit and the set-up. If it is just the CEO and the eight board members that I have seen on the website, are they being paid? Have they started being —

Ms Mikakos — Hang on. One question at a time. You've given me about 10 questions already.

Ms CROZIER — Well, that is true. I have probably given you 10 questions in my time. I will just let you answer those, and then I will keep going.

Ms MIKAKOS — So just to be clear, Respect Victoria has operated as a business unit of DHHS since the start of August. It has done very preliminary work. There is no formal board as such; obviously that needs to happen through a Governor in Council appointment. The board members that have been announced are operating as an advisory board, and that will be formalised through the Governor in Council process on the passage of this legislation. It is important that obviously the statutory authority has the ability to get up and running and commence its work as quickly as possible, and that is why this preliminary work has happened.

Mr Ondarchie — It's like signing off a time sheet before you've met people.

Ms CROZIER — It is very much like signing off a time sheet before you have met people. That is right, Mr Ondarchie.

Minister, how many staff other than the CEO and the board members are operating in the business unit?

Ms MIKAKOS — The advice I have is that the CEO has been appointed by the secretary of DHHS. She has similarly appointed the members of the advisory board who are being —

Ms Crozier — Sorry, the secretary?

Ms MIKAKOS — The secretary, yes. She has similarly appointed the members of the advisory board, and they are being remunerated as an advisory board. Obviously on the passage of this legislation there will be a Governor in Council process of appointing the chairperson and the board members.

Ms CROZIER — Minister, thank you. Some of these questions that I have pertain to clause 24, but while we are on it here, you have just said that the CEO was appointed by the secretary of DHHS, but:

The board must not appoint a chief executive officer that the minister has not approved.

So I am taking it that the secretary has appointed the CEO and the minister has approved it? Has that all been signed off formally?

Ms MIKAKOS — At this point it has not had the minister's approval. That process will happen as per the provisions of that clause when the legislation has passed and there is a formal appointment of the board by the Governor in Council. Then the Governor in Council of course has a process, which I am sure we will talk about in more detail, of appointing the CEO. There is a process there that obviously involves the minister as well. Obviously the contract, this short-term appointment via the secretary, will become null and void at the time when that process happens.

Ms CROZIER — Thank you, Minister. I note the recruitment agency that was responsible for filling the job for the government to find the board members, and I am reading from a job ad from Fisher Leadership. The job was posted on 12 April but applications expired on 16 April. So DHHS had four days for the board members for Respect Victoria. The ad talks about the primary roles of the agency. Could you give me the time frames that that recruitment agency actually had to conduct that search process for these board members?

Ms MIKAKOS — There seems to be a bit of uncertainty as to the dates that the member is referring to. It might help if you could give me that piece of paper for the people in the box.

Ms CROZIER — Certainly. I will just clarify —

Ms MIKAKOS — If I could just finish. The advice I have is that the advisers do not believe that it was in fact four days; they believe it was a longer period of time. We are not in a position to give you the exact dates now. We can take that on notice. But if you have something there that does shed some light on that, that would certainly be helpful.

Ms CROZIER — I am very happy to provide it. I make the comment that it may have just been a last-ditch ad with the time frames, but I would be interested in the proper time frames and the process that the recruitment agency had and how that process was undertaken, because obviously four days does seem like a very short period of time and a fait accompli if that was the case.

Ms MIKAKOS — Thank you. As I said, I am not in a position to provide you with those time lines now, but we are certainly happy to provide you with the dates when the recruitment process occurred.

Ms CROZIER — Minister, thank you. If I could also ask about the staff in Family Safety Victoria, I was not clear if there were any other staff other than the CEO and the board members that are in Respect Victoria yet. I am just wondering whether there are

other staff in Respect Victoria and whether any of those have come from Family Safety Victoria?

Ms MIKAKOS — Thank you for that further question. I am advised that 10 staff, predominantly from the Office for Women, have been seconded on a short-term basis to this business unit to enable all the preparatory work to occur for this statutory authority. Obviously once the statutory authority commences and the CEO is formally appointed by the board, the CEO will then be advertising for the employees of Respect Victoria.

Ms CROZIER — Thank you, Minister. Could you just highlight to the committee how many employees the CEO will be advertising for Respect Victoria? How big will that initial office be? Could you just provide a bit of an overview of the structure?

Ms MIKAKOS — Thank you for that further question. The advice that I have in terms of the number of staff that have been seconded temporarily is that that is an indication of what the full complement of the staff of Respect Victoria will look like, approximately, because obviously it will be a decision for the CEO. In terms of the comments that were made earlier about establishing large bureaucracies, that certainly does indicate that this is not intended to be the case. This will be an organisation that will be very much focused on its functions and will not be a particularly large organisation.

Ms CROZIER — Again, I was going to ask this question at clause 25, but now that we are on it, you are saying approximately 10 staff, but clause 25 talks about subcommittees that will be established. Why would subcommittees need to be established if you are saying, ‘Look, the 10 or so seconded staff is as big as the agency will get’?

Ms MIKAKOS — Thank you. Looking at particularly clause 25(1)(d) and the reference to subcommittees, they are subcommittees of the board. They are board members meeting as subcommittees. It might well be that, for example, there might be a finance committee or some such subcommittee of the board. We are not talking about subcommittees of staff. Of course the staff might well provide support to a subcommittee, as you would expect they would provide support to the board.

Ms CROZIER — Thank you. Minister, will that agency therefore stay within DHHS? On 21 April on ABC Radio the minister indicated that it could be set up in regional Victoria, so I am just wondering what the

advice is in relation to where this agency will be located and where it will operate from.

Ms MIKAKOS — I thank you for that further question. The geographic locality of Respect Victoria will in fact be a decision of the board of Respect Victoria. There is a temporary office, as I have explained, as a business unit at the moment just doing a lot of that preparatory work, and it is located in a CBD location in Melbourne. But the statutory authority has not yet commenced, and once the board is appointed that would be a decision for the board to make.

Mr ONDARCHIE — Minister, just picking up on your comments to Ms Crozier about the organisation, I take it from your responses to Ms Crozier’s question that the board of this statutory authority will have the capacity to, in a sense, aside from the Governor in Council appointment on the minister’s recommendation, run as somewhat of an independent board, as in a statutory authority. Is that right?

Ms MIKAKOS — It was very clear from the consultations that occurred that the family violence sector had a very strong view that this should be an independent statutory authority. That is why we have legislated in this manner to create this statutory authority rather than have it remain an internal business unit within government. That was certainly open to government in terms of how recommendation 188 of the commission was framed. It provided an option of it being an internal or external body. The government has responded to the very strong representations that were made to the government around this particular issue.

Can I just go further and explain that the board is responsible for the oversight and management of the agency and ensuring that the roles and functions performed by the agency comply with the functions of the agency under this act. I will just provide you with a little bit more information, if I can, about the board, seeing as we are focusing on the board at the moment. The board comprises eight members, including a chairperson. As I have explained, the Governor in Council may appoint a person to be a member of the board on the recommendation of the minister. Board members will have the necessary skills, experience or expertise in areas such as communications, cultural diversity, law, primary health, financial management, risk management, governance or management of community bodies or bodies corporate. Board members may also have skills, expertise or experience in the prevention of family violence or violence against women in a sector of the community that may include education, industry, employment, sport, the arts or media. It specifically does not include members of

Parliament, and the governance arrangements will allow the agency to be at arm's length from government.

There have already been some names that have been put out publicly in relation to the proposed board members. I can go through those details, but that information is publicly available, and it has already been referred to in other members' contributions, so I am happy to go there if members are interested. But I just make the point that there is also a further member to be appointed which will be a representative from the Victim Survivors Advisory Council, and that process is being worked through at the moment.

In terms of the CEO, I understand that Tracey Gaudry is a leader with experience across the sport, community, government, education and professional services sectors, and she will bring to Respect Victoria an ability to transform social and public health campaigns into long-term strategic advocacy organisations.

Mr ONDARCHIE — Thanks, Minister. Minister, in the compilation of the board, is there a quota for gender diversity?

Ms MIKAKOS — I thought it was the case, but I thought I had better just confirm this. This board will be subject in the normal manner, as will other boards, to the government's policy of ensuring that we have a minimum of 50 per cent women appointed to boards. Of course, as is the case with other government boards, it is possible to have more than 50 per cent of board members being women, if that is where the member is going with his questioning. I think it is in fact credit to those people who have worked to put together a very fine list of people with very useful and relevant expertise that they have managed to actually find two men with terrific expertise to be part of this board but also many women who have very good expertise in relation to participating in and making a contribution to prevention of family violence issues.

Mr ONDARCHIE — Thank you, Minister. I take up your comments. I also note the comments that you made about the board being at arm's length from government, based on the recommendation of having an independence about the board. I acknowledge that as part of the recommendations and what the government is doing directly. If that is right, if the role of the board is to be independent from government, albeit that the board members are appointed after a minister's recommendation by the Governor in Council, why is it then that the minister needs to get involved in the appointment of the CEO?

Ms MIKAKOS — Thank you for that question. I am just going to quote you the clause because we are moving around a little bit. This goes to clause 24, and the language there is:

...

- (2) The Board must not appoint a chief executive officer that the Minister has not approved.
- (3) The Board must not appoint a member of the board to be the chief executive officer.
- (4) The chief executive officer is to be employed under part 3 of the **Public Administration Act 2004**.

I am further advised, in terms of the specific issue that the member has raised around the reference there to the minister — 'has not approved', or effectively the consultation that would occur there with the minister — that this is comparable with other independent statutory authorities such as the Environment Protection Authority Victoria (EPA). So this is not a unique type of provision.

Mr ONDARCHIE — Thank you, Minister, for your response. Further to this matter, I contrast your comments with those of your colleague Minister Dalidakis when it comes to the chief executive officer of LaunchVic, where the minister has made it quite clear on numerous occasions in this house that the appointment of a CEO is the responsibility of the board. 'They are an independent board', to quote your words. 'They operate at arm's length from the minister's office', to quote your words. He has said on a number of occasions when it comes to LaunchVic that the appointment of a chief executive officer is a matter for the board, not him. So I contrast that against the comments that you have just made about the appointment of the board, as you have said 'independent of government based on the recommendation and operating at arm's length', to quote your words. Why then is the minister getting involved in the appointment of the CEO?

Ms MIKAKOS — I cannot comment on the situation in relation to LaunchVic. LaunchVic is the responsibility of Minister Dalidakis, and obviously there may well be different arrangements in relation to a raft of different independent statutory authorities that exist across government. I have given you another example, which relates to the EPA. The decision that has been made is to put a check and balance into the system here. This is a statutory authority that has been very much called for and sought by people who have worked on the issues of family violence for a very long time.

As I said earlier, it was open to government through the language use in the recommendation to keep Respect Victoria as an internal business unit within a particular department. We have chosen not to do that, but it is important of course in exercising its roles and responsibilities that Respect Victoria has a working relationship with the minister of the day, with DHHS, with Family Safety Victoria and with a range of other government agencies that work in this field. I did refer to this issue much earlier on in my contribution when I talked about how Respect Victoria will work closely with other key partners in the prevention of family violence space. I mentioned some of those — ANROWS and Our Watch — and no doubt there will be many others that it will be working with too to ensure that it can progress its important work.

Mr ONDARCHIE — Thanks, Minister. To pick up your words when you were responding earlier to me about the consistency of this matter in relation to other authorities, I put it to you that it is in fact inconsistent. You yourself have been here and heard Minister Dalidakis express the issues around LaunchVic and the independence of the board to appoint their own CEO. You have been here during question time, and if there is any doubt about that, I am happy to pull out the records that demonstrate you were here at the time. Notwithstanding that, isn't it inconsistent then, what you are doing in this case compared to other agencies in Victoria?

Ms MIKAKOS — Mr Ondarchie, I know you want to labour this point. I think I have already addressed it. I have made the point that there are different approaches that have been taken to statutory authorities across government. There might be a raft of different models that exist. I have given you an example of the EPA; you have given me a different example. The point that I am making is that there are different models that exist and different approaches that exist in relation to a range of statutory authorities. The opposition has expressed a view or you are expressing a view now about this issue. You certainly had open to you to move an amendment on this issue, but we think that we have taken an appropriate approach here in terms of ensuring that this is going to be a statutory authority that is independent but also does work with the Minister for the Prevention of Family Violence.

Mr ONDARCHIE — Minister, clearly this is inconsistent with the views of other elements of government. I understand that this has been dumped upon you and you are trying to justify it. It is difficult for you; I do understand that. Minister, given the current board and the nominated CEO are acting as part of a business unit of the department right now and are

therefore employees in an organisational sense of DHHS, when they become a statutory authority will the authority then advertise for a CEO?

Ms MIKAKOS — I covered these issues a bit earlier with Ms Crozier. I explained that the short-term contract appointing the CEO that has been made by the secretary of DHHS would terminate and it would in fact be the board, once it has been appointed by the Governor in Council, that would then be appointing the CEO.

Mr ONDARCHIE — So is the expectation then that the minister will be getting directly involved in the appointment of whoever that CEO is to be?

Ms MIKAKOS — Mr Ondarchie, we just spent some time talking about clause 24, so obviously once this bill —

Mr Ondarchie — Well, clause 1 refers to it.

Ms MIKAKOS — Well, we have just spent some time talking about the process under clause 24, so obviously if this bill is passed, then the provisions of clause 24 would apply.

Mr ONDARCHIE — Thank you, Minister. Will the minister be involved in the appointment of any other staff at this agency?

Ms MIKAKOS — The CEO would be making appointments. I have just explained again earlier to Ms Crozier that there are some short-term secondments that have occurred to ensure that all the preparatory work of Respect Victoria can occur. Obviously once the statutory authority is operating and the CEO has been appointed by the board, the CEO would then be engaging in a process of advertising for the employees of that agency.

Mr ONDARCHIE — Minister, why is it that the minister seeks to be involved in the appointment of one staff member, albeit that you said it was an independent board at arm's length from government, yet is not involved in any other elements of the business?

Ms MIKAKOS — I think we have already covered these issues at some length, Mr Ondarchie, around the process by which clause 24 operates. The CEO will be involved in appointing the staff that will be working in the statutory authority.

Mr ONDARCHIE — I have just one final one before I hand back to Ms Crozier. What is the salary range of the CEO to be?

Ms MIKAKOS — Thank you. I am advised that the remuneration for the board, the chairperson and the CEO will be determined following the passage of the bill and on implementation of the interim arrangements for Respect Victoria.

Mr ONDARCHIE — I said it was going to be my last question, but I did not really get an answer. Minister, what is the current salary range of the CEO being paid within the business unit?

Ms MIKAKOS — Thank you. I am advised that the salary level of the CEO that has been appointed by the secretary of DHHS is at the executive officer 2 (EO2) salary level.

Mr ONDARCHIE — Is there a monetary value for that level?

Ms MIKAKOS — They are pretty well known, but I can certainly provide that information to you at a later point in time.

Mr ONDARCHIE — With respect, ‘EO2’ does not mean too much to me, but I assume we will find what that salary band means.

Ms MIKAKOS — They are in departmental annual reports — salary bands.

Mr ONDARCHIE — I am sure the agency has not produced the annual report yet, because they do not exist. What is the remuneration for the chair?

Ms MIKAKOS — Hang on, DHHS annual report does exist.

Mr ONDARCHIE — But this is a business unit within the department right now that we have not seen yet, so what is the remuneration of the chair?

Ms MIKAKOS — I have explained it is a business unit within DHHS at the moment, so the salary levels are those that apply to DHHS executive officers. We have an annual report that is published every year that publishes salary ranges for executive officers — that is my recollection. I could be wrong, but that is my recollection — that they are in the annual report.

Mr ONDARCHIE — Do those executive officer salary ranges apply to the chair and board members as well?

Ms MIKAKOS — Mr Ondarchie, the chairperson and the board members are remunerated currently on a schedule C rate. They are obviously appointed on a sessional basis. People on boards typically get paid day rates, according to this schedule, but once the bill is

passed the Governor in Council will determine the appropriate remuneration allowances for the members of the board.

Mr ONDARCHIE — You also indicated in your response to Ms Crozier earlier in this committee stage that there are a number — I did not quite catch the number — of people working in this business unit that are on secondment from other areas of government. Will they automatically transfer under the bailiwick —

Ms MIKAKOS — I have covered all this.

Mr ONDARCHIE — I have not finished the question yet.

Ms MIKAKOS — I actually addressed this earlier.

Mr ONDARCHIE — I have not finished the question yet. Will they automatically transfer under the auspice of the CEO, or will there be an advertised process for those roles?

Ms MIKAKOS — Thank you. I did address these issues earlier. I did talk about how there are some short-term secondments that have occurred to enable the statutory authority to get up and running. I also explained how once the CEO is formally appointed by the board the CEO will determine the process by which they will advertise for the filling of the staff.

Business interrupted pursuant to standing orders.

Sitting extended pursuant to standing orders.

Committee resumed.

Ms CROZIER — Minister, in a media release of 1 August headed ‘Respect Victoria opens its doors’ the minister states that:

In addition to \$100 million for prevention programs over the last four years the Labor government has already provided \$12 million for Respect Victoria and it will continue to receive dedicated and sustained funding.

My first question is: what has that \$12 million been spent on so far, or how much of that \$12 million has been expended and in what areas in relation to Respect Victoria, if it is a business unit within DHHS?

Ms MIKAKOS — I can advise that as part of the 2017–18 state budget \$3 million per annum ongoing was secured to establish the agency and provide operational resourcing. Additionally the 2018–19 state budget has invested \$24 million over four years for behavioural change campaigns and to support the implementation of *Free From Violence: Victoria’s Strategy to Prevent Family Violence and All Forms of*

Violence against Women. Overall, in the four years of the Labor government, \$100 million has been committed to prevention programs. Over time this investment will lead to the prevention of family violence and a reduction in the personal, community and government costs associated with the experience of family violence, including in relation to police call-outs, hospital admissions, child protection, health, medical and emergency services.

Ms CROZIER — Will that \$100 million be managed by Respect Victoria? All of that money that comes in to any of those prevention measures will be managed by this agency; is that correct?

Ms MIKAKOS — Thank you for that further question. The \$100 million that I referred to relates to our commitment to prevention programs. That includes a range of prevention programs across government. I could include, for example, the Respectful Relationships program, which is administered by the Department of Education and Training. It is not an indication of the budget of Respect Victoria; rather it is an indication of the government's commitment across government. It could be a range of departments.

Ms CROZIER — Thank you, Minister. You spoke about the preventative programs that have already been undertaken under your government. Could you highlight those to the committee? You have spoken about Respectful Relationships, you have spoken about that \$100 million in the preventative programs. What other programs has the government undertaken?

Ms MIKAKOS — Thank you for that further question. Just to be clear, as I was explaining earlier, the \$100 million investment is for a range of prevention programs across government. I am being advised that Minister Hutchins has provided considerable detail around these programs to the Public Accounts and Estimates Committee. I did explain earlier that apart from the operational funding provided last year — \$3 million per annum — in the budget this year the government has invested \$24 million over four years for the behavioural change campaign. This funding will be for Respect Victoria.

Ms CROZIER — The \$12 million?

Ms MIKAKOS — The \$12 million is a four-year budget for the operational resourcing over four years for Respect Victoria — that is, \$3 million per annum ongoing for the agency. Then quite separate to that in the budget this year there is a \$24 million investment over four years for a behavioural change campaign. This is the actual work that Respect Victoria will

engage in in terms of communication campaigns in the community.

Ms CROZIER — Thank you for that answer, Minister. Minister, just to go back to one of your early answers in relation to the stakeholder engagement and the ministerial task force, in terms of Our Watch and ANROWS, which we have mentioned through the course of this debate, were Our Watch or ANROWS involved in that advice given to government about Respect Victoria?

Ms MIKAKOS — What advice specifically?

Ms CROZIER — For the set-up of this agency in terms of providing that advice to government for recommendation 188.

Ms MIKAKOS — For making it a statutory authority?

Ms CROZIER — Yes.

Ms MIKAKOS — I am advised that Our Watch is represented on the ministerial task force on the prevention of family violence, and therefore, as I explained, the ministerial task force members were consulted. ANROWS is a research body; my understanding is that it was not part of that consultation process.

Ms CROZIER — Thank you, Minister, for that answer. The reason I asked about ANROWS is that I think you mentioned this agency in your remarks in the second-reading debate and that it was about research — getting the depth, the evidence base, the data et cetera — for the research data and campaigns. That is why I was curious to know whether ANROWS and Our Watch were included in that. You have answered my question about being on the task force. I just cannot quite recall — and I am not sure if you will be able to answer this either — how many staff Our Watch currently employs.

Ms MIKAKOS — Now we are really getting out of the scope of this bill, because Our Watch is actually a national body, so I do not know if I would even be in a position to answer that tonight. I think perhaps the member should direct that question directly to Our Watch. I am sure they would be happy to assist with that information.

Ms CROZIER — As I said, I cannot quite recall. The reason for my wanting to know is that what I am trying to ascertain here is: we have got that as a preventative agency and we have other bodies that are doing preventative work, so how will Respect Victoria

work with agencies and bodies like Our Watch, for instance, in terms of the work that they are doing? Despite it being a national body, it very much operates here in Victoria and undertakes a lot of the work that you have described this agency as overseeing. So I want to know how Respect Victoria will work with Our Watch and ANROWS.

Ms MIKAKOS — Thank you for your question. As I explained earlier, the intention here is that Respect Victoria will work closely with others around these issues. It is not intended to duplicate work. In fact Respect Victoria will establish a research alliance to help align the research and endorsement functions of the agency with broader national and Victorian research through the engagement of key research organisations in this space, including VicHealth, ANROWS and Our Watch. This will ensure that research in Victoria addresses the prevention of all forms of family violence and that high-quality evidence and outcomes are developed and shared. The agency will have a broad research remit into the prevention of all forms of family violence. This may include research into effective behaviour change campaign methodologies in order to achieve the most effective outcomes from the funding provided to the agency.

I think it is really important that I highlight the findings of the royal commission's report. On page 57 it says as follows:

... Our Watch is a national organisation and will be unable to provide the level of support to Victorian agencies and communities that is required to drive prevention practice.

That is just one quote from the royal commission in relation to its work. I am not in any way wanting to diminish Our Watch; they do very important work, but they have a very narrow focus, and in fact it is quite opposite to the comments that were made by Mr Morris. Our Watch focuses just on men's violence against women, whereas Respect Victoria is going to have a broader remit. Obviously it will look at those issues and the points that you and other members of the Liberal Party have made around violence against women. It is going to look at the broad remit of family violence, including violence in LGBTI households, Aboriginal families and CALD communities, with the understanding that violence against women does not just refer to intimate partner violence but also captures sexual assault and harassment, so the work that Respect Victoria will do is actually broader than the work that Our Watch is doing.

Ms CROZIER — Thank you, Minister. So, as you just described, that work will be broader in terms of the research that will be required to be undertaken. You

took a quote from the royal commission in relation to what they said, that Our Watch could not reach — and I cannot quite recall the exact phrase that you read. But from this there is going to be a significant amount of work that will need to be undertaken in all of those different groups, the LGBTI community, the Aboriginal community and the CALD communities. They are very large and different cohorts of the Victorian community. Therefore that, I think, is going to need a significant amount of work, and that is why I was asking at the outset what this agency will look like in terms of numbers, because you are saying you have got 10 staff and eight board members trying to undertake this work where we know these other prevention agencies have significantly more than that and yet they are focused on narrow bits of research or work or whatever they might undertake.

That is what I was trying to get, a broader understanding of how big this agency is going to be. It is obvious it is going to be a lot bigger than 10 staff and eight board members if it is going to do the research, let alone the campaigns, let alone the data collection, and how will all that come into play? That is what you said it was going to do — research, data and campaigns. So my question is, Minister: if this is an overarching agency that I think is going to be, as I said, a lot bigger than the 10 staff and eight board members that we have discussed, what is the government's anticipation, if you like, or how far do they think the agency will go into parts of regional and rural Victoria? You will not just base it here; you will obviously have other parts of the agency located in those areas, for instance, where there might be high numbers of the Indigenous community or other parts of what Our Watch is trying to look at where they are capturing that data and that research that you describe, those different cohorts. I am just wondering: is that an accurate assumption that I am making, or could you just elaborate a little bit further on that?

Ms MIKAKOS — I find it interesting that we have had a broad range of views expressed by members of the opposition. Mr Ondarchie was berating the government about us establishing this big, massive bureaucracy and that we should not be spending money on establishing bureaucracies — they were the words that he was using. I have indicated already the size of the anticipated staff. Ms Crozier is now suggesting that she thinks it should be even larger. I have indicated the size of the staff already.

Ms CROZIER — Could you clarify what you just said then about what I said? Could you just clarify what you think I said?

Ms MIKAKOS — It seems to me, Ms Crozier, that you are suggesting that there should be more than the size of the staff that I indicated earlier.

Ms Crozier — On a point of order, Acting President, that is what I thought the minister was verbalising me about. I am trying to understand, and that is the point.

Ms Shing — That is not a point of order.

Ms Crozier — The point of order is that the minister verbalised me. I did not suggest that. I was asking the minister how big this agency is going to be if it is going to conduct all of this work. What I was asking was: is my assumption right? Clearly it is.

The ACTING PRESIDENT (Mr Melhem) — Thank you, Minister.

Ms MIKAKOS — We are moving off the question that was asked earlier. I addressed the issue of the staffing size much earlier. I also talked about the research alliance just a few minutes ago and the work that it will do with other organisations to ensure that evidence and outcomes are developed and shared, and it is important that no-one is duplicating each other's work.

Ms Crozier interjected.

Ms MIKAKOS — I have already talked about that. I said that Respect Victoria will establish a research alliance to help align the research and endorsement functions of the agency with broader national and Victorian research, with engagement of key research organisations in this space, including VicHealth, ANROWS and Our Watch. But the question that you were just asking me before, which I want to come to, is around drawing upon the expertise and the experience of people right across our state.

I advise the member that local government is a critical partner in the primary prevention of family violence, and Respect Victoria will work with local government and local and regional alliances to impact the range of prevention settings across the community, including education and care settings, workplaces, industry, sports, the arts, community organisations, the media and popular culture, and this will be through Respect Victoria's key functions in research and community engagement. The agency will build strategic partnerships with new and existing partners in gender equality and prevention.

The Victorian government is also implementing the royal commission's recommendation 94, which

requires local councils to report on their proposed measures to reduce family violence and respond to victims. Councils must consider this priority area when developing their local municipal public health and wellbeing plans, and Respect Victoria's functions will support councils to develop and deliver quality programs. Resources and guidance to support the delivery of quality family violence prevention programs will be easily accessible for government organisations and the community, and consideration will be given to ensure that rural and regional areas are engaged and able to access these resources and support.

Clause agreed to; clause 2 agreed to.

Clause 3

Ms CROZIER — Minister, in the definitions within the bill it says:

program means a program in relation to the prevention of family violence and violence against women.

Why are men and children excluded?

Ms MIKAKOS — Thank you for that question. It is important to understand that this particular definition refers to family violence, which is a defined term in the bill, as well as violence against women, which is also a defined term in the bill. The definition of family violence in clause 3 says that it has the same meaning as in the Family Violence Protection Act 2008, and the member would be well aware that that is a very wide-ranging definition that does not refer exclusively to women.

Ms CROZIER — I just make the comment that it goes to my point that you do not need a definition of violence against women when it is already included in the family violence act. I made that point in my second-reading speech. You have excluded men and children in this in relation to the definition of 'program' because it is in the family violence act. Again, I think it is unnecessary to have that definition in here specifically aimed at women when we have got men and children who are also victims of family violence and this Respect Victoria —

Mr Ondarchie — Why are they left out?

Ms CROZIER — Because they come under the family violence act. That is the whole point. So do women. Women come under the family violence act as well. I make that comment, but I will move on.

Ms MIKAKOS — I do want to respond to that. I did actually address this issue in the summing-up because I think it really is a fundamental

misunderstanding that some members opposite have about this bill. I have made it clear that the scope of Respect Victoria is actually very wideranging in the issues it will address. It will look at family violence as well as violence against women. The reason why violence against women is defined in the bill is because statistically the most common form of family violence is male intimate partner violence against women.

But also I made the point to the member just before that violence against women is broader in nature. It also picks up sexual assault and harassment, and therefore it is intended to be broader in nature than the type of work that Our Watch is actually doing, which is only focused on male intimate partner violence against women. We are actually going broader than Our Watch. Our Watch only focuses on male intimate partner violence against women. Respect Victoria's work will be broader than that.

Clause agreed to.

Clause 4

Mr ONDARCHIE — Minister, in relation to clause 4, 'Guiding Principles', I refer you to clause 4(1)(d) where it says the 'participation of all persons in the social, cultural, economic and political life of society should be promoted'. Minister, as a result of this piece of legislation are there any funding allocations associated with the promotion of political activity?

Ms MIKAKOS — Thank you. The guiding principles of the bill are principles that promote a safe and equal society free from violence. They contribute to a more equal society and recognise the contribution and participation of all persons in social, cultural, economic and political life. I would have thought that those are principles that all of us here could agree on. Enshrining the prevention of family violence in legislation will have significant economic benefits in the longer term through decreased demand for family violence services and support as a result of embedding primary prevention efforts across Victorian communities. This bill enacts a long-term commitment to the prevention of family violence and other forms of violence against women in Victoria.

These principles are a further response to the Royal Commission into Family Violence direction that the focus and commitment to primary prevention of family violence is enduring, that investment efforts do not continue to be ad hoc or piecemeal, that prevention efforts target all forms of family violence and reflect diverse communities and that the existing focus on

crisis response is matched by a similar focus on primary prevention. I have already indicated to the house in response to much earlier questions from Ms Crozier the investment that the government is making in relation to Respect Victoria, its funding and its campaign funding, which we have made a budget allocation for this year, as well as the commitment that we have made to prevention activities across government.

Mr ONDARCHIE — Thanks, Minister. My question was a little more specific than that which you chose to answer. It was about whether any of the funding allocated for Respect Victoria would be used for the promotion of political activity.

Ms MIKAKOS — Mr Ondarchie, I think we are getting to the point of absurdity here. We are talking about a clause that has the guiding principles. They are the guiding principles that underpin the bill and are an aspiration that we are all expressing as members of this Parliament about people living in society.

Mr Ondarchie — I do not know about that.

Ms MIKAKOS — Well, some of us have these aspirations. These are guiding principles that all of us should be able to promote: a safe and equal society free from violence and that all people in our society should live in such a society. I do think that if this is the type of questioning you are going to engage in, you are really showing a lot of disrespect to the seriousness of what we are talking about here.

Mr Ondarchie — Not at all.

Ms MIKAKOS — Mr Ondarchie, these are guiding principles. I refer you to clause 6 of the bill, which sets out the functions and powers of the agency. I refer you to what the functions of the agency are in clause 6.

Clause agreed to; clause 5 agreed to.

Clause 6

Ms CROZIER — Minister, clause 6 outlines the functions and the powers of the agency. Clause 6(1)(a) states:

to provide advice to the Minister on the funding of programs and the programs carried out in accordance with this act ...

Who currently provides advice to the minister on funding the programs that you have spoken about previously?

Ms MIKAKOS — Thank you for that question. As I have explained, at the present time there are a range of prevention programs across government, and that will

continue. Obviously there are different line agencies and different departments that provide advice to relevant ministers in respect of those particular programs. Just to give one example, the Respectful Relationships program, obviously the Department of Education and Training would be providing advice to the Minister for Education in relation to the school-based program and advice to me in relation to the kindergarten-based program.

Ms CROZIER — Thank you. So I take it that that advice will come in from those independent areas as well as from Respect Victoria. Is that correct? As you just described, there will be different bodies within the department that will be providing advice. Once Respect Victoria comes in to provide the advice, will it all be coming to the minister or will it go to Respect Victoria? Is that the avenue? I am just wondering how it will work. Is the agency the vehicle, I should say?

Ms MIKAKOS — Thank you. Obviously those programs will continue, and there is continued funding for them. The relevant agency will continue to provide advice to the relevant minister that has carriage of that particular program. In relation to this particular clause, coming to the clause in this bill — clause 6(1)(a) — this relates to advice from Respect Victoria to the Minister for the Prevention of Family Violence. Obviously that relates to advice that relates to the funding of programs and the programs carried out by Respect Victoria under this act.

Ms CROZIER — I realise it is going to give advice, and I gather from that there will be multiple avenues to provide that advice to the minister. Can I go to clause 6(1)(c) in relation to making grants. In 2016 the government funded a variety of institutions for various consultancy projects around the prevention of family violence or administering family violence prevention measures, including, I am led to believe, if my calculations are right, \$149 000-odd to RMIT to develop profile victims of family violence requiring crisis support or response; La Trobe University, \$90 000 for a rapid literature review and a situational analysis of family violence and mental health; Silverpod Productions, \$199 287 for developing community awareness education campaigns on Aboriginal family violence; Deloittes, \$144 000 or thereabouts for developing family violence investment modelling; Dwycon Pty Ltd, \$38 000 to conduct an inquiry on services to children and families where family violence is a factor; and Monash University, \$25 000 to evaluate family violence risk assessment and conduct a management framework.

All of those grants have gone out to those bodies. Will that sort of work also continue from the minister and the department, or will it all come from Respect Victoria, which will be responsible for making decisions about those various research applications?

Ms MIKAKOS — I cannot at this point advise the source of the funding for all of those examples that the member gave and which minister they all sat with, but I can advise the member that Respect Victoria will develop guidelines and provide advice to government agencies on developing best practice guidelines around how they should administer various grants programs, so it will actually feed into providing advice to those different line agencies about programs that they might be providing.

Earlier I took a question on notice around the advertisement of the applications of the board, chair and CEO. I am now in a position to give a response to that. I am advised that the applications for board, chair and CEO opened on 29 March 2018 and closed on 16 April 2018, so they were open for approximately 20 days.

Ms CROZIER — Minister, if I could just go again to clause 6(1)(k), which regards the functions and powers of the agency as being:

to report to the Minister on the progress of the prevention of family violence and violence against women.

Are there any time lines associated with that reporting to the minister? Are they to report on a regular basis, or is there a specific time that the government has in mind in relation to this particular reporting?

Ms MIKAKOS — I am advised that the reporting to the minister will be every 12 months in relation to financial reporting and at least every three years in relation to trends and outcomes.

Ms CROZIER — I know the financial reporting is now going to be 12 months because I am about to move an amendment. Does clause 6(1)(k) therefore refer to the trends and also financial reporting but nothing else? There are trends, yes, but I am also very interested in the outcomes of these campaigns, for instance, that might be running now. Are they working? Are you going to have some reportables on that?

Ms MIKAKOS — The way that the subclause is framed does not prevent the agency from reporting to the minister on other matters that it considers are appropriate within the scope of its functions.

Clause agreed to; clause 7 agreed to.

Clause 8

Ms CROZIER — Clause 8 goes to the assistance to be provided and says:

The Secretary must ensure that the Agency is provided with any assistance in connection with the performance of the Agency's functions that the Agency reasonably requires.

That is, I presume, the operational aspects of the agency, Minister. Just in terms of independence, obviously the CEO and the board will have that independent decision-making process around how it will operate, but is it truly independent in terms of being able to give that advice to the minister of the day? What I am trying to ascertain is if it is enabling that agency to operate in that independent manner.

Ms MIKAKOS — The advice that I have is that the secretary must ensure that the agency is provided with any assistance in connection with its performance. This may include, for example, support through shared services in the Department of Health and Human Services. So it could include, for example, things like payroll so that the agency does not need to establish its own separate payroll.

Clause agreed to; clauses 9 and 10 agreed to.

Clause 11

Ms CROZIER — Minister, clause 11 goes towards the ministerial guidelines. This whole division talks about guidelines and the business plan of how the agency will obviously operate. Clause 11(1) states:

The Minister may, from time to time, issue guidelines about the performance of the Agency's functions.

If I can just skip to clause 12, again it says 'Guidelines of the Secretary' and is exactly the same. It says:

Subject to subsection (2), the Secretary may, from time to time, issue guidelines about the performance of the Agency's functions.

Why are these the same?

Ms MIKAKOS — The bill provides that the agency must have regard to any ministerial guidelines or guidelines of the Secretary of the Department of Health and Human Services that are in force in the performance of any function under the bill. I am advised that this is a standard legislative provision. Such guidelines will be published in the *Government Gazette*, and these may vary or be revoked by notice published in the *Government Gazette*. In the event of any inconsistency between the ministerial guidelines

and guidelines of the secretary, the ministerial guidelines prevail to the extent of the inconsistency.

Clause agreed to; clauses 12 to 26 agreed to.

Clause 27

Ms CROZIER — I invite members to vote against this clause as per the amendment in my name, as circulated. Clause 27 (1) states:

The Board may, on the request of the Minister, prepare a report on the financial performance of the Agency during the financial year ending on the preceding 30 June.

In my speech during the second-reading debate I did speak about the reasons why I thought it was important that reporting be undertaken on an annual basis, that this needs to be fully transparent and that we do not really know the extent of this agency or how it will actually operate in function. We do in theory, according to the debate we were having this evening. We know that \$12 million has been allocated, but according to the government it will continue to receive dedicated and sustained funding. So when we are talking about taxpayers money and when we are talking about significant amounts of taxpayers money, I think it is only prudent, responsible and the right thing to do to have that annual reporting undertaken, and that is the reason and the purpose for this amendment. I would urge all members to — and I think they have all indicated that they will — support me and the amendment.

Ms MIKAKOS — Thank you, Ms Crozier. The government will support this amendment because it does not make any material change to the bill. In addition to the financial reporting requirements included in the bill, Respect Victoria is bound by the reporting requirements of the Financial Management Act 1994 and any standing directions issued by the Minister for Finance. These obligations include establishing and maintaining proper financial management through the provision of budgets, annual reports, statements and estimates, as well as the implementation of systems and procedures for the purchase and supply of goods and services. The financial reporting requirements of the bill are intended to operate in conjunction with the obligations of the Financial Management Act in certain situations where the minister has queries or concerns about particular financial matters. So the bill does not provide Respect Victoria with any discretion not to comply with the obligations of the Financial Management Act. This does not add any great value, but we do not have a problem with it, because they would be required to do this in any event.

Clause negatived.

New clause

Ms CROZIER — I move:

NEW CLAUSE

2. Insert the following New Clause to follow clause 26—

“A Report of the Board on the financial performance of the Agency

- (1) The Board must prepare a report on the financial performance of the Agency during the financial year ending on the preceding 30 June.
- (2) The Board must cause a report under subsection (1) to be laid before each House of the Parliament as soon as practicable after the end of the financial year to which it relates.”.

I am very pleased that the government and other members of the house agree to this. I think it does give greater transparency and accountability and takes away that ambiguity of the board having the discretion to or not to report. Despite what the minister may have said, it makes it very clear that there is an expectation, and therefore I am grateful for members’ support for this new clause.

New clause agreed to; clauses 28 to 30 agreed to.

Reported to house with amendments.

Report adopted.

Third reading

Ms MIKAKOS (Minister for Families and Children) (22:55) — I move:

That the bill be now read a third time.

I thank members for supporting this important bill.

Motion agreed to.

Read third time.

**VICTIMS AND OTHER LEGISLATION
AMENDMENT BILL 2018**

Committed.

Committee

Clause 1

Ms SPRINGLE — I ask that my amendment be circulated.

Business interrupted pursuant to standing orders.

Sitting extended pursuant to standing orders.

Committee resumed.

Ms SPRINGLE — I would like to know what consultation was undertaken and with whom in developing part 6 of the bill relating to historical care and protection orders.

The DEPUTY PRESIDENT — I am not sure if the minister is listening.

Ms SPRINGLE — I do not think she is either. I can repeat it.

My question is just pertaining to the consultation that was undertaken and with whom in developing part 6 of the bill relating to historical care and protection orders.

Ms MIKAKOS — Thank you very much, Ms Springle. I am advised that community organisations such as the Care Leavers Australasia Network (CLAN), Woor-Dungin, the Victorian Aboriginal Child Care Agency (VACCA), Open Place and Berry Street were consulted and indicated that they supported the reforms in principle. Community organisations have been consulted on the statement of recognition, and the statement was revised to incorporate their feedback. Some of these organisations consulted with members of the Aboriginal community on the reforms, and feedback received from that consultation was also incorporated in the bill.

The DEPUTY PRESIDENT — Any further questions on clause 1, Ms Springle?

Ms SPRINGLE — I can ask further questions here if the minister needs more time. Otherwise they are further on.

Ms Mikakos — If we could just cover a few more questions on clause 1, that would be helpful for us.

Ms SPRINGLE — Again pertaining to part 6 of the bill, the statement of recognition. The minister’s second-reading speech included an apology from the Victorian government to those affected. I apologise if you covered this in your summing up, Minister, which I missed, but does the statement of recognition and apology incorporated into the second-reading speech constitute the apology that is coming from the government, or will the government also be planning a state apology that will actually include care leavers? And if not, why not?

Ms MIKAKOS — I did address this issue in my summing up, and I recognise that that was many hours ago now. I referred in my summing up to the fact that we did undertake consultations in relation to this issue. The view that was expressed was that those affected by these terrible practices were feeling apology fatigue, if I can express it in those terms. That of course might not be a universal view amongst the membership of any of these organisations. People who have experienced such terrible trauma in their lives feel very strongly about these issues, and they can express a range of views as members of particular organisations. I am not wishing to suggest that every member of these organisations might share this particular point of view.

In summing up I also referred to the 2006 apology by the then Premier, Steve Bracks, to Victorian care leavers. I referred to the 2008 apology to members of the stolen generations. I referred to the 2009 apology to forgotten Australians and former migrants. I also referred to the fact that Prime Minister Turnbull flagged in his response to the McClellan royal commission that it was the intention of the government to have a national apology to the victims of institutional child sexual abuse. I certainly hope that regardless of who the Prime Minister might be — in fact who the federal government might be — that that national apology will occur as quickly as possible next year and that it is an apology that captures all of our sentiments, at a state and territory level and nationally, around the victims of institutional child sexual abuse.

It was considered appropriate, having regard to all of those matters, that an apology be issued to those people who were the victims of these terrible historic child welfare care and protection application practices that effectively treated them as if they had a criminal record without them having committed a criminal offence. This is why in my summing up I read out the Attorney-General's apology in his speech on behalf of the Victorian government to all those people listening to the debate, because it is very much a heartfelt apology. Of course no words can express the pain and sorrow, the distress and the humiliation that people have suffered in their lives as a result of these practices. An apology in whatever form is a symbolic gesture but I think an important gesture nevertheless. That is why the government sought to include in the second-reading speech an apology to those who suffered lifelong harm through these historic recording practices.

Ms SPRINGLE — I thank the minister for that answer. I certainly do not want to minimise that sentiment or the power of having that in *Hansard*, because I think that is really important. But I would also point to the difference in relation to the responses

to institutional child sexual abuse at a national level and those sentiments in terms of child abuse and what we are talking about here, which is I suppose over and above the abuse — and that is, actually the criminalisation of that abuse. So they are slightly different things. As the minister has pointed out, not all care leavers agree. There are different views about what needs to happen and what does not need to happen. But I think in the spirit of encompassing everyone's needs for healing and reconciliation it would be an important gesture for the state to apologise for those wrongs. Is it something that the government will consider doing over and above what happens at a national level?

Ms MIKAKOS — Thank you, Ms Springle. As I have indicated to the chamber, we did undertake consultations around this issue. Obviously we are working very closely with all the organisations that are affected by these historic practices to make sure that their continuing views are heard about these issues. Not all but obviously many individuals are currently involved in making applications through the national redress scheme. People are very much focused on issues surrounding the national redress scheme at this time, and that is understandably consuming a lot of the energy and focus of these particular organisations. This is why it was not considered that this would be an appropriate time to do this.

Given that hopefully we will pass this bill tonight or sometime soon, we will then be getting on with implementing the reforms in an operational sense. Victoria Police and other agencies will be seeking to take up their statutory obligations that they will then have under this legislation. That really should be the key focus — making sure that people then accessing their records in the future will be provided with the contextual information that I indicated in the summing-up as well as making sure Victoria Police take the appropriate steps to remove these records from their criminal record system.

Ms SPRINGLE — New section 592C(2)(b) in clause 35 states:

- (b) a *relevant historical care and protection order* does not include an order, however expressed or described, for the care and protection of the person when the person was a child, or an order in relation to the welfare of the person when the person was a child, if—
 - (i) the child was found guilty of a criminal offence by the court; and
 - (ii) the order was made as part of the sentence imposed by the court for that offence.

This clause has the effect of excluding from this scheme any child found guilty of an offence, regardless of how minor that offence was. That means, as I outlined in my second-reading speech, that a child who may have ridden off with a friend's bike will still have charges on file relating to both that bike theft and a care and protection order. This exclusion means that the bill provides no relief for that cohort of people. Why has the government taken the decision to exclude these children, effectively enabling their continued criminalisation, and are there any plans to remedy these historic wrongs for people who are not covered by this legislation?

Ms MIKAKOS — Thank you, Ms Springle, for that question. This really goes to the issue of what is defined as a relevant historical care and protection order under the bill. Broadly this is an order, however expressed or described, made by a court as a result of an application for an order for the care and protection of the person when the person was a child. The bill provides a non-exhaustive list of historical child welfare legislation as guidance when considering whether an order is a relevant historical care and protection order. The definition of 'relevant historical care and protection order' excludes orders, however expressed or described, that were made for the care and protection of the person when that person was a child or in relation to the welfare of the person when the person was a child if the child was found guilty of a criminal offence by the court and the order was made as part of the sentence imposed by the court for that offence.

So I guess in essence, Ms Springle, we have sought to clarify that people who as children would have today gone through the family division of the Children's Court and had a protection order made under the family division of the Children's Court are not regarded as having received a criminal record or committed a criminal offence. I am using the language of today to make it more readily understandable. But we are not extending that then to someone who would have gone today, in today's language, through the criminal division of the Children's Court. If a child was in fact found guilty of a criminal offence by the court, then this bill would not have any impact on that record.

Ms SPRINGLE — Okay. However, I guess the point is that some of these children were criminalised for very minor offences and ended up with the historical child protection record that perhaps was not really warranted under the circumstances for a child in the context, so I suppose the question is whether that will remain there indefinitely or whether there is some way of working through that as well that is outside the scope of this bill.

Ms MIKAKOS — If a child was found guilty of a criminal offence, and it may well be the case that there had been a more serious offence — I am not suggesting that that was the case in all instances; I am not in a position to speculate on that — then the bill would not impact on that. But I guess really what the member is going to is the issue of a spent conviction scheme, which the member also referred to in her contribution.

What I can advise the member is that the government is continuing to examine the merits of a legislative spent conviction scheme for Victoria. Whilst other jurisdictions have introduced legislative schemes, several of them are less generous than Victoria's existing administrative scheme. This is a complex issue which would have implications for both the police and the courts as well as for all Victorians with a criminal history. Victoria Police's information release policy limits the release of information about certain old convictions. It operates similarly to a spent conviction scheme. This policy provides that details of certain offences will not be released once 10 years has elapsed since the offender was last found guilty of an offence.

This rule is qualified by several exceptions. Victoria Police will release information about old convictions if it is for the purposes of assessing suitability for registration or licensing under a number of statutory regimes, including registration as a legal practitioner, health professional, taxidriver and private security guard. Victoria Police will also release information about a serious offence of violence or a sex offence, no matter how old, if the records check is for the purposes of employment or for voluntary work with children or vulnerable people. Victoria Police retains a general discretion to release information that is over 10 years old where it believes it to be in the interests of security, crime prevention or the administration of justice or otherwise necessary for any legal or statutory assessment.

Ms SPRINGLE — Thank you. I would like to move on to proposed new section 592E, which stipulates the effect of the relevant historical care and protection orders in relation to matters concerning convictions, findings of guilt or criminal history. It states:

- (1) On and after the commencement of this section, the following have effect in relation to a relevant historical care and protection order.
- (2) A relevant historical care and protection order is not to be treated as a conviction or finding of guilt for any purpose.
- (3) A question about a person's criminal history (including one put in a legal proceeding and required to be

answered under oath) is to be taken not to refer to a relevant historical care and protection order in respect of the person.

- (4) A person is not required to disclose to any other person for any purpose (including when giving evidence under oath in a legal proceeding) information concerning a relevant historical care and protection order in respect of the person.

This is a very different approach to that which has been taken in relation to the expungement of historical homosexual convictions, which provides that either the relevant records can be annotated or the following actions can be taken:

- (i) remove the entry;
- (ii) make the entry incapable of being found;
- (iii) de-identify the information contained in the entry and destroy any link between it and information that would identify the person to whom it referred.

They are clearly different approaches. Can the minister please explain the rationale for taking a more limited approach in the instance of historical care and protection orders compared with the approach taken in relation to historical homosexual convictions?

Ms MIKAKOS — Thank you, Ms Springle, for that question. I guess the easiest way to explain this is that with the expunging of records that occurred of people convicted of historic offences by virtue of engaging in homosexual acts, they had in fact been found guilty of a criminal offence. The Parliament judged this to not have been the case. We as a Parliament decided that we wanted to expunge from people's criminal histories the fact that they had been convicted of these criminal matters.

In the case of the historic care and protection orders that we have been discussing so far, in this case they may not have actually been criminal convictions; it was just the way that they were recorded. They were not actually found guilty of a criminal matter; it was just the way that it was recorded. By virtue of the fact that there was no separation of the family division and the criminal division streams of the court at that time, they were all recorded as if they were criminal matters. They were not actually necessarily found guilty of a criminal offence. It was just a recording practice that was the problem. Therefore we are talking about two different issues.

Ms SPRINGLE — We kind of are and we kind of are not. I appreciate that interpretation — I think it is a factual interpretation, a technical interpretation — but the reality is that for the people who this impacted on, it

was more than that. There were emotional and psychological traumas associated with that mislabelling. It became more than just an administration error for these people because it impacted on their lives in a very real way and in a very negative way. While I appreciate it is different in terms of the intent and in terms of the practicality and the technicality of why it happened, in effect it is a very similar impact on a person's life. I am not quite sure that in practice it is much different for victims. My question is: is it possible to get past that technicality and see it as something very similar?

Ms MIKAKOS — Thank you, Ms Springle. No-one is suggesting that those impacted by the historic care and protection order practices did not suffer lifelong consequences as a result of this. This is why we have the legislation before us. But in the case of what we are doing here, we will see Victoria Police taking steps to remove these records from the criminal record system. Effectively they will remove these records from their LEAP database without the necessity of us doing what we had to do for the people convicted of homosexual acts. In that case it was actually the Parliament needing to say that people who were found guilty of particular offences were not in fact found guilty of those particular offences in order for them — the police — to then go and remove those records from their LEAP database. We have not needed to do that because in this case people were not actually found guilty of a criminal offence; it was just a recording practice.

Clause agreed to.

Clause 2

Mr RICH-PHILLIPS — Minister, just to confirm, the default commencement date on the bill is 4 November 2019, with the actual date to be proclaimed. What is the government's intention with the proclamation of this bill? When do you intend to give effect to it, and is it consistent across the various provisions of the bill, noting there are quite distinct elements in the bill?

Ms MIKAKOS — Yes, the member is correct in that the default commencement is 4 November 2019. This date will provide agencies with sufficient time to implement the victims reforms — for example, the bill requires agencies to establish a comprehensive complaint system for victims. Some aspects of the bill may commence earlier by proclamation in consultation with stakeholders.

Mr RICH-PHILLIPS — Minister, is there an understanding of when that is likely to take place? Is it 30 June next year? Is it 1 January next year?

Ms MIKAKOS — Thank you, Mr Rich-Phillips. I am not going to be able to give you some precise dates at this point. The advice that I have is that there will be different commencement dates for different parts of the bill. Some aspects of it have a greater degree of complexity in terms of implementation, and these commencement dates will be determined following consultation with relevant agencies such as Victoria Police, for example.

Clause agreed to; clauses 3 to 5 agreed to.

Clause 6

Mr RICH-PHILLIPS — Minister, clause 6 amends the Victims' Charter Act 2006 to insert a new section 7A, which is entitled 'Special treatment of victims':

Investigatory agencies, prosecuting agencies and victims' services agencies are to—

- (a) respect the rights and entitlements of victims as participants in proceedings for criminal offences; and
- (b) so far as is reasonably practicable, take into account, and be responsive to, the particular needs of victims living in rural and regional locations.

The question is: how does the government expect this provision to change the treatment that victims receive? What is going to be different for victims as a consequence of this provision going into the charter?

Ms MIKAKOS — Thank you for that question. The bill amends the victims charter to recognise that victims have an inherent interest in the response by the criminal justice system to the relevant crime and acknowledge the role of victims as participants in criminal proceedings. The bill requires agencies to respect the rights and entitlements of victims as participants in criminal proceedings. Giving legislative recognition to the rights of victims is designed to give proper regard to the hardship experienced by victims as a result of crime, their special interest in the criminal trial process and their contribution to the detection and prosecution of crime in society. I particularly refer you to the Victorian Law Reform Commission report, page 30, in relation to that particular aspect in terms of what the practical impact will be in giving this legislative recognition.

Mr RICH-PHILLIPS — Thank you, Minister. Can I also ask you in relation to that, the distinction or the requirement for particular regard to be had for victims

living in rural and regional Victoria, what is the government's intention with the distinction between rural and regional victims and victims in metropolitan Victoria in terms of their needs as victims?

Ms MIKAKOS — Thank you for that question. The intention here in terms of the inclusion of the particular needs of victims living in rural and regional locations being included in this clause in the Victims' Charter Act is really to draw attention to the particular disadvantage that victims living in these locations have experienced in the past. It is designed to make sure that agencies develop practices that have regard to the particular needs of victims in those locations. To give an example, it may well mean that they have regard to needing to give victims longer lead-in times to attend court — for example, if they wanted to participate in a court process, contacting victims by telephone to make sure that they have access to relevant information about relevant court proceedings. It is really designed to draw attention to the particular disadvantage and particular needs that victims in these locations do experience.

Clause agreed to; clauses 7 and 8 agreed to.

Clause 9

Mr RICH-PHILLIPS — Minister, clause 9 inserts a new section 9A, again in the Victims' Charter Act, titled 'Additional information regarding prosecution to be provided by DPP':

The DPP is to take all reasonable steps to advise a victim of—

- (a) the date, time and location of any contested committal hearing, trial, plea hearing, sentencing hearing and appeal hearing; and
- (b) the progress of a prosecution, including the outcome of any committal mention, contested committal hearing, initial directions hearing, trial, plea hearing, sentencing hearing or appeal hearing, or guilty plea.

Does that obligation under the second element require the Director of Public Prosecutions (DPP) to be pre-emptive in providing advice to a victim or is that merely requiring them to report after a hearing, as mentioned in (b), has taken place? So is it to get their involvement prior to decisions being made at those hearings and other elements of trial, or is it merely to report back what has occurred after the fact?

Ms MIKAKOS — Thank you for that question. The bill enhances a victim's right to information and support by requiring the DPP to advise victims about details of hearings and the progress of the prosecution; to seek the views of the victim before making certain decisions — for example, a decision to discontinue the prosecution or pursue an appeal against sentence; and

to provide the victim with reasons for certain decisions — for example, a decision to discontinue the prosecution or accept a plea of guilty to a lesser charge. These reforms recognise that a victim's experience of the criminal justice system depends on how well they are prepared and supported, and as discussed by the Victorian Law Reform Commission, this is influenced by when, how and by whom information is communicated to victims and the type of support they received.

The victims charter currently requires the DPP and all investigatory, prosecuting and victim service agencies to provide persons adversely affected by crime, including victims, with information about relevant support services, possible entitlements and legal assistance. Prosecuting agencies, including the DPP, are also required to keep victims updated on the outcome of bail applications and ensure that victims are informed about court process and their role as witnesses. Additionally the charter requires prosecuting agencies to inform victims about specified matters such as the offences charged against the accused person, or if no offence is charged, the reason why, details about how to find out the date, time and place of the hearing of the charges and the outcome of the criminal proceeding against the accused person, including any sentence imposed.

Following the changes that will be made by this bill, the DPP will continue to be subject to these obligations but will no longer be required to provide victims with details of how to find out the date, time and place of the hearing of the charges or the outcome of the criminal proceeding. Instead the bill will impose more comprehensive obligations on the DPP to take all reasonable steps to advise the victim of the details of the date, time and location of any contested committal hearing, trial, plea hearing, sentencing hearing and appeal hearing, and the progress of a prosecution, including the outcome of any committal mention, contested committal hearing, initial directions hearing, trial, plea hearing, sentencing hearing or appeal hearing or guilty plea. So this reform is consistent with current DPP policy, and the law reform commission could see no reason why the DPP's policy should not be reflected in the victims charter.

The bill will also require the DPP to give victims information about the matters taken into account by the DPP when deciding whether to agree to or oppose an application to cross-examine a victim at a committal hearing or apply for, agree to or oppose an application for summary jurisdiction. The Victorian Law Reform Commission recommended that the DPP seek a victim's views before making these decisions.

However, these are legal decisions, and seeking the victim's views may create unrealistic expectations about the decision-making process. By giving victims information they will be better equipped to understand the DPP's position and the statutory criteria that the court must apply.

I realise that was a very lengthy answer to Mr Rich-Phillips's question. I have covered it all very comprehensively. But in essence, in answer to your question, I guess it really will depend at what point in the process the criminal matter is at in terms of the point in time the DPP will be contacting the victim to advise them of what point the matter has then reached.

Mr RICH-PHILLIPS — Thank you, Minister. Minister, what regard is the DPP required to have to the views of victims? Obviously it is required to seek the views of the victims. What regard is it actually required to have, having obtained those views, in making the decisions which you outlined in the trial process?

Ms MIKAKOS — The requirement to seek the victim's views is based on existing DPP policy, which requires the responsible OPP solicitor to seek the victim's views before accepting a plea of guilty to a lesser charge or deciding whether to withdraw or discontinue all of the charges. Consistent with the Victorian Law Reform Commission's recommendation, this bill will also require the DPP to seek the victim's views when making a decision whether to appeal a sentence or an acquittal. Submissions to the Victorian Law Reform Commission indicated this was already occurring in practice despite not being required by policy.

The requirement to seek the views of victims will not apply if the victim cannot be contacted after all reasonable attempts or it is not practical to contact the victim given the speed or nature of the proceeding. The DPP policy recognises that seeking the victim's views on legal issues is a responsibility for the managing solicitor. It is likely that this practice will continue after the bill commences, but ultimately implementation of this requirement is a matter for the DPP. The addition of an expanded complaints process may lead to changes in current processes.

Mr RICH-PHILLIPS — Thank you, Minister. It does not quite go to the question of what regard the DPP must have to those views. It certainly outlines the obligation of the DPP to obtain the views of the victim. Does this in any way change the obligation on the DPP in relation to the regard they must give to the views of victims?

Ms MIKAKOS — What I was wishing to suggest in the response I have just given to the member was to really make clear that the DPP continues to be independent in terms of how it operates. I did refer to the fact that the DPP policy recognises that seeking the victims views on legal issues is a responsibility for the managing solicitor and that it is likely that this practice will continue after the bill commences, but ultimately implementation of this requirement is a matter for the DPP. I would also refer to the fact that the addition of the expanded complaints process might lead to changes in current processes. The DPP must give reasons for decisions to victims through the changes in this bill as well. The changes here are not determinative to preserve prosecutorial discretion in relation to these matters, but certainly we are requiring of the DPP that they will have far more comprehensive obligations in terms of advising victims about a whole range of information on matters that relate to the crime that was committed against them. In terms of the complaints process that has been introduced by this bill, I would also add that they will be able to complain if they are not consulted or provided with reasons.

Mr RICH-PHILLIPS — Thank you, Minister, for that answer. Section 9B(3) is where the DPP is not required to seek the views of the victim under subsection (1) or inform the victim under subsection (2) if:

- (b) it is not practical to contact the victim given the speed or nature of the proceeding.

Would that require the DPP to seek an adjournment of a proceeding or could they simply not seek the adjournment and say, ‘The proceeding was going quickly and therefore we didn’t consult the victim’? Is there an obligation, by virtue of this section, for the DPP to try to consult the victim and not simply say, ‘Things were going quickly and we couldn’t’? Would there be an expectation that the DPP, for example, would seek an adjournment of a matter so it could consult?

Ms MIKAKOS — The clause gives the DPP the discretion to proceed. It does in fact provide by virtue of this provision that the DPP is not required to seek the views of a victim in specific circumstances such as — and I did mention these earlier — if the victim cannot be contacted after all reasonable attempts or it is not practical to contact the victim given the speed or nature of the proceeding. It may not serve the interests of justice to adjourn and delay the proceeding; it will ultimately be a matter for the DPP to determine whether that is appropriate.

Clause agreed to; clauses 10 to 34 agreed to.

Clause 35

Ms SPRINGLE — I move:

Clause 35, line 26, after “responsibility.” insert “In many cases, crimes were committed against a child and instead of the perpetrator being held to account, the child was subject to a historical care and protection order, despite the child not having committed any crime.”.

As I outlined in my speech, the bill addresses part of the issue of children being charged as part of the process of making a historical care and protection order excluding where a care and protection order made as a sentencing outcome is in response to having committed an offence. It does not explicitly acknowledge the fact that many children were victims of a crime and were charged for those crimes whilst perpetrators were not investigated, charged or held to account. This addition merely spells that out in the legislation as a recognition of the injustices that occurred to those children. I commend it to the house and I encourage all parties to support it.

Mr RICH-PHILLIPS — Ms Springle’s amendment seeks to insert into the statement of recognition which is proposed to go into the Children, Youth and Families Act 2005 an additional sentence which recognises the fact that many perpetrators were involved in historical offences against children that subsequently led to the children being put into care and perversely, through protection orders, ending up with criminal records. Ms Springle’s insertion seeks to note that many of the perpetrators themselves were not in fact brought to justice while the children did end up with what were effectively criminal records. We believe that is a reasonable insertion in the statement of recognition to make that point, and therefore the coalition parties will be supporting this amendment.

Ms MIKAKOS — I do wish to indicate that the government will support Ms Springle’s amendment. I want to just put on the record my disappointment as we had actually had some conversations earlier today in relation to the language and I believed that we had come to some agreement in relation to a slight variation of the language. Nevertheless, Ms Springle is seeking to make a point through this amendment that we certainly agree with — that is, as we have seen through the McClellan royal commission and as we have seen through so many other inquiries, perpetrators of child abuse have not always been held to account. That certainly is a sentiment that we would wholeheartedly agree with Ms Springle on — that perpetrators have not been held to account — and that is something that we need to collectively work to rectify.

Historically children were made subject to care and protection orders for many reasons. In its report on an inquiry, *Forgotten Australians*, the commonwealth Senate Community Affairs References Committee found that:

Child sex abuse by a parent or step-parent was frequently cited in submissions ... as the reason for welfare authorities placing a child in care.

The inquiry found that:

... in some cases, the state or the 'system' did not necessarily protect children from such parents ...

The Victorian government is taking responsibility to make sure that no child is failed again and that the wrongs of the past are never repeated. Victoria has taken strong action to prevent and respond to child sexual abuse and will continue to do so in responding to the Royal Commission into Institutional Responses to Child Sexual Abuse. In particular, the Victorian government has introduced a suite of significant reforms since the handing down of the *Betrayal of Trust* report. The Victorian government has introduced new criminal offences to further protect children from abuse through failure-to-protect offences — and I acknowledge that was legislated for by the previous government — which apply to people within organisations who knew of a risk of child sexual abuse by someone in the organisation and had the authority to reduce or remove the risk but negligently failed to do so.

Victoria has also led the way in reforming sexual offence laws in recent years. I particularly acknowledge the important work that the Attorney-General, Martin Pakula, has done, including new laws to quash an unfair legal loophole preventing survivors from suing some organisations for their abuse, effectively addressing the so-called Ellis defence. The government has also abolished civil claim time limits to allow lawsuits to be lodged regardless of how long ago the abuse occurred. We introduced an Australian-first duty of care for organisations exercising care or supervision of or authority over children. Victoria is also leading the nation in implementing the recommendations of the McClellan royal commission. We have already introduced child safe standards, a reportable conduct scheme and landmark child information sharing legislation. Victoria and New South Wales were the first states to opt into the national redress scheme earlier this year. I certainly agree with the sentiment that the member is seeking to express through this amendment. We need to continue to work collectively to ensure that perpetrators are held to account.

Amendment agreed to; amended clause agreed to; clause 36 agreed to.

Reported to house with amendment.

Report adopted.

Third reading

Ms MIKAKOS (Minister for Families and Children) — I move:

That the bill be now read a third time.

I thank all members for supporting this important reform.

Motion agreed to.

Read third time.

ADJOURNMENT

Ms TIERNEY (Minister for Training and Skills) — I move:

That the house do now adjourn.

Northern Victoria Region sporting clubs

Ms LOVELL (Northern Victoria) (23:56) — My adjournment matter tonight is for the Minister for Sport, and it relates to the lack of funding for regional sporting organisations by the Andrews Labor government. The action I seek is for the minister to follow the lead of the Liberal Party and provide a commitment to deliver funding to local sporting organisations like the Wallan Magpies and the Lancefield Tigers in my electorate to ensure the future viability of grassroots sport throughout Victoria instead of throwing millions of dollars at the AFL to redevelop Etihad Stadium.

In April the Andrews Labor government announced it would hand the AFL \$225 million to redevelop Etihad Stadium and its surrounding precinct. In addition to this very generous grant, the government gave a very valuable waterfront parcel of land to the AFL for free to build their new headquarters. An additional \$45 million was given to upgrade other key AFL grounds, including Whitten Oval, Victoria Park and Ikon Park. In contrast to this elite-level cash splurge the Liberal Party are committed to providing much-needed funding towards grassroots sport around Victoria. The best the Andrews Labor government can do for local sporting clubs is to offer interest-bearing loans so clubs can upgrade their facilities. The Liberal-National coalition has already committed funds to upgrade infrastructure and equipment for many local sporting clubs around Victoria, including in my own electorate. The advocacy of the Liberal candidate for Yan Yean, Meralyn Klein, will see a Liberal-Nationals government contribute \$545 000 to upgrade facilities for the Wallan Football

and Netball Club. This includes upgrading the lighting at the grounds to support the senior, junior and women's football teams, and also the enclosing of the existing netball courts.

The advocacy of the wonderful Liberal candidate for Macedon, Amanda Millar, has seen a commitment of \$250 000 to upgrade lights at the Lancefield Football Netball Club. This commitment from a Liberal-Nationals government will allow the club to fill the women's team and an under-19s side next year. The minister should follow the lead of the coalition and offer more for Victoria's grassroots sporting clubs than an interest-bearing loan scheme.

The action I seek is for the minister to follow the lead of the Liberal Party and provide a commitment to delivering funding to local sporting organisations like the Wallan Magpies and the Lancefield Tigers in my electorate to ensure the future viability of grassroots sport throughout Victoria instead of throwing millions of dollars at the AFL to redevelop Etihad Stadium.

Prenatal sex selection

Dr CARLING-JENKINS (Western Metropolitan) (23:59) — My adjournment matter tonight is for the Minister for Health, and it is motivated by recent reports that on average one girl per week is described as missing due to sex selection here in Victoria. In July this year, research into male-biased sex ratios in migrant populations in Victoria was published in the *International Journal of Epidemiology*. Disturbingly it found evidence of distorted sex ratios at birth for children of mothers born in China and India.

There are as a consequence nearly 1000 missing girls in Victoria due to sex selection before birth in the Indian, Chinese and South-East Asian migrant communities between 1999 and 2015. In the five-year period from 2011 to 2015, according to the report, there were on average 32 girls each year missing from Indian-born mothers and 22 girls each year missing from Chinese-born mothers. The researchers disturbingly point to abortion following the identification of the sex of the unborn child as female as the primary mechanism by which the cultural preference for a male child is given effect. I just want to stress that this is not my opinion, but this is research that was conducted here locally by La Trobe University.

If a little girl were to go missing today, we would mobilise all of our resources to try and find her, and I think that is apt. We should be doing that, yet we are doing very little to save these missing girls. So I am calling on the minister tonight to take all necessary

steps to prevent this discrimination and violence against girls before birth. Specifically, I am calling on the minister — perhaps she would like to do this in collaboration with the Minister for Multicultural Affairs — to develop education programs for the Indian and Chinese migrant communities that would address the cultural drivers of discrimination against the girl child in their communities.

Additionally, I am calling for the minister to consider education and awareness programs for health professionals who are involved in prenatal diagnosis to be aware of the discriminatory and lethal use that can be made of information that is identifying the sex of an unborn child. Quite simply, I believe discrimination against our girl babies should be unacceptable in any circumstances. I believe the minister could do so much on the basis of this research, using this research to ensure that we no longer have missing girls here in our state.

Club Melbourne Ambassador Program

Mr MULINO (Eastern Victoria) (00:02) — My adjournment tonight is for the Minister for Tourism and Major Events in the other place, and it relates to what is currently a very successful pipeline of major events in this state. The Melbourne Convention Bureau has achieved a significant amount of success in this area. Many of these business events are planned years in advance and involve thousands of participants adding significantly to our economy. Some recent conference wins include the Global Public Transport Summit 2021, which is the world's largest public transport event; the World Ophthalmology Congress 2022; VidCon Australia 2018 and 2019; and the general assembly and congress of the International Union of Crystallography 2023. The ones that are of particular interest to me are some of the events in the academic sphere — global academic conferences. These can attract up to 10 000 attendees, and they are important not just for their economic contributions but because they lead to such incredible networking opportunities for our top researchers.

I want to mention the Club Melbourne Ambassador Program, which is in its 13th year. Since the program's inception in 2005 the Club Melbourne program has secured 131 international conferences. It involves 123 eminent Victorians across medicine, science, environment and technology, helping our state to win these major international events and international conferences. I would like to ask the minister to undertake an analysis to provide an update on the economic contribution of this program to our state's economy. There has been some analysis done, which I

am in possession of, but I think since this analysis, which found that the Club Melbourne program had produced \$840 million net economic impact to the state, there have been a number of conferences that have been won, so I would ask that the minister update that economic analysis and provide a broader analysis in relation to Melbourne's record-breaking run when it comes to business events.

Islamic Council of Victoria

Dr RATNAM (Northern Metropolitan) (00:04) — My adjournment matter tonight is for the Minister for Multicultural Affairs. I recently had the pleasure of meeting with representatives from the Islamic Council of Victoria (ICV) to hear about the important and integral work they do in supporting our Muslim community here in Victoria. The ICV is the peak Muslim body, representing an estimated 200 000 Victorian Muslims and over 60 member societies. Their work involves advocacy, consultation and collaborative work across different cultural and faith communities. The social and welfare services they offer play a vital role in connecting members of the community with each other and providing meaningful opportunities for communities to engage with decision-makers. The ICV also provides valuable advice to government and supports the delivery of culturally sensitive programs and services. They have achieved success in a broad range of areas from the arts to environmental, welfare and leadership programs and more.

Our Muslim community in Victoria and right across Australia has been subject to intense discrimination, racism and exclusion over recent years especially. Our politicians routinely scapegoat this community for political gain. This has resulted in immediate and devastating impacts on the community, who are routinely subject to physical, verbal and online harassment and abuse. At this time particularly there is an important need for support to be available to combat this discrimination and to support the wellbeing of our Muslim multicultural community. The ICV has raised a particular concern about the Andrews Labor government's proposed Muslim communities Security Infrastructure Fund grant, which has allocated \$3 million to what it states will improve the security of mosques and Islamic centres around Victoria.

The ICV has recommended that the government reconsider this pathway and redirect these vital funds to other more pressing areas of need and priority for the Muslim communities of Victoria. The ICV have noted several risks of the government's initiative given the track record of government activities around security.

They have told the government that the idea of installing government-funded security infrastructure in mosques, schools and community facilities is a misdirected use of public Victorian funds. The ICV have asked instead that these funds be directed to tackling Islamophobia through government and grassroots campaigns; providing improved services to support victims; strengthening law enforcement capacity to address a range of anti-Muslim incidents; capacity-building programs and services around employment, education and engagement; youth support centres and services; women's refuge centres; drug rehabilitation and education centres; and mental health for Muslim youth.

The government must work with peak Muslim bodies, and particularly the ICV, for broad representative views, effective outreach and sustainable programs to ensure culturally sensitive and appropriate services. I ask that the minister meet with the ICV to discuss these concerns and the potential for reallocation of some of these funds to higher priority areas that the community actually needs.

Local government rates

Mr RAMSAY (Western Victoria) (00:07) — My adjournment matter tonight is for the Minister for Local Government, and the action I am seeking is that she commit to a full review of the rating system for local government in Victoria. This is consistent with the Victorian opposition's pledge that we would also commit to a full rating review. This is on the back of the inquiry into the sustainability of Victoria's rural and regional councils, a body of work of a committee that I am deputy chair of. The findings and recommendations of the report clearly show that there are inequitable charges against different demographics of the ratepayer base, principally in the farming community. I have raised this through other mediums in this chamber. If I can quote the *Weekly Times* this week, it talks about a rates revolt:

Rural rate hikes range from 2.25 per cent in the Northern Grampians to 23 per cent in Mildura Rural City Council and 29 per cent in Mount Alexander Shire.

In fact the *Weekly Times* quotes an average farm rate rise in the Northern Grampians shire of 25 per cent. The president of the Victorian Farmers Federation, David Jochinke, is reported in the *Weekly Times* as saying that when he opened his Horsham rates bill just recently he discovered a 17 per cent rate rise compared to last year. So there is no doubt that rates and the increase in rates, whether through annual valuations or through the differential rating system — through the system that we have here based on capital improved value — is having

a significant impact on the farming community, and that was borne out by the inquiry that we ran through a joint parliamentary investigative committee, the Environment, Natural Resources and Regional Development Committee. The article says Rural Councils Victoria:

... reported 21 of the state's rural councils are financially vulnerable, with 18 facing a combined operating deficit of \$34 million.

So we have a problem not only with the long-term sustainability of many of these rural councils but no doubt the farming community paying an unfair burden on rates collected and charged.

I call on the minister, as a matter of action, to review the rating system — it is an ancient system that goes back to the 19th century in the UK — to a more modern system where the share of the financial burden across all ratepayers is fair and equitable and is not just a burden on the farming community.

Missing persons

Ms PATTEN (Northern Metropolitan) (00:10) — My adjournment matter is for the Attorney-General, and the action I seek relates to missing persons and creating an official missing persons status. In raising this I would like to congratulate the Missing Persons Advocacy Network, which is completely unfunded yet provides amazing support for families in need and families that have someone missing.

When you look at this, one person goes missing every 14 minutes in Australia. That is 100 people a day that go missing. Many of them are found very quickly. Many of them go missing because of mental health issues or a range of other reasons. The majority are found within a short period, but hundreds remain missing forever. There are 38 000 families every year dealing with this loss, and emotionally and psychologically this is really hard. I think the Missing Persons Advocacy Network does a great job here, as do the police and other welfare agencies in helping to connect and find these people.

There is a particularly sad aspect that I want to raise in my adjournment matter tonight, and this is the financial nightmare that follows when someone goes missing — not only financial but administrative. Even if the family and the authorities believe the person is deceased, it takes years for a coronial inquest to produce a death certificate, meaning that families are stuck in limbo, insurances cannot be paid out and superannuation is held and generally, over those years, eaten away by fees. Thousands of Australians are dealing with the

predicament of not being able to stop phone bills, cancel memberships and close accounts, and they struggle to maintain their households and mortgages.

This is why the action I seek is the creation of an official missing person status in Victoria. This is principally for banks and financial institutions. It is an idea that is currently being considered in the Netherlands, and it is a concept that is familiar to our military. I urge the Attorney-General to consider this and be a leader in this area in Australia.

Eastern Victoria Region constituent mental health support

Ms BATH (Eastern Victoria) (00:13) — My adjournment matter this evening is for the Minister for Mental Health, the Honourable Martin Foley in the other place, and it relates to a local Gippsland family. The family has asked me to raise this with the minister in an effort to come to a better resolution about how these things can happen. They have asked me to withhold their name, but I am happy to provide additional information to the minister after the adjournment.

Over the past decade the father, mother and siblings have been a constant source of support for their eldest son and brother throughout his significant mental health, physical health and substance abuse issues. They are a close-knit family and a well-respected family in a close-knit community. Their son has spent time in and out of hospital, with the majority of his treatment in the Latrobe Regional Hospital (LRH).

Due to the seriousness of his mental instability and the complexity of his behaviours, including violence towards his primary carers, he has spent a considerable number of years under compulsory treatment orders (CTOs). This has stabilised his condition, but he is not currently under one. His family have been worried that his deteriorating condition continues to impact on his life and the lives of others and have sought to have him returned to a CTO.

Through the LRH their son was assessed by a mental health tribunal. It found, in his father's words — and I will not use his name — 'XXX to be a very sick boy and in need of six months intensive therapy' in the Flynn ward. In short, he met the criteria for a CTO. The son appealed, and a second independent tribunal came to the same conclusion. The son appealed once more, and a third mental health tribunal, with no parental input, ruled in favour of the son, who was discharged and has subsequently left the state. The family is also coping with the unspeakable heartbreak of the loss of

another son, who was severely affected by his older brother's affliction. The family noticed his deterioration in late 2017. This is heartbreakingly sad for this family.

So the action I seek from the minister is to refer this complex case to the chief psychiatrist for a comprehensive review into why two specialist independent tribunals found a CTO was appropriate but in a third the son was successful on appeal. I ask her to examine the act in relation to this as a case study and to see where the act is not working for persons with mental health issues and their struggling families. I want to say that I am sure that all of our hearts go out to this family as they go through these very tragic times.

Workplace safety

Ms SPRINGLE (South Eastern Metropolitan) (00:15) — My adjournment matter is for the Minister for Industrial Relations. This week we heard the news of yet another worker killed on the job. The man reportedly fell into a trench on a building site in Wallan and tragically died from the injuries he sustained. This latest news follows the deaths just months ago of Charlie Howkins and Jack Brownlee, both of whom were working in a trench in Ballarat when it collapsed. Investigations are ongoing into those deaths, but we do not need the outcome of those investigations to know that we clearly have a problem with workers' safety in construction and the accountability of employers to provide safe workplaces. We have to fix it.

The Greens welcome the Andrews government's commitment to introduce industrial manslaughter laws if re-elected. It is a shame that it is an election promise, given that the government has had a whole term to introduce this legislation. A raft of related reforms is needed, and the onus is on this government to do everything it can right now to prevent more Victorians from dying at work. Advocates and unions know what needs to be done to prevent any more potentially unavoidable deaths at work. We need to enable unions to access all worksites; increase funding to WorkSafe for preventative activities; support workers' education on safety; make it a requirement for emergency contacts to be notified immediately in the case of an injury or death; review the compensation system; review and improve the availability of trench rescue equipment and training; and review and strengthen the relevant regulations and codes of practice.

The action I seek from the minister is that she ensure these issues are thoroughly addressed and actioned as a matter of priority.

Doncare

Ms WOOLDRIDGE (Eastern Metropolitan) (00:17) — My adjournment matter tonight is for the Special Minister of State in his capacity of having oversight of Family Safety Victoria, and the action I seek from him is that he has a senior person at Family Safety Victoria engage with Doncare, a community organisation in Manningham that does exceptional work in family violence. What Doncare needs is for someone to work with them through the funding that is available and how it could be packaged or coordinated and how Doncare can seek to access funding to support their full range of family violence services in a comprehensive way. They do get a small amount of funding from the state government in relation to some of their programs, but their work is largely supported by their fundraising activities and particularly the exceptional work that is done by seven op shops.

While many agencies are receiving a significant amount of additional funding under the government's family violence investment, Doncare has completely missed out. Manningham is one of those communities which is, on average, more affluent, but the extent of family violence is still very prevalent. I have met many women at Doncare who have engaged in Doncare's services, and those services have been life saving for them. It makes such a substantial difference, and it is important that Doncare can receive additional funding for their family violence services in a more coordinated way than has been the case in the past.

As I say, Doncare has been in the Manningham community for nearly 50 years, and they do do exceptional work. More than 30 per cent of their clients are from culturally and linguistically diverse communities, reflecting the diversity that we do see in Doncare. They deliver a range of programs in relation to family violence. They have the domestic violence assessment and support program, they have therapeutic groups and they have specialist family violence intake and referral.

Two that I particularly want to mention are their Doncare Angels for Women Network — that is, DAWN — and also their prevention program for young people in secondary schools, the iMatter program. These are both initiatives from Doncare, a real innovator in terms of what is needed. DAWN has made a substantial difference as a mentoring program that leads professionally trained volunteers to women recovering from the impact of domestic violence. iMatter is a preventative program for young women and men to engage and educate young people to develop resilience, a strong sense of self, gender equity

and relationship skills. It helps them develop a sense of their place in the community. It is a wonderful prevention initiative in the context of the bill we have been talking about tonight.

I seek that the minister has Family Safety Victoria engage with Doncare to develop a comprehensive way to support through funding the very important work they do.

Public sector code of conduct

Ms CROZIER (Southern Metropolitan) (00:21) — My adjournment matter is directed to the Minister for the Prevention of Family Violence, also in her capacity as Minister for Aboriginal Affairs, Minister Hutchins, and it also comes off the back of the debate that we have had in relation to family violence and Respect Victoria here in the chamber this evening.

My matter relates, as I said, both to Aboriginal affairs and to family violence, and it involves some extremely concerning public comments made by Mr Bill Nicholson. Mr Nicholson is hired by government departments and agencies to undertake welcome to country ceremonies, and I understand he works for the Wurundjeri Tribe Land and Compensation Cultural Heritage Council. He recently publicly said this about an Aboriginal woman, Ms Jacinta Price. Excuse me for the expletive, but I quote these concerning words:

How bout you fuking die a painful death u sell out cocanut. Every warrior of the past did not fight for scum like u, to spread the illegal oppressors lies. Always was always will be Aboriginal land. Ur type real cancer in our communities and need to be eradicated like the disease u are.

These are very alarming, I think, and disgraceful words. In a recent media release Minister Hutchins said:

The Respect Women: Call It Out campaign brings men into the conversation ...

...

Men have a responsibility to step up when women are treated with disrespect.

As Minister Hutchins is the responsible minister in both of these important areas, the action I seek is for clarification by the minister about whether Mr Nicholson will continue to be hired and paid by government departments and agencies through the Wurundjeri Tribe Land and Compensation Cultural Heritage Council as well as continuing to conduct welcome to country ceremonies following his gross display of disrespect and the abhorrent language he used in public directed towards an Aboriginal woman.

Responses

Ms TIERNEY (Minister for Training and Skills) (00:23) — There were 10 adjournment matters this evening from Ms Lovell, Dr Carling-Jenkins, Mr Mulino, Dr Ratnam, Mr Ramsay, Ms Patten, Ms Bath, Ms Springle, Ms Wooldridge and Ms Crozier. Those matters will all be referred to the relevant ministers for a response.

I have written responses to adjournment debate matters raised by Ms Crozier, 21 June 2017; Mr Finn, 25 July 2018; Mr Ondarchie and Mrs Peulich, 25 July 2018; Ms Bath, 26 July 2018; and Ms Lovell, 27 July 2018.

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

House adjourned 12.24 a.m. (Friday).