PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT

FIRST SESSION

Thursday, 7 June 2018

(Extract from book 8)

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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)

Premier	The Hon. D. M. Andrews, MP
Deputy Premier, Minister for Education and Minister for Emergency Services	The Hon. J. A. Merlino, MP
Treasurer and Minister for Resources	The Hon. T. H. Pallas, MP
Minister for Public Transport and Minister for Major Projects	The Hon. J. Allan, MP
Minister for Industry and Employment	The Hon. B. A. Carroll, MP
Minister for Trade and Investment, Minister for Innovation and the Digital Economy, and Minister for Small Business	The Hon. P. Dalidakis, MLC
Minister for Energy, Environment and Climate Change, and Minister for Suburban Development	The Hon. L. D'Ambrosio, MP
Minister for Roads and Road Safety, and Minister for Ports	The Hon. L. A. Donnellan, MP
Minister for Tourism and Major Events, Minister for Sport and Minister for Veterans	The Hon. J. H. Eren, MP
Minister for Housing, Disability and Ageing, Minister for Mental Health, Minister for Equality and Minister for Creative Industries	The Hon. M. P. Foley, MP
Minister for Health and Minister for Ambulance Services	The Hon. J. Hennessy, MP
Minister for Aboriginal Affairs, Minister for Industrial Relations, Minister for Women and Minister for the Prevention of Family Violence	The Hon. N. M. Hutchins, MP
Special Minister of State	The Hon. G. Jennings, MLC
Minister for Consumer Affairs, Gaming and Liquor Regulation, and Minister for Local Government	The Hon. M. Kairouz, MP
Minister for Families and Children, Minister for Early Childhood Education and Minister for Youth Affairs	The Hon. J. Mikakos, MLC
Minister for Police and Minister for Water	The Hon. L. M. Neville, MP
Attorney-General and Minister for Racing	The Hon. M. P. Pakula, MP
Minister for Agriculture and Minister for Regional Development	The Hon. J. L. Pulford, MLC
Minister for 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 Elasmar, 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 Elasmar, 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 Elasmar 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*): Mr Gepp and Ms Patten. (*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

President:
The Hon. B. N. ATKINSON

Deputy President:
Mr K. EIDEH

Acting Presidents:
Ms Dunn, Mr Elasmar, Mr Melhem, Mr Morris, Ms Patten, Mr Purcell, Mr Ramsay

Leader of the Government:
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	AC	O'Donohue, Mr Edward John	Eastern Victoria	LP
Crozier, Ms Georgina Mary	Southern Metropolitan	LP	Ondarchie, Mr Craig Philip	Northern Metropolitan	LP
Dalidakis, Mr Philip	Southern Metropolitan	ALP	O'Sullivan, Luke Bartholomew[9]	Northern Victoria	Nats
Dalla-Riva, Mr Richard Alex Gordon	Eastern Metropolitan	LP	Patten, Ms Fiona[10]	Northern Metropolitan	RV
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	V1LJ
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[7]	Western Metropolitan	Greens	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Herbert, Mr Steven Ralph[6]	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
[4] Resigned 27 May 2016
[5] Appointed 7 June 2017
[6] Resigned 6 April 2017
[7] Resigned 9 February 2018
[8] Resigned 25 February 2015
[9] Appointed 12 October 2016
[10] ASP until 16 January 2018
[11] Appointed 18 October 2017
[12] Appointed 21 February 2018

PARTY ABBREVIATIONS

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

CONTENTS

THURSDAY, 7 JUNE 2018

Thursday, 7 June 2018

The PRESIDENT (Hon. B. N. Atkinson) took the chair at 9.36 a.m. and read the prayer.

PETITIONS

Following petition presented to house:

Woorayl Street reserve, Carnegie

To the Honourable the President and members of the Legislative Council assembled in Parliament:

We, the undersigned citizens of Victoria, call on the Legislative Council of Victoria to note:

1. the City of Glen Eira has the least open space per head of population of all Victorian local government areas;

2. as such, any and all remaining heritage trees are precious to Glen Eira residents and need to be retained wherever possible;

3. Rosie (pictured) and the remaining handful of eucalypts at Woorayl reserve are under threat by the state government's proposed development of the station precinct next to Carnegie station.

We therefore call upon the Andrews Labor government to cancel plans for development of the Woorayl Street reserve and re-establish this as open space.

By Mr DAVIS (Southern Metropolitan) (275 signatures).

Laid on table.

BUSINESS OF THE HOUSE

Members statements

The PRESIDENT (09:38) — Ms Pennicuik, you might actually alert your colleagues to this. I just want to make a brief statement to the house to remind members to be mindful of time limits applying to various procedures, particularly the 90-second statements. I noted yesterday that many members were unable to complete their members statement within the prescribed times. The Acting Chair gave one member a great deal of latitude to complete their lengthy statement, which was not on a controversial subject, and the house did not protest about the extra time given. However, the problem for the Acting Chair was that many members who followed then went well over time also, and the Acting Chair sought to be fair by allowing all members to run over time.

Members statements are permitted to be read as prepared speeches because there is only 90 seconds to give them. Members should be more than capable of preparing a speech that they know they can read within that 90 seconds. For the integrity of the members statements procedure and the standing orders more generally, the Chair will insist on the time limits being adhered to.

PAPERS

Laid on table by Clerk:

Statutory Rules under the following Acts of Parliament —

Borrowing and Investment Powers Act 1987 — No. 69.

Children, Youth and Families Act 2005 — Criminal Procedure Act 2009 — No. 70.

Impounding of Livestock Act 1994 — No. 66.

Subordinate Legislation Act 1994 — No. 67.

Transfer of Land Act 1958 — No. 68.

NOTICES OF MOTION

Notices of motion given.

MINISTERS STATEMENTS

Child literacy and numeracy

Ms MIKAKOS (Minister for Families and Children) (09:44) — I rise to inform the house on the latest way that the Andrews Labor government is helping parents to teach their children how to read, write and count. Recently I had the pleasure of launching a new publication, *Literacy and Numeracy Tips to Help Your Child Every Day: A Guide for Parents of Children Aged 0–12*. This booklet provides handy tips for parents to help their children develop literacy and numeracy skills through fun, accessible activities, benefiting thousands of Victorian families. It is a free publication and is available to be downloaded from the Victorian Department of Education and Training website.

Sadly more than half of all Victorian children under two are not being read to every day, which impacts on their development. Evidence also shows that at the age of four to five being read to six to seven days a week makes a huge difference. It has the same effect on a child's reading skills as being almost 12 months older, so it is never too early to read to a child. The tips and activities in this booklet are not only useful for parents and carers but also for older siblings and grandparents and other significant persons in a child's life. Some useful tips in the guide include: run your finger across the page with each word to help your child identify and remember words and sounds; practise counting when

grocery shopping with your child — for example, counting the number of apples you put into the shopping bag; and talk to your child about objects around them and help them to judge which is bigger or smaller, taller or shorter.

We know that working parents are time poor, which is why this booklet is designed so that you do not have to do all the activities, but doing some will improve your child's learning. This is just another practical way that the Andrews Labor government is ensuring that all kids are ready for school. I also encourage members to promote the Premiers' Reading Challenge for the early years in their communities because this is another opportunity to promote reading to young children.

In both last year's and this year's budget we funded school readiness funding, which changes the way we fund kindergartens. This massive $58.1 million funding boost will make sure that children who need more support get it. From next year kindergartens will have funding for a range of support, such as speech therapists and language and literacy experts to work with children, families and educators to lift our literacy and numeracy skills amongst young children.

MEMBERS STATEMENTS

Community health services

Ms WOOLDRIDGE (Eastern Metropolitan) (09:46) — The Andrews government's approach to community health services can only be characterised as neglect. Yesterday the Victorian Auditor-General released a damning report into community health services under Daniel Andrews and Jill Hennessy. It details that after nearly four years in government there has been a failure of leadership, a lack of oversight and funding inadequacies that have compromised basic health care for those who most need it. Community health services deliver health to priority populations who have particular needs. They also can very effectively serve to divert people from hospital admissions and emergency department presentations.

What the report from the Auditor-General revealed is that Daniel Andrews, Jill Hennessy and the Department of Health and Human Services do not monitor who accesses community health, they do not know if services are being delivered to those most in need, they do not measure outcomes and they do not know if the price they pay for the services is anything close to what they cost to deliver. Basically it is a failure on all fronts in relation to community health services.

Daniel Andrews said that he was putting people first, but this is yet another example of where that is clearly not the truth and not what is happening. As a result of Labor's neglect, the community health sector has not been equipped to help relieve the pressure on expanding waiting lists and overcrowded emergency departments by delivering community-based care. This is an indictment of Daniel Andrews and his failure to deliver community health services.

The PRESIDENT — Order! I have heard a couple of references over the last week to the Knight Kerr room. I indicate to members that if there is to be commentary on that, then it ought to be directed to me because it was my decision. The fact is that having completed the annexe building we are now looking at some works within this building to try to improve accessibility. We are introducing a new lift that is capable of taking a stretcher in case somebody has an untoward experience, such as a heart attack, because the current situation is that we would actually have to manhandle a person down the stairs or through the lift, as the current lift is not capable of taking a gurney. So we are making some changes.

We are also making some changes to the toilet facilities on this level given the number of people who actually circulate on this level for functions and so forth. It was necessary to make some short-term changes to accommodate those works. I appreciate the patience that people have shown, both members of Parliament and particularly staff, in terms of allowing those works to proceed. That has also meant that there have been some other changes. Some of the ministers' offices have moved, and I thank them for supporting those works and for being prepared to move in the interests of us completing this project. These are short-term arrangements. As I said, if there is a concern about those arrangements I am responsible for that decision. I do not expect to hear interjections about it.

Hazelwood Pondage

Ms SHING (Eastern Victoria) (09:50) — I rise today to talk about the impact of the closure of the Hazelwood Pondage on the immediate community and Engie's discussions about the risk to public safety given that there are some issues around the structural integrity of parts of the pondage walls in the event of the very remote possibility of a magnitude 6 earthquake. This is something which is a very minute risk but which is nonetheless causing significant angst and stress for a community that has seen so much change over the last few years, affecting the way in which people live their lives on a daily basis and enjoy the amenities around them.

It has been a difficult last week or so given Engie's decision to close access to the pondage. It is noteworthy that the access to areas of the pondage around Switchback Road and Yinnar Road will limit capacity for people to go fishing but that the area controlled by Gippsland Water, where the barramundi are still available to be enticed from shore fishing, remains open to the public. In the first instance all considerations must revolve around public safety. I am looking towards Engie continuing to make sure that the community is kept up to date on its inspections, on the level of the pondage and on the structural integrity measures being taken over time to secure access in a safe manner.

Ramadan

Dr RATNAM (Northern Metropolitan) (09:52) — I would like to take this opportunity to acknowledge that our Muslim community here in Victoria are observing the holy month of Ramadan, and I wish them Ramadan mubarak. This is a special time of the year of fasting and reflection, and families and communities gather for iftar dinners to break their fast. I have had the honour of attending a number of iftar dinners, and I thank the community for their spirit of hospitality and welcome on each occasion.

My colleagues in federal Parliament Richard Di Natale and Janet Rice recently hosted an iftar dinner in Brunswick. My colleague Nina Springle hosted an iftar dinner in the south-eastern suburbs, and just last week Adam Bandt and Ellen Sandell hosted an iftar in Melbourne. I also note that my colleagues Nina Springle and Huong Truong attended the annual state Parliament dinner hosted by the Australian Intercultural Society just this week, and I would like to acknowledge that group for its great work.

There is a special tradition of generosity in our Muslim community that is embodied in the practice of zakat, which encourages all to share their wealth and resources by contributing to those in need. As a social worker at the Asylum Seeker Resource Centre, I know that it was often thanks to zakat that our clients could access some resources for food and bills when times got really, really hard. Our community is all the richer for the faiths and cultures that knit the fabric of our multiculturalism. Ramadan mubarak to all our Muslim community.

Geelong Football Club women's team

Mr ONDARCHIE (Northern Metropolitan) (09:53) — I rise this morning to congratulate Geelong Football Club on its mission to join the 2019 AFL Women's (AFLW) competition, with six new players — Bec Goring, Renee Garing, Danielle Orr, Jordan Ivey, Kate Darby and Cassie Blakeway — being announced as players to commit to the 2019 inaugural AFLW season for Geelong Football Club.

The Geelong VFL Women's (VFLW) team has had great success, and Geelong is delivering a heavy focus in providing pathways and opportunities for local players to progress to the highest level of the game. The players I have mentioned already have demonstrated through their ability, performance, dedication and values that they absolutely deserve a place on the 2019 AFLW list.

In particular I want to highlight the great work of Cassie Blakeway, who finished as the runner-up in last year's VFLW best and fairest. She plays as a midfielder and is currently completing a masters of teaching at Deakin University. She was a junior Victorian softball representative and previously played with Bendigo Thunder as well as being a member of the AFL's Victorian academy squad. With Cassie what you get is what you see. She is a hard worker, she is dedicated and she is a superb athlete. She is very impressive. She is a great person, and I have to say on behalf of my family, she is a fantastic cousin as well.

Liberal Party

Mr LEANE (Eastern Metropolitan) (09:54) — I was quite surprised to hear that a federal colleague out in the east who represents the Liberal Party, Michael Sukkar, member for Deakin, was taped saying that he is determined to get rid of the socialists from the Victorian Liberal Party. I was thinking, 'Wow, there are socialists in the Victorian Liberal Party? Who'd have thunk it!'. A recent article actually names these people that run along with Mr Sukkar, these young guys with slicked-back hairdos that look like they are from the cast of the *Boys from Brazil*. They have actually looked into their magic hat and read the plates, and one of the names on the targeted list — of all the people that are too left for the Liberal Party — is Mr Bernie Finn.

All this time he has put up this front. All this time he has just been a mung bean-loving, tree-hugging hippy, and he is too left and cuddly for the new Liberal Party. Well, who'd have thunk! I have to say, I need to look at Mr Bernie Finn in a different light into the future. I have been getting him wrong all this time. I need to listen to those weirdo slicked-back young blokes and take their word for it that Mr Bernie Finn is nothing but a hippy!

The PRESIDENT — Who'd have thunk! Was anyone else mentioned?

Brian McCarthy

Ms LOVELL (Northern Victoria) (09:56) — I rise to pay tribute to the life of a great Victorian, Brian James McCarthy, who passed away on 1 June, aged 87. Brian was a former homicide detective who led investigations into some of Victoria's most infamous and horrific murders, including the Hoddle Street massacre, the Cuckoo Restaurant murder and the Heywood and Madill murders in Shepparton. Brian, his late wife, Betty, and his children were also our neighbours for many years during my childhood. Brian was a much-loved and respected man in our neighbourhood, and I extend my love and deepest condolences to Jan, John, Michael, Maree, their partners and Brian's 12 grandchildren. Vale, Brian McCarthy.

Keppel Turnour

Ms LOVELL — The Rotary Club of Shepparton recently celebrated the 60th anniversary of past district governor Keppel Turnour's induction into Rotary International. Keppel is a wonderful servant of Rotary and was joined at the celebrations by his good friend Lance Woodhouse. Keppel and Lance have a combined 114 years of service to Rotary and the Shepparton community. Keppel and Lance were the brains behind the vision to establish Shepparton Villages, which provides aged-care services in our community. Congratulations, Keppel, on achieving this wonderful milestone, and thank you for your enduring dedication to your community.

Give Me 5 for Kids

Ms LOVELL — It was with great pleasure that I attended the launch of Southern Cross Austereo's annual Give Me 5 for Kids fundraiser at Goulburn Valley Health (GV Health) last week. Give Me 5 for Kids is held in June each year by Triple M Goulburn Valley 95.3, and all proceeds go to GV Health's children's ward.

Ramadan iftar dinners

Mr EIDEH (Western Metropolitan) (09:58) — I have had the privilege of attending numerous iftar dinners during May and June to mark the Islamic holy month of Ramadan. I congratulate the organisers of the Premier's iftar dinner, the Victorian Parliament's iftar dinner, the Commonwealth Bank's iftar dinner and the AMAFHH Federation iftar dinner, and I thank the organisers for the honour of being able to attend these dinners.

I am also looking forward to attending the Muslim Welfare Trust of Victoria iftar dinner this coming Friday, which is tomorrow evening, and I thank the organisers for their invitation.

The tradition of iftar symbolises unity and encourages people of all cultural backgrounds to come together in the sharing of a meal. Events such as these iftar dinners help to foster harmony through our very successful multicultural Victorian community. Ramadan will soon culminate in the celebration of Eid al-Fitr, which sees the end of the fasting period. Next Friday, the 15th of this month, will mark Eid al-Fitr, a time of celebration, a time of generosity and hospitality, and a time of goodwill. I congratulate Victoria's Islamic community, and I wish them and all Victorians peace and prosperity.

Roaring 20s Blue Ribbon Ball

Mr RAMSAY (Western Victoria) (09:59) — I was delighted to attend the Victoria Police Blue Ribbon Foundation and Geelong combined emergency services Roaring 20s Blue Ribbon Ball last Saturday night at Rydges Geelong. Joining me in celebrating our dedicated emergency services personnel, whilst raising much-needed funds for medical equipment for Barwon Health, were the shadow Minister for Emergency Services, Brad Battin, the member for South Barwon in the Assembly, Andrew Katos, and Liberal candidates for Bellarine and Geelong, Brian McKiterick and Freya Fidge. It was also terrific to see Peter Hitchener, OAM, there chatting and mingling with everyone. As we know, Peter is the patron of the Barwon Health Foundation and Geelong Hospital Appeal.

This event relies on numerous committed volunteers, a lot like our emergency services, and it takes many months of planning with everyone pitching in, so I take this opportunity to acknowledge them all and thank them very much. However, the real hero of the night — and its success was due in no small part to the work put in by him — was Leading Senior Constable Andy Brittain, who works extremely hard every year to ensure that this event is a sellout, as it was again this year. It was no surprise that he was named the Blue Ribbon Foundation's Police Officer of the Year in 2017. My sincere congratulations to Andy and all those involved in making this event so successful and whose efforts saw over $10 000 raised for emergency medical equipment for Barwon Health.

Public housing waiting list

Ms FITZHERBERT (Southern Metropolitan) (10:00) — Last night we had the State of Origin match at the MCG. I cannot say that I am a huge fan personally, but I could not help but notice from social media how many members were present, including a number of Andrews government ministers. The crowd was reported to be some 87 000. I was struck by the fact that if you want to know what the public housing waiting list looks like, that is pretty much what it is at the moment. We reported this week on our inquiry into the public housing renewal program. We learned that there are 36 742 applications, and these are made up of some 87 000 adults and nearly 25 000 children, for a total of 82 499 people. The beauty of the committee system of course is being able to question, interrogate and dig into details. The issue of what the people behind the numbers look like matters because one of the issues we were considering was the number of bedrooms in the development, and I was particularly interested to know how many children were involved.

The government of course likes to point the finger at others for homelessness and public housing, and in particular they like having a go at the federal government. Anything good that happens in public housing is their responsibility; anything bad is not. But I would put it to the chamber that cost-of-living pressures all around Victoria are having a massive impact on the public housing list. The cost of power and energy in particular permeates through our economy and has a massive impact on housing affordability and indeed how people put food on their table every week. In summary, I say the government's answer to this is a website. That is pathetic given their role in ensuring the closure at Hazelwood.

Buddhist Abbot Dow Tsi

Mrs PEULICH (South Eastern Metropolitan) (10:02) — I would like to take the opportunity of welcoming to Australia and to the Victorian Parliament today His Eminence Buddhist Abbot Dow Tsi, who is the vice-president of the Buddhist Association of China. His Eminence Buddhist Abbot Dow Tsi was born in June 1953 to a Buddhist family. He is currently the head abbot of Puji Temple in Mount Putuo and also holds other distinguished positions within the Chinese Buddhist community. Since 1994 he has visited over 40 countries to promote cultural exchange of Buddhism, and he is well loved and respected by millions of Chinese Buddhist followers. I would be very honoured to meet with him today.

Australian Labor Party

Mrs PEULICH — I would like to commend one of my constituents who came up with a very good campaign plan, which I am contemplating putting into place, and that is 'Dob in another Labor scam'. I thought this had merit, and the examples that were cited as evidence of Labor's scams included Daniel Andrews looking after mates; Peter Marshall and the United Firefighters Union against 60 000 volunteer firefighters; Daniel Andrews's campaign against small business in favour of unionised workplaces; a $10 million grant to union mates at the Victorian Trades Hall Council; unions and big business in cahoots against workers, as exposed by the royal commission; and the red shirts rorts and benefits — Daniel Andrews's and Labor's multimillion-dollar rorts and benefits — costing Victorians money and their reputation.

NATIONAL REDRESS SCHEME FOR INSTITUTIONAL CHILD SEXUAL ABUSE (COMMONWEALTH POWERS) BILL 2018

Second reading

Debate resumed from 24 May; motion of Mr JENNINGS (Special Minister of State).

Ms CROZIER (Southern Metropolitan) (10:05) — I am very pleased to rise to speak to the National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Bill 2018. I do so because again we are debating in the Parliament issues that were raised through the parliamentary inquiry that I had the privilege to chair and that came about after then Minister Wooldridge commissioned the Cummins report, which identified issues within organisations relating to sexual abuse. One of the recommendations of the Cummins report was to look into this issue further. It was the then Premier, Ted Baillieu, who had the courage to do so, along with Minister Wooldridge and then Minister Clark. This really put this issue on the national agenda.

The parliamentary committee undertook a significant inquiry — and members have heard me speak about this before — that looked at a range of things including a redress scheme, and I will talk a bit about that later. That process obviously led to the federal royal commission that made recommendations about redress.

We understand the impact of those that failed children who were sexually and physically abused and who were neglected and traumatised under the care of trusted organisations. It was a betrayal of trust, and that

is why we named our report *Betrayal of Trust*, because it was people in positions of authority who betrayed the trust of so many innocent little children. I am reminded again of the number of people who came before us and gave their heartbreaking stories about what had actually happened to them when they were innocent little children.

Again, I am reminded of some of the impacts of that abuse, and I have read some of the second-reading speeches from the Assembly debate. I know there were many people in the gallery watching that debate, and many of them appeared before the inquiry and gave their heartfelt testimonies to our committee. I think it was very satisfying for them to see the Parliament again join together in supporting this bill.

One of the contributions was from my colleague who sat on the committee, Mr Wakeling. I want to pay tribute to all my colleagues who sat on the committee: former members Andrea Coote and David O'Brien; and current members, the member for Ferntree Gully, Nick Wakeling; the member for Broadmeadows, Frank McGuire; and the member for Thomastown, Bronwyn Halfpenny. We all worked collectively, along with the Parliament and along with everybody in this place, to deliver that report.

But Mr Wakeling's second-reading speech actually highlights one of the issues in the report we tabled, on which he made such a huge contribution. He spoke about the effects on his own family. I will quote from his second-reading speech because it touches us all in various ways, and I know it touched me. There were people I knew sitting across the committee table, including people who had worked for my family, giving evidence, and it was very difficult. I think this is what encapsulates so many of those victims that were affected. Mr Wakeling said:

> I was reminded recently of my own grandfather who, upon the death of his mother in Sydney at the very young age of five — over a century ago — was put on a boat with his siblings to Perth and, I am told, was picked up by his aunty, who then put him in the Clontarf Boys Orphanage, so the story goes.

And he never spoke of his time of being in that orphanage.

The PRESIDENT (10:09) — I am sorry to interrupt, Ms Crozier, but I do want to bring to the notice of the house that we have in the gallery today a former Treasurer of the state of Queensland and indeed now the Speaker of the Parliament in Queensland, the Honourable Curtis Pitt. We welcome you to the gallery today.

Ms CROZIER — As I was saying, in Mr Wakeling's second-reading speech he said that as an older adult, his uncle — or his relative, I should say — did make it known that he would never set foot inside a Roman Catholic Church. It did not matter the denomination; there was abuse amongst a whole range of organisations. I am very pleased that in recent days we have seen so many of those organisations come on board and support the national redress scheme.

I will talk a little bit more about the details of the bill, but can I say that the committee itself looked at this very issue and at a redress scheme. We did get evidence, and there are a number of jurisdictions around the country that have got redress schemes in place already. When we looked at these proposed models of alternative justice, one of them was a government-funded redress scheme. Another one was a compensation scheme funded by non-government organisations or a government compensation fund. We looked in detail at all of these models through the course of the inquiry. We received evidence, and we got information from international jurisdictions that had some government-operated compensation processes as well as non-government organisation processes. One of those two areas that we looked at was in Canada, and I will quote from the *Betrayal of Trust* report again:

> In Canada, two government redress schemes, the helpline agreement and the Indian residential schools settlement agreement, involved co-contributions by religious organisations.

We actually got evidence that there was discrepancy and quite a level of dissatisfaction among some of the people involved in coming forward about those schemes, so it was an interesting element to understand. We also looked at how:

> The experience of the Irish Residential Institutions Redress Board (the redress board) highlights the potential pitfall of failing to source sufficient financial contributions for a government-operated redress scheme from non-government organisations.

My point is that it was and is a very complex area. I think this bill deals with the complexities of what we are really dealing with here. The purpose of the National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Bill 2018 is:

> … to refer certain matters relating to the National Redress Scheme for Institutional Child Sexual Abuse to the Parliament of the Commonwealth for the purposes of section 51 (xxxvii) of the Constitution of the Commonwealth …

It is referring those powers to make laws concerning the national redress scheme. I want to put on record my

acknowledgement of work done by Minister Dan Tehan, the federal Minister for Social Services, and others before him in relation to looking at this issue because the national redress scheme does act to establish a mechanism to provide redress for those past survivors of institutional child sexual abuse.

It is very difficult, and the national redress scheme, as the title says, needs all of the states to come on board. It needs them all to come on board, and I am very pleased that the Victorian government has signed on to do that. It is important that we did. I know New South Wales and others have signed on, and I would urge the remaining state, which I think is Western Australia, to do so because it is important. If we are to acknowledge what has happened in organisations for all of those people affected, all of those survivors and victims of child sexual abuse, then it needs to be a national redress scheme and everyone needs to be on board.

As I said, it is a complex scheme and it takes into consideration a number of things. There are going to have to be eligibility requirements and an ability to understand or define what the abuse was, and that is difficult. As we found with many of the victims that came before us, some are very strong with their recollections. Some, understandably, had blocked out the horrors that had occurred to them as children and could not really articulate very well the extent of the abuse, but it was clear that there were lifelong impacts of that abuse and that they had greatly suffered from the damage and trauma for their entire lives.

Part of what is going to be required in looking at the eligibility is looking at what the abuse was and defining that. We know what the definition of abuse is, whether it is sexual abuse or physical abuse or psychological abuse — and sometimes it could be all three. Sexual abuse is physical and psychological as well as sexual. Psychological abuse or physical abuse can be just pure brutality. The stories told during our inquiry were absolutely heart-wrenching, and it was inconceivable that people in trusted positions would inflict such horrific abuse on innocent little children.

I am pleased that it was this Parliament that actually accepted the responsibility and highlighted that the systems failed and that organisations failed these children and their families. From that we have had a number of pieces of legislation that have dealt with the criminality aspects, the cover-ups, the passing on of information or hiding the information — all of those things that I think we have addressed. I am reminded again of the grooming that took place, and I am pleased that this Parliament, within a month of me tabling that report in this very chamber, put into place grooming laws.

That was the extent of what we heard. It was not just about the primary victim; it was also the secondary victim and the ripple effect of that abuse not just on that individual but on their families and their communities. Of course we have seen that with communities around Victoria who were very brave and embraced what we found, because it was raw and it was confronting. It horrified members of the community, and it horrified members of some very good organisations who bravely spoke out about their organisations. I am again reminded of some of those people. Father Kevin Dillon spoke about the trauma and about his dealings with some of those victims, to whom he has given incredible support. He acknowledged the failures of his church and gave extraordinarily profound evidence and details of the system's failure, as I spoke about just a few minutes ago.

There are a number of aspects to this bill. As I said, it is a big bill; it is a complex bill. Clause 4 deals with the reference of matters to the commonwealth Parliament. It refers the power to make laws necessary for the making of the National Redress Scheme for Institutional Child Sexual Abuse Act, but it is only to the extent of amending the National Redress Act or the amendment reference as I referred to. Clause 5 provides that the reference does not prevent Victoria from making any laws to establish or operate any state redress scheme themselves. It does define a state redress mechanism to mean a scheme established by the state Parliament or state government or by any governmental or non-governmental entity in respect of survivors of institutional child abuse in the state, and also to mean the jurisdiction of a court or tribunal to grant compensation or support for or in respect of victims of crime, including crime relating to institutional child sexual abuse. I think that is an important aspect of the bill.

Clause 6 provides that any amendment made under the amendment reference in the previous clause that I mentioned, clause 4:

> … would substantively remove or override a provision of the National Redress Act that requires the agreement of the State.

Clause 7 basically clarifies that the Governor in Council may terminate any reference under the act at any time by way of proclamation. Clause 9 provides that the means by which agreement may be given on behalf of Victoria may be prescribed by regulations or ministerial directions.

They are the aspects of the bill. Certainly in the second-reading speech of Mr Pesutto in the Assembly, he was very strong — and again I say we are all in support of this important bill; it is important that it is passed today so that the start date of 1 July can be taken into account — on understanding the technicalities of the bill. He did mention some of the areas around the insurance claims or the compensation elements that might need to be taken into consideration. It was made very clear that if there were any issues for this state Parliament then the government would look at that. I would like to quote from his speech because of the area surrounding the complications for insurers that may be involved in this. Of course the larger organisations do have insurers. They have agencies involved to deal with any insurance claims that relate to any matter that comes before them, just like most businesses or individuals will have some form of insurance to protect themselves or their businesses or organisations. Mr Pesutto, in his second-reading speech, goes on to again highlight this very well:

> From the insurer's point of view many of them have concerns about the level of rigour in the assessment of claims.

He makes the point that many people involved in the insurance industry are concerned about the compensation component and whether for this redress scheme, or any redress scheme for that matter, the standards of proof for testing of evidence, cross-examination and the like are not present, or if there is some kind of exacting assessment of the weight to be attached to evidence. I make that point because it goes to the earlier points around complexity that I mentioned.

Everyone is very supportive of the intent of what is going on. I am really pleased that in recent times, since the passing of this bill in the lower house, there have been a range of organisations that have joined the scheme. I note on 7 June that it was the Anglican Church that was among a range of organisations that have now joined the scheme. Following that announcement, there are other organisations that have joined the scheme such as the Salvation Army, Scouts Australia and the YMCA.

Again I go to the point that it is not just religious organisations that our inquiry looked at. It was non-government organisations such as the Salvation Army, such as Scouts Australia, such as the YMCA as well as a range of religious bodies that we heard evidence from. including the Catholic Church, the Anglican Church, the Jehovah's Witnesses, the Jewish community, the Islamic Council of Victoria. We heard a range of evidence, and all those bodies were very willing to come before us and provide their evidence, and we were able to establish what went on, what actually happened. And from that, our report, which so many times I have spoken on because of the recommendations that have come from that inquiry and from the national Royal Commission into Institutional Responses to Child Sexual Abuse, is bringing to light all of these issues.

I really am very delighted that these organisations do understand that they have a responsibility to be part of that national redress scheme. If this is going to work, if it is going to give some closure and an ability for victims and survivors of sexual abuse to come forward, then this is what these organisations need to do. They need to take their obligations and responsibilities seriously, and they have. I would like to congratulate them on doing that, and I am very pleased that they have done so.

I want to again put on record my acknowledgement and appreciation of the work that has been done at a federal level in bringing the state attorneys-general together. I know that the Attorney-General, Mr Pakula, has been leading the charge for Victoria, and I thank him for that, because that is what we needed. We needed this issue to be led, as was done by the former Attorney-General, Robert Clark, who led the way on this very issue when we were in government. Taking this to the national level is incredibly important. All those individuals coming together to acknowledge that and then speaking about the very important element of this redress scheme also needs to be acknowledged.

I just want to also make the point about the scheme's complexity, as I have mentioned and which was also raised by Mr Pesutto in his contribution to the second-reading speech, where he said it is complex. As he said, we do not do this often. We are doing something that we do not do often. We are actually referring our constitutional powers to the commonwealth. That in itself, as I said, acknowledges the importance of what we are all trying to do here — of states and jurisdictions understanding the importance of referring that power to the commonwealth and doing so in a spirit of cooperation. As Mr Pesutto pointed out, it is so that we can get some finalisation of this.

Whilst there might be debate and different points of view in relation to what that redress scheme looks like in terms of the financial elements, if you like, of what victims are entitled to receive, it is very important that we are going to get the states on board to allow the redress scheme to occur. The financial implications or amounts that victims will receive have been determined

at a national level. That is not what we are doing here in this debate. But I make that point about the reference of our powers to the commonwealth in this instance, as has been highlighted, because we are a state, we have our own laws and we are here in the Parliament today making those laws on a whole range of issues and debating very important matters. We have that right as the state of Victoria, and it is very important that we hold onto that right. I certainly do not want to be giving over all powers to Canberra. I think that would be to the detriment of us all. One of the reasons I stand in this state Parliament is the importance of those state laws that this Parliament makes.

I, together with my other colleagues I am sure, wish this bill a speedy passage. It is important that all the work that has been acknowledged for all those victims who have come before the Victorian parliamentary inquiry and the royal commission does lead to part closure for them. This is why we undertook that parliamentary inquiry — to understand the issues — and this was one of the very big issues. I am very pleased to be able to make a contribution in relation to this bill, and as I said, I do wish it a speedy passage.

Ms SPRINGLE (South Eastern Metropolitan) (10:30) — I too rise to speak today on the National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Bill 2018. I am pleased to confirm — and it will be no surprise — that the Greens support this bill. The national redress scheme for institutional child sexual abuse implements the key recommendation of the Royal Commission into Institutional Responses to Child Sexual Abuse. This scheme has been a long time coming. We have all been waiting for it for a long time, and no-one more so than victims of child sexual abuse over the last five, six, seven or eight decades. It has been an extremely difficult process to get to this point, so I am enormously gratified that we are actually at this point debating this bill today.

I would like to acknowledge Ms Crozier's outstanding, long and tireless contribution to this issue, because I do believe that we probably would not have got to this point without the Betrayal of Trust inquiry. I think her contribution to this issue and her advocacy on behalf of victims has been outstanding, so I would like to acknowledge that here today.

Thousands of Australians have contributed to this process. I have just pointed to Ms Crozier, but there have been so many people across the country that have been committed to seeing us get to this point. Their contribution has been incredibly meaningful, and it needs to be acknowledged. Survivors of child sexual abuse in institutional contexts have put their hearts, souls and tears into this work — into testifying, writing submissions and campaigning — with the goal of a national redress scheme, which was very much at the core of their work. Many people have been retraumatised by this process in fact, and it shows their commitment to getting here that they were willing to do that. I want to acknowledge how incredibly difficult it has been for those people.

Given that huge body of work, that incredible and tireless commitment and motivation to see national redress become a reality, it is disappointing that there are some real problems with this scheme at a commonwealth level. As Ms Crozier pointed to, it is no small matter for the states to be handing over powers to the commonwealth, and it is something that we must do for this bill, but I think it would be remiss of me as Greens spokesperson for families and children in this regard to not point out the deep flaws in the commonwealth scheme. While we all support a national redress scheme — we all want it to happen; it needs to happen — the bill that is before the federal Parliament is deeply flawed.

Given how difficult this journey has been, it is not surprising that there is strong and unequivocal support for any bill that is before the Parliament that will enable and establish schemes at both state and federal levels. I am pleased to note that Victoria, New South Wales, the Australian Capital Territory, the Northern Territory, Queensland and Tasmania have all opted into the national redress scheme regardless, and it is my hope that the states that have not done so to date will follow.

It is a fairly straightforward bill that we have before us today in the state Parliament. It cedes powers to the commonwealth, as I said. It simply refers powers relating to the national redress scheme for institutional child sexual abuse to the commonwealth. It sets out key definitions, payment mechanisms, provisions for information sharing and provisions for agreement to certain matters by the states. The substantive component of the bill is set out in schedule 1, 'Scheduled text of the proposed Bill for a Commonwealth Act'.

As stated, the Victorian Greens support this bill, we support national redress, but we do have some longstanding concerns with a number of provisions and neglected areas within the commonwealth bill, which I will now discuss. The first of our concerns pertains to the maximum payment of $150 000. The maximum

monetary payment for the redress scheme will be at that level — $150 000.

The royal commission recommended, and I quote:

> The appropriate level of monetary payments under redress should be:
>
> a. a minimum payment of $10 000;
>
> b. a maximum payment of $200 000 for the most severe cases; and
>
> c. an average payment of $65 000.

We Greens support this recommendation of the royal commission and will continue to advocate for the government to increase the maximum monetary payment to $200 000, because the reality is that reducing the payment amount from the royal commission's recommendations is a case of cherrypicking recommendations, and the likely result is that many survivors are likely to receive very little, despite having gone through similar processes in the past and risking retraumatisation by applying for redress through the new scheme.

The impact on top-up payments and adjustment for inflation is our next concern. The royal commission recommended that:

> The amount of the monetary payments that a survivor has already received for institutional child sexual abuse should be determined as follows:
>
> a. monetary payments already received should be counted on a gross basis, including any amount the survivor paid to reimburse Medicare or in legal fees;
>
> b. no account should be taken of the cost of providing any services to the survivor, such as counselling services;
>
> c. any uncertainty as to whether a payment already received related to the same abuse for which the survivor seeks a monetary payment through redress should be resolved in the survivor's favour.

It went on to recommend that:

> The monetary payments that a survivor has already received for institutional child sexual abuse should be taken into account in determining any monetary payment under redress by adjusting the amount of the monetary payments already received for inflation and then deducting that amount from the amount of the monetary payment assessed under redress.

But, as stated, it also recommended a maximum payment of $200 000. This is where the cherrypicking of recommendations becomes incredibly problematic. Indexing previous redress payments and deducting those from a payment under the national redress scheme with a lower ceiling of $150 000 means that survivors may receive very small payments or potentially nothing at all, and yet they will have gone through a potentially retraumatising process of reapplying to the scheme, and many of them will understandably be under the impression that they are likely to receive a payment.

Our next concern pertains to the limitations on counselling and psychological services and the direct personal response. The royal commission recommended that:

> Counselling and psychological care should be available throughout a survivor's life.

A number of experts and survivors spoke on this issue when testifying to the Senate Community Affairs Legislation Committee inquiry into the Commonwealth Redress Scheme for Institutional Child Sexual Abuse Bill 2017 and related bill. That inquiry was undertaken and reported on during the first half of 2018 and dealt with a raft of issues highly relevant to this debate and the national redress scheme.

In regard to the importance of lifelong counselling, Miss Clarke, royal commission liaison and sexual assault counsellor at the Centre Against Sexual Violence, is quoted as saying:

> For someone who goes through childhood sexual abuse, particularly when that's in the context of a care-giving relationship, the effect for that person is something which extends beyond their lifetime. And, because it affects their ability to develop as a child and they miss key developmental stages, it means that that's something that can't necessarily be fixed. As the royal commission acknowledged, it's not something that can be cured with appropriate treatment, and it's something that will be triggered throughout their lifetime, for example, when they have their own children or grandchildren; if they were to run into someone from their past.

Clause 16(1)(ii) of schedule 1 in the bill before the house provides for:

> a payment (of up to $5,000) to enable the person to access counselling and psychological services provided outside of the scheme …

The Greens support the recommendation of the royal commission that there be no fixed limits in this regard. The reality is, for the complex and enduring trauma that abuse results in, $5000 is grossly inadequate and will severely limit some survivors' ability to cope with past abuse.

We also support the extension of counselling services to family members affected by abuse and providing

support to survivors as recommended by the royal commission, and I quote:

> Counselling and psychological care should be provided to a survivor's family members if necessary for the survivor's treatment.

Ms Hillan, director of programs, policy and knowledge creation at the Healing Foundation, testified as follows to the Senate inquiry:

> In Aboriginal and Torres Strait Islander communities it isn't just about the individual who has suffered; it is about a cumulative nature of individuals who have suffered together in institutions. People are often still living in those communities. That has huge impacts on families, partners, sisters, brothers, aunties and uncles, who have to provide support and are often the first point of call of support, because our services are very undeveloped and very limited in what has been offered.

The Australian Greens support the recommendation of the royal commission and want to see counselling and psychological services offered to family members of survivors as well.

My next point turns to the exclusion of survivors with certain criminal convictions. The royal commission recommended that:

> A process for redress must provide equal access and equal treatment for survivors — regardless of the location, operator, type, continued existence or assets of the institution in which they were abused — if it is to be regarded by survivors as being capable of delivering justice.

Division 2 of schedule 1 sets out special assessments of applicants with serious criminal convictions, which ensures that the scheme will not provide equality of access to treatment, as recommended by the royal commission. Division 2 does not set out specific crimes that will exclude survivors from accessing the scheme, but it does preclude the operator from confirming a person is eligible if they believe that action would:

(a) bring the scheme into disrepute; or

(b) adversely affect public confidence in, or support for, the scheme.

So many survivors of childhood sexual abuse have come into contact with the criminal justice system, and their abuse almost always plays an incredibly significant role in that process. The evidence base on this is unequivocal. It has been built by academics and practising experts around the world. It is also important to note evidence presented to the inquiry on this issue which found that, and I quote:

> No other commonwealth compensation scheme or financial relief payment for other survivor or victim cohorts (such as the defence abuse reparation scheme, drought relief assistance scheme, the Australian victim of terrorism overseas payment or the Australian government disaster recovery payment) holds any eligibility restriction on access based on criminal conviction or similar character grounds.

The vast majority of submissions and testimonies presented to that inquiry recommended that survivors should not be excluded from the redress scheme due to criminal offending or convictions. The previously mentioned Senate inquiry, in its final report, made the following recommendation:

> The committee recommends that in finalising the position on the exclusion of serious criminal offenders from the redress scheme, the Australian, state and territory governments should consider the value of the redress scheme as a tool for the rehabilitation of offenders, and that excluding criminal offenders can have the unintended consequence of institutions responsible for child sexual abuse not being held liable.

And yet we see in schedule 1 that there will be provision for exclusion on these grounds, and that exclusion from the scheme is subject to the discretion of the operator. Yet again, survivors and experts have not been listened to, and as a result we will almost certainly see people denied access to redress, yet again heaping insult upon injury.

I would like now to turn to the Betrayal of Trust commitments. It has been pointed out time and time again by advocates, survivors and the Greens that there is a serious and inequitable inconsistency between the key recommendation by the royal commission and Betrayal of Trust. The royal commission focused on sexual abuse in institutional contexts, and clause 13 of schedule 1 provides that a person must have been sexually abused to be eligible for the national redress scheme. Betrayal of Trust considered more broadly the criminal abuse of children in institutional contexts and recommended:

> … a specific scheme for victims of all criminal child abuse that:
>
> > enables victims of families to obtain resolution of claims arising from criminal child abuse in non-government organisations;
> >
> > is established through consultation with relevant stakeholders, in particular victims;
> >
> > encourages non-government organisations to voluntarily contribute a fee to administer the scheme;
> >
> > ensures non-government organisations are responsible for the funding of compensation, needs and other supports agreed through the process.

As we know, the Victorian government committed to full implementation of all *Betrayal of Trust*

recommendations. The national scheme will not enable Victoria to fully implement *Betrayal of Trust*.

At this point I want to give voice to survivors and advocates, who have been very clear on the real problems with limiting access to sexual survivors. At the Senate inquiry into commonwealth and territory redress bills Dr Philippa White, director of Tuart Place, said, and I quote:

> As found by the forgotten Australians and lost innocents Senate inquiries, for many children living in closed residential settings under state welfare systems, sexual abuse was sometimes the least of their worries. Their situation was totally different to that of a child living at home with his or her parents, who suffered sexual abuse at a sporting club or dance academy. We are in no way minimising their experiences. What we're saying is that they are very different to that of a child abused and neglected in state care, where there was no escape from the daily trauma.

Ms Caroline Carroll, chair of the Alliance for Forgotten Australians, testified to that inquiry also:

> … there are many of our people who have suffered horrendous physical, emotional abuse and neglect, and they're not eligible for this scheme as is stands. It's wrong. Since the Senate inquiry in 2004 … that was a recommendation, that there should be a redress scheme, and nothing has been done, and we've come this close and we look like we'll miss out yet again.

Ms Carroll went on to say:

> We're never going to do another redress scheme. If people who were physically abused, neglected or who suffered any of the other abuses aren't included in this one scheme it lets these bastards off the hook. The state governments, churches, and charities, they're standing up there clapping their hands that it's just sexual abuse, because the number is smaller.

We Greens, along with many stakeholders, have argued for a separate Victorian scheme that would provide more equitable access for survivors of serious abuse and that is not limited to sexual abuse. We have also argued strongly for cultural abuse to be included, and my colleagues and I have spoken at length, in this place and the other place, of the importance of this bill addressing intergenerational trauma in Aboriginal and Torres Strait Islander communities.

My colleague Ms Pennicuik asked the Attorney-General about this issue recently in the Public Accounts and Estimates Committee budget estimates hearings, and she was told:

> There is no intention to augment the redress scheme itself, but I should make the point that there is nothing in the creation of a redress scheme that prevents anyone from pursuing litigation separately. As you would be aware, the government has taken some steps in regard to that by, for instance, removing the statute of limitations. We are part of a national arrangement. The commonwealth made a determination. And I am not laying this on them, that in some respect they have stood alone; there was obviously a great deal of negotiation in order to get a nationally agreed scheme. We do not at this stage have the NGOs, even as the scheme stands, and so standalone physical abuse will not be covered.

This is incredibly disappointing. It now appears that the government does not intend to meet its own Betrayal of Trust commitments, and this will come as a massive blow to the Victorians who have been working towards a fair and compassionate scheme for many, many decades.

Before I conclude, I would like to acknowledge the work of my Greens colleagues all around the country who have fought so hard for a national redress scheme, while standing alongside and supporting survivors and advocates in solidarity and with enduring empathy. In particular I acknowledge the tireless work of Rachel Siewart, Christine Milne and David Shoebridge who have advocated for this process for a very long time and played a pivotal role in establishing the Royal Commission into Institutional Responses to Child Sexual Abuse. On that note, I commend this bill to the house and wish it a very speedy passage.

Ms PATTEN (Northern Metropolitan) (10:49) — I am very pleased to rise to speak briefly to the National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Bill 2018. As the title quite clearly states, it refers state powers to the commonwealth in order to facilitate a national redress scheme; a scheme that will run for 10 years and provide eligible survivors with payments of up to $150 000, counselling, psychosocial services and a direct personal apology from the responsible institution. It also offers an alternate path to litigation.

This bill gives effect to the recommendations of the royal commission and the Betrayal of Trust inquiry before it. As with the Legal Identity of Defendants (Organisational Child Abuse) Bill 2018 — and I think we were all proud that that legislation passed this house last week — it finally completes the path to redress for the 19 000 or so Victorians that were victims of institutional child abuse, almost 62 per cent of which occurred in Catholic Church institutions, an institution that has been brought kicking and screaming to the table of redress. I was pleased to see that they committed to sign up to the scheme last week.

As I mentioned last week, this is an issue that has been close to my heart and on which I have spent significant time — long before I was elected to this house — working on the proper redress for the victims of child

sexual abuse in religious institutions. What I have seen is that there is a terrible consistency in the effects of child abuse on the survivors. I think Ms Springle touched on this. There is depression, post-traumatic stress disorder and other mental problems, suicide and suicide attempts. It is abuse that has destroyed people's ability to have close relationships, it has destroyed families and in far too many cases it has destroyed lives. Shamefully, it was just so horrifyingly widespread: 65 000 child abuse redress claims are anticipated nationally and, as I said, 19 000 in Victoria.

We know from the royal commission that the average age of female victims was only 10 and the average age of male victims was just 11 at the time that their abuse occurred. Abuse experienced so young, trauma experienced so young, entrenches issues so deeply and in such a formative way that they can never be repaired. This scheme will go some way to addressing those issues for many, but it will always remain unforgettable and we will always remember the vile stain on our society of this abuse and this abuse of power.

While supporting the bill, I was somewhat disappointed about the exclusion of people who have been found guilty of certain offences, because we know generally that trauma like child sexual abuse so often underpins criminality. It seems somewhat unfair that we would then be excluding some of those victims from this redress scheme, particularly given that this redress scheme could offer a fresh start in getting abused victims in the criminal justice system back on their feet as functional members of society. I hear the concerns of some victims about being ripped off and signing their voice away with confidentiality agreements, but litigation is still open to people of that mind. Others will benefit from this simpler, more forgiving process that also brings that much-needed apology.

The passage of this bill today is the culmination of the effort of thousands of Victorians, and it is a proud moment. The last bastion here relates to transparency. It has been my longstanding view that the secretive nature of many of our religious institutions is at the core of the issue. They were able to hide this horrible and horrific abuse of children behind that structure. As I highlighted last month when debating my Charities Amendment (Charitable Purpose) Bill 2018, many of these religious organisations are anything but transparent and in the 21st century should have the same disclosure obligations as all of our corporations.

We cannot undo the significant suffering that has occurred and the lives that have been lost as a result, but now victims can receive some compensation and what small relief or closure that might bring. Institutions can no longer hide from their obligations to victims of child abuse, so it is with some emotion that I commend this bill to the house.

Mr MELHEM (Western Metropolitan) (10:55) — I rise to speak on the National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Bill 2018. In doing so I am reminded that the Royal Commission into Institutional Responses to Child Sexual Abuse *Redress and Civil Litigation Report*, which was released in November 2015, found that the current civil litigation system and past and current redress processes had not provided justice for many survivors. That is why it is important that this bill has the support of all members of this house, and I am pleased, based on the contributions of previous speakers, that this bill does enjoy the support of everyone.

In order to address this the royal commission recommended reform to civil litigation and the establishment of a single national redress scheme for survivors of institutional child sexual abuse. The Victorian government in March this year accepted that position and decided to join the national scheme. There are a number of points to make there. One is that I think it is very important for survivors. It is important to take away the stress and trauma which is in addition to the trauma and stress they would have endured over many, many years as a result of that abuse by people who were trusted. Trust had been placed in people to look after young children, and instead of looking after those children they misused that power and abused them.

In order for survivors not to have to go through and relive that trauma — because the alternative is to go through a civil litigation, and we all know how difficult and how traumatic that can be on survivors — it is very important that we have a system in place where survivors can meet the criteria in the form of statutory declarations, and this arises from the work of the royal commission. Basically you have got to establish that the abuse has occurred, but the threshold is obviously not the same as it is if you go through a court process.

Unfortunately in most cases the only beneficiaries from the litigation process are lawyers. You can end up with a situation in which survivors might win a particular case, but the issue can be whether costs are awarded against the institution they are prosecuting — and that is another question. You may or may not get your costs back, and even if you get your costs back, you probably will not get the full cost back. That results in not only a financial burden but also the stressful process that you

have to go through as a survivor in reliving the trauma, suffering and abuse you have been through. The new redress scheme will take that away. There has been debate about whether $150 000 is an adequate amount or whether it should be $200 000, and that is going to be further debated.

I think it is important to have a national scheme where all the states agree on one model so that we do not end up with different schemes in different states. I am pleased that the commonwealth will be taking the lead to coordinate the national redress scheme. We know the commonwealth does not have the power to administer a scheme like this unless the various states pass their own legislation to refer powers to the commonwealth to administer that national scheme. I think it is very important to have a national scheme and not just have the state governments opt in, because we know there are a lot of state government agencies that also are subject to that redress scheme.

I am also pleased that the other organisations — non-government organisations — have now joined the scheme. I was very pleased at the announcement a couple of weeks ago that the Catholic Church and various other organisations, including the Salvation Army, said they would join the scheme. It looks like we are going to have pretty much everyone joining the scheme.

This is about recognising the trauma suffered, giving effect to the apology and trying to somehow repair the damage that has been done to these survivors. No matter how much compensation survivors are awarded, we will never be able to take back what happened to them. What happened to them is absolutely tragic and terrible, and it is an indictment of us as a society that we allowed that to happen. That is particularly the case when we are talking about today's survivors who were young children back then, and we failed them. We failed to protect them.

That is why I want to acknowledge all of the good work that has been done by the royal commissions, by various parties and by organisations that have been advocating for decades to make sure that we address that problem. People in this house as well did a lot of work during the previous Parliament, when Ms Crozier led that committee inquiry. This is an issue on which our Parliament and the commonwealth Parliament come together despite being on various sides of the political divide. We do a really good job and actually perform at our best when we pick social issues like this and try to undo the wrongs where society has failed our children and abuse survivors over the years. We are finally trying to address that.

This bill is another way of addressing the wrong. It is very important to have that financial support without survivors having to go through the trauma, which I talked about earlier, so I am pleased that all the states are coming on board. The New South Wales government, on 15 May this year, passed legislation to transfer its powers to the commonwealth to enable that bill.

There was some debate about maybe some amendments being made to this bill. Without talking about the amendments — whether they are justified or not — I think the problem with amending this bill would be that it could cause further problems, because we are basically referring powers to the commonwealth and we need to make sure we have got uniform legislation throughout the commonwealth. Every state then putting up its own amendments might somehow compromise the ability of the commonwealth to have consistency across the board. I think it is very important that we pass the bill in its current form. There is no question that should there be a need for review down the track there would have to be a national approach to that issue, because otherwise you would not have consistency between the states and then you would probably cause more problems than you would fix.

The bill will now make it easier for survivors. They will be able to put in an application to the national scheme, and as I said, it will alleviate the impact of past child sexual abuse that occurred in institutional contexts by providing redress in the form of a monetary payment of $150 000 as a tangible means of recognising the wrongs survivors have suffered. The scheme will also give access to counselling and psychological services costing up to $5000 and the option to receive a direct personal response from the participating institutions responsible for the abuse.

I think it is very important that individuals who wish to not participate in the scheme and choose to, for example, take their own civil action against an institution will still have the ability to do so. My understanding is this bill does not take that power away from the individuals who wish to do so. I think it is very important that is maintained for individuals who would like to basically have their own litigation against an institution. I think that right should be protected, and it is protected.

Also, the bill provides that if a survivor wants to put in a claim against an institution or an organisation that no

longer exists — for whatever reason, that organisation has been wound up or is no longer operating — instead of that survivor missing out on being able to get the benefits of the scheme the government will step in, depending on the jurisdiction, to actually allow the individual in that case to be able to access the $150 000, which I think is very important. We do not want survivors missing out through no fault of their own. People who worked in those organisations many, many years ago abused them, and if that organisation does not exist anymore the survivors should be able to have access to the same compensation as if it were an ongoing organisation.

As I said earlier, the scheme is as recommended by the royal commission. Applications will be required to be verified by statutory declaration and the scheme will generally not require further supporting evidence in recognition of the fact that many survivors will not have such evidence and to make a redress scheme as successful as possible. I think it is very important that we make it easy for people to access this scheme. We do not want them to have to carry the burden of proof and get them to relive the trauma which they lived earlier in life — we do not want them to have to go through that again. I think that is a very important step. Now it is in the legislation to make sure they are able to access this scheme.

Some people might already have had a civil settlement in relation to a particular case. They will not be prevented from putting in an application to access the new scheme, but obviously whatever settlement they may have had previously will be taken into account as part of accessing the redress scheme, which I think does strike the right balance. If the settlement was less than $150 000, that obviously could be topped up, but if the settlement was far in excess of that maybe there would be a question about whether or not they could access that amount. It is about making the system fairer across the board and making sure that everyone can take advantage of it.

I think it is a very important bill. I want to congratulate all the people who have worked on putting this bill together, on the whole redress scheme and on the whole royal commission process — putting that issue front and centre to recognise all the wrongdoing that was committed in our name, whether as a state institution, a religious institution or any institution that committed wrongs against children through sexual abuse. Now hopefully we can move on and that will be a thing of the past and these sorts of horrible crimes by these horrible individuals against children will not occur into the future. With these words, I commend the bill to the house.

Mr MORRIS (Western Victoria) (11:08) — I rise to make my contribution to the National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Bill 2018. I have certainly appreciated the comments that many other members have made with regard to this bill, because this bill does facilitate something very important for those who have unfortunately suffered child sex abuse at the hands of many different organisations. Of course the purpose of this bill is to refer the power to make laws and certain matters relating to the national redress scheme to the commonwealth Parliament. I note that the responsible federal minister, Dan Tehan, has certainly taken a strong leadership role on this particular issue.

It is very pleasing to see a number of organisations that have a sad and in many cases dark history in connection with child sexual abuse coming on board with the national redress scheme. That is certainly very positive. It is pleasing to see that both the Catholic and Anglican churches, along with the Salvation Army, the scouts and the YMCA have all come on board to say that they will be part of the national redress scheme. In the fullness of time as the scheme rolls out it will hopefully give some solace to people who have been severely affected by this abuse that occurred when they were much younger and much more vulnerable.

A very dark history has been involved here, and I note that Ms Crozier's leadership with regard to the *Betrayal of Trust* report certainly was a critical point in bringing to light some of the horrendous abuse that has occurred in our community. It was incredibly important for a number of reasons, not just because of the history that it brought to light, enabling people to share their own stories, but it really was also a line in the sand for many organisations to have to confront their own histories and what had occurred and, by recognising that, to be able to put in place strategies, programs, policies and the like to ensure this type of abuse does not occur into the future. As incredibly important as it is to acknowledge past wrongs, it is equally important that we make sure provision is made to ensure this type of abuse does not occur into the future.

I recall that in the lead-up to the last federal election there was significant discussion about a national redress scheme and indeed whether or not one would be proceeded with. Of course these are incredibly complex arrangements that need to be sorted out to come to a determination about the best way to address these issues, particularly when we have an issue such as this

that is spread across a huge number of organisations and a huge number of victims. So it is important to make sure that time is taken to get it right and to make sure it will achieve the intended outcome.

That is certainly what the federal government has done with regard to this, and Minister Tehan has certainly got on board with it. I think it is testament to his leadership that there are so many different organisations willing to come on board and make amends in some way for what has happened in the past and to ensure victims receive what they should as a result of the terrible abuse that they have had inflicted upon them. It is pleasing to have heard the contributions from other members in this place saying this is a positive way forward for our community, because it is certainly something that does need to occur.

The main provisions of this bill include clause 4, which refers the power to make laws necessary for the making of the National Redress Scheme for Institutional Child Sexual Abuse Act 2018 and refers the power to make laws relating to a redress scheme for institutional child sexual abuse, but only to the extent of amending the National Redress Act. It is a positive way forward to have a national scheme. We all know how complex things can be if we have something where we do not have uniformity across the country. If we had a situation where individual states had their own redress schemes, it would become increasingly complex and difficult for victims to wade their way through that. However, I certainly hope having this national scheme will centralise what is an important process to ensure victim survivors' needs are recognised.

Clause 5 of this bill provides that the reference does not prevent Victoria from making any laws to establish or operate any state redress scheme. However, as I said, I think a national approach is a sensible and positive way forward. Clause 6 provides that any amendment made under the amendment reference in clause 4 that would substantively remove or override a provision of the National Redress Act requires the agreement of the state. Clause 7 goes on to clarify that the Governor in Council may terminate any reference under the act at any time by way of proclamation. Clause 9 provides that the means by which agreement may be given on behalf of Victoria may be prescribed by regulations or ministerial directions.

I think it is important to understand, with regard to the future of the organisations that have been involved in child sexual abuse, and indeed those who have signed up to this particular scheme as well, that obviously there has been phenomenal, amazing work done by the Catholic Church, the Anglican Church, the Salvation Army and many other organisations — amazing work that is being done now and amazing work that has been done in the past. I think as well as recognising the very dark history of these organisations it is also important to understand the positive contributions that these organisations make to our community. That does not rule out, does not blot out and does not excuse any of the past behaviour, but I think it does give some context to the fact that these organisations are important parts of our community. Whilst holding them to account for past failings, we should also recognise the positive contribution these organisations are making now and I certainly believe will be making into the future as well.

I am pleased that we have a non-opposed position to this particular bill, and I look forward to it being passed in due course.

Mr RICH-PHILLIPS (South Eastern Metropolitan) (11:17) — I am pleased to make some remarks this morning on the National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Bill 2018. When I spoke on the Justice Legislation Amendment (Access to Justice) Bill 2018 several sitting weeks ago I remarked on the role that the work of the Family and Community Development Committee of the previous Victorian Parliament had played in exposing what had occurred in the area of child abuse in institutions and the way that had led to the subsequent commissioning of the federal royal commission and all the work that has flowed from that.

With this bill today we can again reflect that there is basically no precedent for an inquiry of a parliamentary committee to have reverberated around the nation and had as much impact on parliaments throughout Australia and on the community throughout Australia as the work of the Family and Community Development Committee in the 57th Parliament. Its *Betrayal of Trust* report, which started to unpack what had happened in institutions in Victoria, lifting a lid on something which had been a hidden secret for many decades involving many, many victims, was groundbreaking, and the effects of that are still very much being felt in Victoria and now by extension through the work of the royal commission and the work in other jurisdictions around the nation.

And so it is with the bill we are dealing with this morning for the national redress scheme. It flows from the work of the Family and Community Development Committee and the work of the royal commission. Indeed reflecting back on the recommendations made in the *Betrayal of Trust* report, which were responded

to by the previous government and which have been picked up in large measure by the current government, there are a number of recommendations flowing from that report which go to the issue of compensation and support for victims of child sex abuse.

I will refer to several recommendations in the report. Recommendation 26.1 states:

> That the Victorian government consider requiring non-government organisations to be incorporated and adequately insured where it funds them or provides them with tax exemptions and/or other entitlements.

Recommendation 26.2:

> That the Victorian government work with the Australian government to require religious and other non-government organisations that engage with children to adopt incorporated legal structures.

Recommendation 26.3:

> That the Victorian government consider amending the Limitation of Actions Act 1958 (Vic) to exclude criminal child abuse from the operation of the limitations period under that act.

Recommendation 26.4:

> That the Victorian government undertake a review of the Wrongs Act 1958 (Vic) and identify whether legislative amendment could be made to ensure organisations are held accountable and have a legal duty to take reasonable care to prevent criminal child abuse.

And there is a recommendation in chapter 27:

> That the Victorian government consider amending the Victims of Crime Assistance Act 1996 (Vic) to specify that no time limits apply to applications for assistance by victims of criminal child abuse in organisational settings.

All of those recommendations from the inquiry go to the issue of creating a mechanism by which victims of child sexual abuse are able to seek redress. While the specific recommendations of the committee have not necessarily been adopted in the form that they were recommended, such as mandating the incorporation of institutions that work with children — and the house considered those matters and alternative remedies on those issues in legislation it dealt with during the last sitting week — nonetheless it was very clear from that set of recommendations and from the committee's focus on things such as the Wrongs Act and statute of limitations that the committee recognised the barriers to accessing redress needed to be removed. Whether it was the statute of limitations relating to a person not being able to seek compensation for events which had occurred decades earlier, or whether there were limitations on recognising the liability of institutions for their actions decades earlier — that was something we dealt with in the access to justice legislation two weeks ago — the focus of the committee was very much on not only identifying what had occurred and providing a voice to the victims of child sex abuse, but also on identifying a pathway forward where those victims, where they felt able to come forward in their circumstances, were able to get redress.

What we now see is that as a consequence of that set of recommendations and as a consequence of the work of the royal commission the commonwealth government has taken a leadership role. I very much commend Dan Tehan as the responsible federal minister for his work in this area. Members of this Parliament who know Dan Tehan will recognise his genuine commitment to this area of policy reform and his genuine commitment to the several areas of policy which he has had carriage of as a minister in recent years. So I commend his leadership in putting together the national redress scheme for institutional child sex abuse, which provides access in a non-litigated environment to redress for people who are victims of child sexual abuse. The redress scheme provides for up to $150 000 in compensation and additional support in respect of counselling without the need for the victim to go through a full litigation process. That is a very positive step for people who have been victims of child sex abuse, and it is one which we think is a good way forward.

Questions have understandably been raised about the caps which exist under the national redress scheme. Of course, with the setting up of any scheme of this nature, there is a balance between moving out of the contested litigated framework and the redress which can be provided. While there has been commentary about the level of redress that is provided under the scheme, it is a positive step forward that victims will be able to access redress of up to $150 000 without having to go through a full litigated and contested trial, which obviously has the potential to involve a lot of trauma, a lot of unpleasant revisiting of the circumstances and a lot of disruption to the lives of victims, who understandably have already experienced great trauma through the offences which were committed against them.

An easy access 'pathway' to redress is a good thing. Delivering it on a national basis and on a consistent basis across the nation is also very positive. To do that of course the Victorian Parliament needs to provide referral legislation to the commonwealth Parliament. That is what the bill before the house today is. Inevitably when that takes place you have quite a complex set of arrangements. One of the areas that I

would seek to clarify when the bill goes to committee is the operation of the technical referral. The bill is interesting in the sense that the Victorian element of the bill is only some 11 clauses but it then provides a schedule which is the commonwealth bill, which runs to a great many pages — in fact the best part of 100 pages for the commonwealth referral bill. The interplay of the Victorian parliamentary structure and the commonwealth parliamentary provisions is one that we should ensure in the consideration of this bill is clear to members of the house and clear as to how arrangements will work in the future as that scheme may be changed by the commonwealth Parliament and as the Victorian Parliament could in future want to consider its own redress scheme or alternatives to that.

On the whole the bill is a positive step. The leadership provided by the commonwealth in setting up the redress scheme is very, very welcome, and Victoria's participation in that is welcome. I understand New South Wales is on board, but we look forward to the other states and territories becoming participants in the national scheme, and of course the institutions that have been caught up in child sex abuse to also be willing participants. Mr Morris in his contribution referred to the positive contribution that so many of those institutions have made to our society over decades, and that of course is very true. Overwhelmingly the actions of community institutions have been positive for our community. That contribution from the Scouts, the Salvation Army, the YMCA and the churches has been very, very positive for decades, and we must remember that. But equally it does not excuse or make up for the failings to protect children that were in their care or were in their custody, as we have seen demonstrated all too often through the work of the Family and Community Development Committee and the work of the royal commission. This redress scheme does provide an opportunity for those institutions that have made a positive contribution and that continue to make a positive contribution to our community to also ensure that they act in a way which provides some redress for the people that they let down on the way through.

It was interesting that Mr Melhem, in concluding his contribution, spoke about the crimes committed in our name. It is an interesting reflection for the community, for this house and for the individual institutions because Mr Melhem's use of the term 'crimes committed in our name' does point to a collective responsibility for the institutions which had responsibility for those children and for the parliaments — parliaments in the sense of back over time — that had or should have had an oversight role in the care of those children.

This bill today is a step in the right direction in facilitating the national redress scheme. The success of that scheme will come down to the willingness of the institutions to participate and the willingness of the other states and territories to participate. But in terms of a path of less resistance for victims of child sex abuse, it is a positive step forward. We look forward to the national redress scheme being adopted on a national basis and being adopted by those institutions that bear responsibility for historic child sex abuse. We look forward to this scheme providing some comfort for those victims who have waited a long time for their circumstances to be recognised.

Mr FINN (Western Metropolitan) (11:31) — The National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Bill 2018 is a welcome piece of legislation. I am not normally a fan of centralising power in Canberra. Indeed I am on the record as saying that Canberra is Australia's largest single mistake. But on this occasion it may well be that we have to go down this path.

At the very beginning of my contribution today I want to pay tribute to Ms Crozier and her committee and to the outstanding leadership that she showed through what must have been, I would think, some of the most gruelling times of not just her parliamentary life but indeed her life, full stop. I think if I had been exposed to some of the things that came to light in those hearings I probably would have had a bit of trouble sleeping, and I think Ms Crozier was probably in that situation. So I pay tribute to her and to the *Betrayal of Trust* report. I tend to agree with Ms Springle when I say that without Ms Crozier's work and without the report and the committee's work we would not have the general public revulsion that has followed. We certainly would not have the sort of legislation that we have before the house today to offer some redress and some justice for victims of institutional child sexual abuse.

It is safe to say that what has been exposed over recent years in terms of child sex abuse is a weeping sore on our national psyche. It has destroyed largely the authority that many of our major institutions have, particularly our religious institutions, and that has been a major revolution in our country, indeed in our world. There has been a major change, and as a result of what we have found out people have been asking, 'Who can we trust? If we can't trust the churches, who can we trust in terms of protecting children?'. And I join them in asking, 'Who can we trust?'. That is not to say that every minister of religion, every priest and every person involved in the various religions has been involved in this, because they have not. The overwhelming

majority of people do good work, whether it be in the Catholic Church or the Anglican Church or the Salvos. We all know the great work that the churches do, particularly in terms of welfare, whether that be spiritual or more practical welfare. It is almost as if the people that do the great work in those churches are secondary victims of this sort of abuse, because they have been held responsible — wrongly — for these vile crimes by these dirty, loathsome scumbags that have committed these vile acts.

It saddens me deeply when I see priests, and bishops sometimes, who I know to be good people, committed and totally loyal to their vocation, who have committed their lives to serving their God and serving the community as a result of their vocation, being bundled in with the loathsome pieces of human excrement that have committed these vile crimes. I think it is important that we make that clear distinction: not everybody that is in a religious organisation is responsible. Get the people — yes, absolutely — who have done it. They deserve everything that is coming their way and a lot more. I think I might have said in this house before that there are some who perhaps, it has been suggested, have escaped justice by leaving this earth. But I suggest that in fact they have not escaped justice at all, because I think that the justice that they are receiving now — it is not for me to judge of course — is far greater than anything that we can dish out here in this life.

I was very pleased to see that the Catholic Church was the first to sign up to the national redress scheme. That was, I suppose, only appropriate. And given what that institution has been through over the last few years, that is probably — not probably, most certainly — a very good sign that they have accepted that so many people are suffering, so many victims are suffering, as a result of what has happened at the hands of some members of their clergy. That acceptance was a good thing.

What we are aiming to do with this legislation — indeed what we have been aiming to do with much of what has occurred over the last few years — is to provide justice for all. My heart goes out to those victims who in many instances have been crying in the dark; they have been ignored. I can well believe that any child who, for example, back in the 1970s went home and said to their parents, 'Father So-and-so did this to me', would more than likely have got a whack in the ear and been told, 'Don't say that about the priest'. I know that at the school that I attended some of my classmates — I know this now; I did not know it at the time obviously — were molested. In fact a number of my classmates were molested and indeed a couple of my teachers are now in jail. I hope they stay in jail for a very long time. It just sickens me now that I was so close to what was happening around me and I did not know. I did not know. Of course, even though I was very young — 14, 15 or 16 — I would have tried to do something. I suppose I have some form of guilt that I did not do something, even though I had no idea what was happening at the time. I tell you what, if I could get my hands on those priests who did that for just a couple of minutes, that is all I would need. They would probably receive their just deserts because, frankly, jail is too good for them. What they have done is betray children, take away their innocence and, in many cases, take away their lives.

Indeed a very good friend of mine, not long after we left school, committed suicide. He was a very good friend of mine. We were the best of mates at school, and I could never work out — because he was such a happy-go-lucky kid — what happened to make him do such a drastic act. It is pretty clear to me now what happened, and that is just a tragedy. It is a tragedy in every way.

I cannot express too strongly my contempt and my disdain for and my condemnation of those who committed these vile crimes against young people whose parents sent them along to a school — and it was a boarding school. Parents spent good money — and I am talking about excessive money — to send their sons to a boarding school to get a good, solid education. What they ended up with was far from it. What they ended up with was just an abuse of everything that they and their parents held dear.

That is something that I wish we could turn around. I wish we could turn back the clock and I wish we could get the people who committed those crimes back in the 1970s. I still remember some of those priests, one of whom I was particularly close to. It took me some considerable time to accept that he had actually done this. It was just beyond my comprehension that he in particular — a bloke called Frank Klep, who is now in prison — had committed those crimes, but surely he did. He did. There was another teacher called David Rapson, who was a priest. I readily accepted that he had done it, but in the other case I did not. They are both as guilty as each other and are both deserving of their jail time — both deserving of the contempt and the condemnation that is heaped upon them from every which way.

I do not hear the sort of sorrow and the sort of regret that we should hear from these sorts of creatures. That, in itself, is very sad. To those victims who have been through hell and to those many victims who are still

going through hell, I can only apologise for perhaps not taking them seriously enough — on behalf of a whole range of people who did not believe this sort of thing could happen. It took me a very long time to accept that this sort of thing could happen. We should have accepted it a lot sooner and we should have acted upon the information that we had as a genuine piece of information and not, as we perhaps thought at the time, as a piece of fiction.

Ms Crozier's committee certainly played an enormous part in exposing the pure evil that occurred back in the 1960s, 70s and even into the 80s and 90s in some instances. I do not care whether somebody is a priest or a teacher or whatever they may be; anybody who commits a crime — particularly this sort of crime — against a child deserves everything that they get. As I say, prison is too good for them. As somebody who spends a fair portion of his life defending the rights of children, I am just sickened that we need a piece of legislation like this. I am just sickened that we need to get up in this Parliament and actually address this matter. I am sickened that the federal government has to put in place a redress scheme for victims of child sexual abuse. It disgusts me beyond words. It is something that is forever to the shame of our community and forever to the shame particularly of those who are responsible for it and those who covered it up as well. Some of them are no longer with us but, as I say, they are getting their own brand of justice just at the minute.

I support this bill, obviously, and I commend those who have worked so very, very hard to help the victims of these vile crimes over such a long period of time.

Ms MIKAKOS (Minister for Families and Children) (11:46) — It is with a mixture of feelings, both pride and great sadness, that I rise to sum up this debate. I want to thank members for their contributions and for indicating their support for this important legislation.

We have seen a very, very long history in getting to this point in time, to this correcting of a great injustice that has occurred for so many thousands of Australians who were the victims of institutional child sexual abuse. I want to begin really by acknowledging those tireless individuals who both gave evidence and stood outside not only the royal commission hearings but also MPs' and government offices. They stood outside making the case for a redress scheme in rain, hail and shine — with banners and placards outside the hearings — and making sure that the community never forgot the human faces behind these horrific stories.

In my mind the greatest credit is due to those victim survivors of institutional abuse who stood there for so many of their peers — so many of their former friends and family members — who could not stand with them because either they had passed away as a result of suicide or they had illnesses or other such impairments as a result of the trauma that they had suffered as children. I want to acknowledge those victim survivors for their tremendous courage and advocacy in making the case to governments at all levels and to members of Parliament across the political divide that they deserved redress, that they deserved justice and that they should not be forgotten — and they have not been forgotten. To them I say, 'Well done. Your moment has finally come'. I want to thank them and acknowledge their tremendous advocacy and courage over so many years in remaining steadfast and holding all of us, including those in those religious institutions and non-religious institutions, to account for what they have suffered in the past.

In my time both as a member of Parliament and as a minister I have had the great pleasure to have a lot to do with the Care Leavers Australasia Network (CLAN) in particular. I particularly want to acknowledge their efforts — people like Leonie Morgan, Frank Golding and many, many others who I have had the great honour and privilege to support in their important advocacy work over that time. I want to thank CLAN in particular. I have been so pleased to have been able to support them and their organisation, including financially in last year's budget, to continue their important advocacy on behalf of care leavers. CLAN was a constant and ongoing vocal and visible presence at the commission's public hearings, challenging all of us to do better for those victim survivors.

We have had a number of important inquiries that have looked at these matters, including the Betrayal of Trust inquiry. I want to acknowledge the work that was done as part of that inquiry, and I want to acknowledge the work that was done by the McClellan Royal Commission into Institutional Responses to Child Sexual Abuse. I particularly want to acknowledge not just former Prime Minister Julia Gillard for announcing that very wideranging inquiry but also a person who probably has not received as much acknowledgement as I believe that she deserves — that is, former commonwealth minister Jenny Macklin, who I know was a very passionate advocate in a tireless way in pushing for that royal commission to be established. I really want to acknowledge her because she played a very important role in getting us to this point.

I want to acknowledge also, as I said, that this is work that has happened across the political divide. I am pleased we started the process some time ago as a government to establish a redress scheme. A huge amount was done by our Attorney-General, Martin Pakula, in terms of Victoria establishing a redress scheme. We could have gone alone and established this some time ago — because the Victorian government was certainly very well advanced in relation to this work — but we did hear the representations of CLAN and others, who really made the case very strongly that what they wanted was a national redress scheme. They acknowledged the efforts that we were making — they were very pleased about those efforts — but they wanted to see a scheme that would provide equity for victim survivors across the nation, regardless of the state that they lived in. We did respond to those requests in making representations also to the commonwealth government in relation to these matters.

I am pleased that the Turnbull government did take steps in relation to the redress scheme. I particularly acknowledge Dan Tehan in this respect for his efforts. Where we have got to is having a national scheme established. I am very pleased that Victoria joined New South Wales to be amongst the first states to sign up to this national redress scheme. We have therefore a very important bill before us to implement what is a key recommendation of the commonwealth Royal Commission into Institutional Responses to Child Sexual Abuse.

The bill before our Parliament is a referral bill that will enable Victoria to participate in the national redress scheme. It ensures that Victoria will provide critical support to those who have suffered past wrongs, including sexual abuse, who have suffered community silence and institutional corruption and who have endured situations where survivors were not listened to, believed or acknowledged. We know that there is nothing that we can do as governments and as parliamentarians that will ever erase the great harm and trauma that was caused to these victim survivors of institutional child sexual abuse, but I hope that, having signed up to a national redress scheme and having passed this legislation here, we will have sent them a very strong message of support — a very strong message — that we do care about the harm that they have suffered, that we want to ensure that that harm is acknowledged and that we will put in place the steps to, in a symbolic way, make redress to them. I do not believe that money can ever make appropriate redress to anybody for such harm, but through that financial compensation, through importantly an apology and through most importantly this acknowledgement we are saying to them that they have been heard, that they have been believed, that we have their back as a broader community and that we support them in their endeavours for justice.

This will pave the way for institutions such as churches, charities and other non-government organisations operating in Victoria to participate in this scheme, and I certainly encourage them to do so. I have been pleased that, to date, a number of institutions have indicated that they are prepared to sign up to the redress scheme. I am pleased with that, but I certainly would encourage others to do likewise and to do so as quickly as possible because it is very important that those victim survivors see that all institutions who have been responsible for the great harm that people have suffered are prepared to support them in their healing process.

The bill, as members would be aware, is necessary. Because the commonwealth does not have the power to legislate for such a scheme that applies to states and state-based institutions, it is necessary for us to provide a state referral of powers to establish this scheme. This bill refers powers to the commonwealth to the extent necessary for Victorian state-based and non-government institutions to participate in the scheme. We have already seen legislation, of course, introduced in the Senate. I understand that the national redress scheme bill has passed the House of Representatives and is due to be debated very soon — in late June — in the Senate. We certainly hope that that bill is able to be passed as quickly as possible.

By passing this legislation in our Parliament, Victoria will refer powers to enable amendments to the national bill with the agreement of all participating jurisdictions and in accordance with the provisions of an intergovernmental agreement on the national redress scheme, which Victoria has signed up to. We know that this was a key recommendation of the McClellan royal commission. Also recommendation 28.1 of the *Betrayal of Trust* report proposed the establishment of an alternative mechanism to civil litigation to provide redress. We made an election commitment to implement all the recommendations of that report. We have made a significant number of reforms through legislative changes that have passed this Parliament since that time as well as other reforms that we have put in place.

In terms of the McClellan royal commission, I am very pleased that a considerable amount of work has been undertaken to date to implement things such as child information sharing laws, child safe standards, a reportable conduct scheme and other measures to keep

children safe. We are very determined to make continued progress in relation to these matters, because the conversations that I have had with victim survivors over the years have shown that they are also very keen to see reforms put in place to ensure that we can prevent this type of abuse from occurring to other children in the future.

I am aware that time is getting upon us, and I am sure there will be an opportunity to say more about this matter in the committee stage of this bill, but I want to reiterate my thanks to everyone involved who has gotten us to this point. No doubt we will discuss the key features of the scheme in the context of the committee stage. I particularly want to pay tribute to the victim survivors for their enormous advocacy over many, many years, which has got us to the point of seeing the establishment of a redress scheme not just in Victoria but nationally for the very first time. I commend the bill to the house.

Motion agreed to.

Read second time.

Ordered to be committed later this day.

Business interrupted pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

Qantas pilot training academy

Mr RICH-PHILLIPS (South Eastern Metropolitan) (12:01) — My question is to the Minister for Regional Development. Qantas is seeking expressions of interest from regional centres for its proposed pilot training academy. What regional centres are you working with to secure this project for Victoria?

Ms PULFORD (Minister for Regional Development) (12:01) — I thank Mr Rich-Phillips for his question. There are many communities in regional Victoria that are engaged in the process that the government is working through, which is the process that Qantas have outlined. Qantas have indicated that they want to deal with this matter through state governments, so the Victorian government will be writing to the CEO of Qantas, Alan Joyce, and providing to Qantas for their process the consideration of all applications. I can take on notice the precise locations, but it is everyone who has expressed interest, and there are many.

Supplementary question

Mr RICH-PHILLIPS (South Eastern Metropolitan) (12:02) — Thank you, Minister. The minister in her answer said the government, or she, will be writing to Alan Joyce. Ministers from other Australian states have already made direct and personal representations to Qantas. What contact have you personally had with Qantas to this point?

Ms PULFORD (Minister for Regional Development) (12:02) — I have not personally met with Qantas. My department have been actively engaged in the process that Qantas has instigated, and they are continuing to engage in that.

Kangaroo control

Mr RAMSAY (Western Victoria) (12:03) — My question is to the minister representing the Minister for Energy, Environment and Climate Change. Barton Phillips from Knebsworth is a professional hunter who works with more than 40 farmers across the Glenelg Shire Council and Southern Grampians Shire Council areas. In the last two months — a critical time for pasture and crop growth in struggling seasonal conditions — only two farmers have received authority to control wildlife permits. Farmers are in tears on the phone to Barton as they watch their crops and pasture disappear. Minister, kangaroo numbers are out of control, farmers' crops and livelihoods are being destroyed and jobs in the pet food processing facilities are under serious threat. Why is it taking so long to approve these permits?

Mr JENNINGS (Special Minister of State) (12:03) — I am representing the Minister for Energy, Environment and Climate Change, who is responsible for issuing removal of wildlife permits. Whilst I know of that administrative arrangement, I do not know the considerations and the timing of decisions that are made. I understand that Mr Ramsay is effectively making representations on behalf of a number of his constituents in terms of their concerns about potential loss of productive capacity of their land due to kangaroos. I heard the question, I know what the question was about, but I actually cannot pre-empt either the timing or the consideration of that. But I am certain now that he has raised it that my colleague will be duty-bound, as she would be, to respond to that inquiry.

Supplementary question

Mr RAMSAY (Western Victoria) (12:04) — Thank you for your answer, Minister. I might be able to provide some guidance for your deliberations. One professional hunter has been told that the Department of Environment, Land, Water and Planning (DELWP) are telling farmers it will be another eight to 10 weeks of delay before any applications are approved. Another professional hunter has been told by a DELWP officer that the officer has more than 100 unprocessed applications piled up on his desk. Minister, some farmers are telling us they have more kangaroos than sheep on their property. Their pastures are failing and their mental health is under significant strain. So who is giving the go-slow orders — you or the department?

Mr JENNINGS (Special Minister of State) (12:05) — Well, certainly literally it is not me who is giving any go-slow decision, but I doubt that it would be at the direction of my ministerial colleague either. I think it is incumbent upon all processes within the public service for departmental officers to acquit their responsibilities in a timely and responsive fashion. The examples that you have given would give cause to have some concern about the timeliness of that, given either the anxiety or the loss of productive capacity in the south-west, but it could also apply to communities across the state. I will encourage my colleague not only to respond to the question but indeed to see what administrative processes could be in place to try to alleviate what might be an anxiety within the community.

Greater Sunraysia Pest Free Area Industry Development Committee

Mr O'SULLIVAN (Northern Victoria) (12:06) — My question is to the Minister for Agriculture. Minister, you have disbanded the Greater Sunraysia Pest Free Area Industry Development Committee after conducting a vote in the middle of a busy harvest season. Of the 26 per cent of growers who did vote, three-quarters voted to keep the committee. Will you conduct a poll again to ensure the 1300 growers will be able to have another chance to vote and have their say on this very important issue?

Ms PULFORD (Minister for Agriculture) (12:06) — I thank Mr O'Sullivan for his question and for the opportunity to confirm for the house what I have confirmed for the Sunraysia community on numerous occasions over the last few weeks. The answer is that if that is the desire of the growers, absolutely. The way that this works is with the Greater Sunraysia pest free area industry development order there is a mechanism that is established by legislation — it is quite a long and slow process — where growers have to petition for a poll and then have the opportunity to participate in a poll. It is not compulsory voting; perhaps it would not be a bad thing if it were. We might not be in this situation if that were the case, but anyway. The poll was sought. This was about continuing an established set of arrangements. Because the Greater Sunraysia area goes beyond the Victorian boundary, what I would be making is an order that has an impact in New South Wales as well.

What happened was that the poll was conducted. The turnout was very low — 27 per cent, 28 per cent or thereabouts. The level of support was very high, but the problem that we face is that the New South Wales legislation requires a 50 per cent turnout, and it was well shy of that. So there was no capacity for me to make an order. The day before we announced this I spoke to the chair of the committee and another industry leader and said, 'Look, this is the situation that we have. There is absolutely no capacity to make the order, but if you want to try again I absolutely welcome that'. My department is now working very closely with the affected industry groups about what they want to do.

Now, this kind of an order is not an often-used mechanism. I think there is one other committee established under this mechanism. The arrangements that they have in place now, though, do run until the end of December this year. We are working with industry representatives, who are, I think, on balance keen to have another ballot, so unless the view of industry starts to swing in a dramatically different direction then that is the course of action we will take.

I thank Mr O'Sullivan for the opportunity to provide the house with an update on this and to explain the circumstances that this committee and the industries that it supports have found themselves in as a result of low turnout. I would sincerely hope that we would not have the same problem with low turnout now, because whilst 26 per cent — it was 26 per cent — of people participated, people have now noticed the consequences of not participating. I suspect we would not have that problem to quite the same degree again, but we still need to meet that 50 per cent threshold in New South Wales, and so it is incumbent upon the industry to clearly demonstrate that they want to apply this compulsory industry levy to themselves.

My job here is really to facilitate how industry want this support to run. I have made it absolutely clear to the Sunraysia community, to the industry representatives that I have spoken to and to the chair of the current committee, that this in no way impacts our commitment and the delivery of our program under the fruit fly action plan. All of those programs and supports are in place in the Yarra Valley, in the Goulburn Valley — in places where they do not have this committee structure. The committee structure is not inherently related to the government's support for community effort and industry effort on combating fruit fly. All those efforts will continue, and should industry want to have another vote, have another go and get a different result, then I would absolutely welcome that, and we are working with them to that end.

Supplementary question

Mr O'SULLIVAN (Northern Victoria) (12:11) — Thank you, Minister, for that answer. Clearly the poll should not have been taken in the middle of harvest. The Greater Sunraysia pest free area has ensured the removal of 2500 fruit trees. Will you now insist that Mildura Rural City Council and Swan Hill Rural City Council enforce their own by-laws to give them the power to enforce the removal of unkempt backyard fruit trees at the owner's expense?

Ms PULFORD (Minister for Agriculture) (12:11) — It has got nothing to do with the substantive question. As to my opinion about whether Mildura Rural City Council do or do not apply their own rules, I am not sure I have a great deal of responsibility for or in fact knowledge of that. Let me just reiterate: this fruit fly effort requires lots of different partners and lots of different effort. The former government put up the white flag on fruit fly. We pulled it down and we are doing everything we can — a $6.7 million funding package, fruit fly coordinators in all regions and working closely with councils, and if there is more for councils to do then let us all work together to help them do the additional bit that they should. But the decision due to the lack of participation in a poll to let a committee structure lapse has absolutely no bearing on any of that other activity.

Medicinal cannabis

Ms WOOLDRIDGE (Eastern Metropolitan) (12:12) — My question is to the Minister for Agriculture. Minister, on 24 March 2016, during debate on the Access to Medicinal Cannabis Bill 2015, you told Parliament in reference —

Mr Dalidakis interjected.

The PRESIDENT — Order! You know. Ms Wooldridge.

Honourable members interjecting.

The PRESIDENT — Thank you. Ms Wooldridge, without assistance.

Ms WOOLDRIDGE — You told the Parliament in reference to the first cohort of children that would gain access to locally grown and manufactured cannabis that we were on track to provide product to those children by early 2017. We are now in mid-2018. Can you explain to the house why delivery of this product is running more than a year behind schedule?

Ms PULFORD (Minister for Agriculture) (12:13) — The growing phase of the project has largely been completed. It was certainly always the government's intention by the middle of this year to cease the cultivation of medicinal cannabis, and that is on track. I would encourage Ms Wooldridge to familiarise herself with the government's medicinal cannabis industry development plan. The product that has been grown by agricultural scientists has been supplied and is continuing to be developed and refined. The Minister for Health has made arrangements for an alternative pathway through imports to a number of those children, and the development of that product is still being undertaken by the department of health.

Supplementary question

Ms WOOLDRIDGE (Eastern Metropolitan) (12:14) — Sorry, Minister, given it is directly in your portfolio responsibility I think it is a pity you cannot explain to the house why you are running a year behind schedule to provide product to the children as you committed to do in this house over two years ago. I further ask, given that you have brought up the alternative pathways that are there: Minister, what has been the cost of importing cannabis for young people with epilepsy given your failure to deliver locally grown product for more than a year after you were scheduled to deliver it?

Ms PULFORD (Minister for Agriculture) (12:15) — Let me make it absolutely clear, the growing schedule for these plants has occurred in accordance with our time lines.

Ms Wooldridge — That's not what you told this house.

Ms PULFORD — Well, I could, but I will not, show you a room full of plants. The development of the industry transition is well underway. The department of

health continues to develop the refinement of product and the health minister, Jill Hennessy, who is my partner in delivering this important reform for Victorian patients, will, I am sure, be able to provide further advice on the cost of importation. I do believe the health minister has made announcements about this on a previous occasion.

Malmsbury Project

Ms LOVELL (Northern Victoria) (12:16) — My question is for the Minister for Regional Development. Minister, last year when I asked why no funding had been provided to the Malmsbury Project the government said:

> The Malmsbury Project is on the radar of the government — there is no question of that. Clearly what we need to do is make sure that we listen to the stakeholders, we listen to what is involved and as a government we act accordingly … we are looking very closely at that very important area, and we will have something further to say on that in coming months.

Minister, a year has now passed, so I ask: how much money has Regional Development Victoria (RDV) provided to the Malmsbury Project?

Ms PULFORD (Minister for Regional Development) (12:18) — Thank you. I will have to take that question on notice. I will provide a response to the member.

Supplementary question

Ms LOVELL (Northern Victoria) (12:18) — Minister, last year the member for Macedon in the other place on WIN TV committed to state government support for the Malmsbury Project. Minister, isn't it a fact that no support has been provided and in fact the promise was a hollow one for a community that has been significantly impacted by rising crime and violence due to the Minister for Youth Affairs's failure to control the prison?

Ms Mikakos — On a point of order, President, what we see continuously here is members of the opposition coming in and providing absolutely no context to the question. If it was a question about what our government is doing in terms of investing in additional jobs in Malmsbury in terms of fixing the mess that Ms Wooldridge left at the youth justice facility, then the question should have been directed to me.

The PRESIDENT — What is the point of order?

Ms Mikakos — If it was about the Malmsbury youth justice facility, then it should have been directed to me as the relevant minister.

The PRESIDENT — All right; I have got it.

Ms Lovell — On the point of order, President, the Malmsbury Project is actually nothing to do with the prison. It is a community-based initiative, and that is why I am asking the Minister for Regional Development.

Honourable members interjecting.

The PRESIDENT — Order! Thank you. Can I just indicate that I have a concern today about question time in the respect that the last three supplementary questions have all contained matters that were new and not apposite to the substantive question. Each one of them has actually gone on a different tangent. The first one about what the councils might do up in Sunraysia was quite different to the substantive question that was posed; it was an entirely different issue and was not within the minister's purview. She was actually prepared, as a courtesy to the house, to provide a response, but it was not an apposite supplementary question. I let it through.

The second one was the same. The substantive and supplementary questions that came through were really very tenuous. On this one, whilst I accept that the supplementary question still goes to the Malmsbury Project as a whole, which I do understand from the chair is quite different to the prison situation and what might be evolving there in terms of the management and works at the prison, nonetheless the supplementary question did include a reference to the Minister for Youth Affairs. It included a reference which went off on a tangent, and it makes it very difficult for me to ensure that the minister actually provides a response that is apposite to the question that you were really seeking to ask.

So to put in another item or to squeeze in a clever little phrase can actually derail the whole question strategy. I am certainly concerned about the tendency for the supplementary questions today to be on totally different matters to what the substantive questions are, and I might not be so benevolent going forward, so have a look at them.

Ms Shing — On a point of clarification, President.

The PRESIDENT — A point of clarification: I do not think that is in the standing orders, but go on.

Ms Shing — It is a question, and I am asking it very respectfully. I am looking to get an understanding of the distinction between a supplementary question as it might be written and a question as it might be put in an editorialised fashion. From the exchange just then it

appeared to be that the supplementary question was altered while Ms Lovell was on her feet, and she has just indicated that she raised it about the Minister for Youth Affairs to her face.

The PRESIDENT — The notes that a member refers to in respect of putting a matter before the house, whether it is at question time or whether it is during one of our other processes, are simply a guide that might be used by Hansard just to make sure that what they have heard is accurate, but it is what the members says and not what the minister might have in guidance notes that is relevant. So it is actually the commentary that the member makes in the house that is what I rely on. Any notes that they might have and whether or not those notes have varied from when they were written to when they are presented is irrelevant to me; it is what they have said that is relevant.

In fact I actually think that that is a good thing because hopefully it means that more of the supplementary questions take into account what a minister has said in the response to the substantive question in terms of our question time procedure and do not simply rely on a question that might have been drafted by the member some time before. So if there is a variance, I actually think that it gives the opportunity for the house to have a better framework for these proceedings.

Ms PULFORD (Minister for Regional Development) (12:23) — While everybody has been having such a lovely time with the points of order, I have received some information. The Malmsbury Project is a group of people seeking the promotion of Malmsbury, which of course is a fine and wonderful thing. As distinct from a project as such, that is the name of the group, and I am advised that they have not been in contact with the regional RDV office and I can also confirm that they have not been in touch with my office.

If, however, they are interested in being involved in applying for a grant or engaging with us to support their aspiration to further do that, then we would absolutely welcome that. I am unaware of what discussions that very wonderful member for Macedon in the Assembly, Mary-Anne Thomas, may have been having on their behalf with other parts of government, but I can certainly confirm that the advice I have now is that the Malmsbury Project group in their quest for greater promotion of their community have not been in touch with my office or my department.

Hemp products

Ms PATTEN (Northern Metropolitan) (12:25) — My question is for the Minister for Innovation and the Digital Economy, and it continues to relate to innovation spending. There are some wonderful innovations taking place in the hemp space, like the development of bioplastic polymers that are incredibly light and strong but also biodegradable and renewable, unlike petroleum-based plastics that we are using now. Last month I purchased an almost unbreakable bowl that just felt like plastic but was made from ground hemp stalk and water. Can the minister advise if, in the innovation space, Victoria is seizing upon these hemp-based manufacturing opportunities?

Mr DALIDAKIS (Minister for Innovation and the Digital Economy) (12:26) — I thank the member for their question. In preparation for question time I prepare for all manner of questions, but I cannot say I have ever prepared to be asked a question about hemp and the use of hemp in bowls. But I will endeavour to educate myself in the ability to grow hemp crops for the purpose of advanced manufacturing and I will endeavour to sit down with Ms Patten, who has asked this question, to better educate myself on what is clearly knowledge that Ms Patten has. I look forward to her transferring that knowledge to me so that together we can forge a new industry — an industry that hopefully will employ lots of people.

I just want to continue to clarify for Ms Patten that it is about advanced manufacturing of hemp in advanced manufacturing products, which probably sits under the area of Minister Carroll as the minister responsible, but I look forward to sitting down with her to see how the innovation portfolio can work with any sector of the community to see jobs grown, industries created and economic value produced that obviously would benefit all Victorians.

Prisoner written communication

Ms PENNICUIK (Southern Metropolitan) (12:27) — My question is for the Minister for Corrections. Minister, since about August 2016 there has been a ban in Victorian prisons on prisoners being involved in organised penpal programs. Victoria is the only state that prevents prisoners from being involved in these programs, and in fact around the world they are very extensively used, including in the UK and the US, and some of them are not only actively encouraged by prison authorities but actually run by prison authorities. So Victoria is completely at odds in this respect. Clearly those penpal programs are of benefit for prisoners in terms of mental health and wellbeing,

rehabilitation and reintegration into the community, and even in improving literacy et cetera and providing connections for people who do not have a lot of family or friends to write to. So, Minister, is this ban still in place, and if so, why is it?

Ms TIERNEY (Minister for Corrections) (12:28) — I thank Ms Pennicuik for raising this issue. This is an issue that has been raised fairly recently, and I am advised that Corrections Victoria does encourage prisoners to correspond with family and friends by letters and in certain circumstances may allow them to have penpals that are not affiliated with an organised penpal program.

We recognise and encourage contact with family and other positive people in prisoners lives as a beneficial method to rehabilitate them. Corrections Victoria currently does not facilitate a formal program that would allow community members to form a penpal relationship with a prisoner and does not allow prisoners to take part in external organised penpal programs. It is acknowledged that maintaining communication with people outside of prison can enhance prisoner mental health and rehabilitation; however, communicating with a previously unknown prisoner can present a range of risks for community members. The safety of the community and the prevention of emotional and other exploitation of vulnerable people continues to be of paramount importance.

Supplementary question

Ms PENNICUIK (Southern Metropolitan) (12:30) — Thank you for your answer, Minister, which basically repeated my question to a large extent, but I take up the reason that you gave me — that it poses a risk to prison safety. This is not the case in any prison in any state but Victoria or in the US or in the UK. In fact I draw your attention to section 47 of the Corrections Act 1986 and in particular section 47(1)(n), which provides for prisoners to be able to write to people outside the prison, including people that they do not know, and section 47D, which allows prison authorities to censor letters and to prevent letters if they present a risk to the safety of the prison or other people. So, Minister, will you cause this ban to be lifted because it contravenes section 47 of the act?

Ms TIERNEY (Minister for Corrections) (12:31) — Again I thank Ms Pennicuik for her question. As I said, this is a relatively new issue that has been raised with me, and it does have a number of aspects to it. I can advise Ms Pennicuik that this is a live issue for me and that I have requested further information.

Crown Casino

Dr RATNAM (Northern Metropolitan) (12:31) — My question is to the minister representing the Minister for Consumer Affairs, Gaming and Liquor Regulation. Right now 1000 poker machines operating inside Crown Casino are unrestricted. These machines have limitless losses on every single spin. They operate at speeds that would be illegal anywhere else in Victoria. These 1000 machines are even able to operate without a user having to push a button, thanks to a small plastic machine-tampering device provided by Crown. My question is: why has the Victorian government allowed this to happen?

Mr DALIDAKIS (Minister for Trade and Investment) (12:32) — Clearly the member makes a range of accusations through her question that I do not think she would even dare utter outside of having privilege. She would do well to remember that there are a range of investigations that are ongoing, and she should also remember that privilege is something that is afforded to us in Parliament, not something to be abused. If you cannot substantiate those allegations outside this place, to come inside this place and level those accusations without any evidence whatsoever is absolutely an abuse of our position as a member of Parliament and our position obviously inside the chamber. I will take that question on notice — I will send it to the minister in the other place — but again I caution the member to be very careful about the words she chooses to use. My final comment is that I will not accept at any stage that the government has acted in an improprietous way, as she indicated by suggesting that in her question.

Supplementary question

Dr RATNAM (Northern Metropolitan) (12:33) — I note the minister's defence of Crown Casino. Can the minister explain how anyone in this place has decided it was okay to authorise machines to operate inside Crown Casino that are so dangerous they would be considered illegal in any other venue in Victoria?

Mr DALIDAKIS (Minister for Trade and Investment) (12:33) — I am not sure that that question is apposite to her first question, but because we have shown good faith on this side of the chamber to answer supplementary questions for the rest of question time I will continue on that pathway now. Again, the fact remains that the accusation the member made suggesting that the government is somehow involved is one that I refute absolutely. As a member for Southern Metropolitan Region let me tell you that Crown is the biggest employer in my electorate. People have the

right to choose whether they want to gamble or otherwise, just like people have the ability to choose —

Honourable members interjecting.

Mr DALIDAKIS — I am not talking about problem gamblers, to those heckling from the Greens benches; I am talking about people who can choose for themselves and who do not suffer from the ability to otherwise determine that matter. I will refer that question to the minister in the other place, and again I caution the member about the language that they use under privilege.

Southern bluefin tuna

Mr YOUNG (Northern Victoria) (12:34) — My question today is for the Minister for Agriculture. Minister, the federal Minister for Agriculture and Water Resources has demanded that recreational bag limits for southern bluefin tuna in Victoria be cut in half to just one fish per person, while at the same time lifting commercial tuna fishers' quotas by 500 tonnes. This instruction has seemingly been made without undertaking surveys of the recreational take, which the federal government promised to do, and leaves them unable to justify a decrease in recreational bag limits or an increase in commercial harvest quotas. Minister, what is the government doing to ensure that Victorian recreational fishermen do not get a raw deal on southern bluefin tuna?

Ms PULFORD (Minister for Agriculture) (12:35) — I thank Mr Young for his question and his interest in this issue of southern bluefin tuna (SBT). SBT is certainly highly valued by Victoria's recreational fishers, particularly so in south-western Victoria, where the bluefin tuna industry in Portland was estimated by Deloitte Access Economics — a number of years ago now, but I think it still gives us a good indication — as being between $6 million and $9 million a year, so a very significant contributor to the Portland economy but also to other communities in the south-west.

The international Commission for the Conservation of Southern Bluefin Tuna, which is the national framework by which the recovery of the population of this species is managed and the allocation managed, in October of last year confirmed a 500 tonne increase to Australia's share of SBT. Just for context, that takes the total national allocation to a bit over 6000 tonnes for the period from 2018 to 2020. Then it turns to the commonwealth to manage the allocation within that international context. Of the additional 500 tonnes, the commonwealth allocated it to the commercial tuna fishery. This largely operates out of South Australia. The allocation though has by agreement meant that half of that allocation is set aside, theoretically for the recreational fishing share and to allow for recreational fishing impacts and scale to be measured.

The commonwealth government are seeking from Victoria an agreement that we drop to a one-bag limit from the current two-bag limit. This is one of those 'not all fish are the same size' kind of things, where as the SBT travel along the south of the continent and then head up the east coast their size changes as they get older and grow and the seasonal changes occur. I am no SBT catching expert — Mr Young might be better able to help me — but I am certainly advised that their average size for probably about 10 months of the year, maybe even longer, is quite a bit smaller than the very big record-catching catches that are celebrated by recreational fishers in the south-west.

What we have said to the commonwealth government is that we want them to hold to their undertaking to do the studies first, to do the science and to assess the size of the catch. We are not being irresponsible in the context of this internationally and nationally managed fishery, and I think our recreational fishing community are very responsible in this respect. But the idea that Australia's share could go up by 500 tonnes and that rec fishers' legal take could be halved almost in the same breath just seems quite illogical to us. We want to sit down with the commonwealth and talk about whether there ought to be measures and controls in place but to do so in the context of having seen the studies undertaken so that we can have an evidence-based discussion.

The PRESIDENT — Time!

Supplementary question

Mr YOUNG (Northern Victoria) (12:39) — I thank the minister for her answer, which provided quite a bit of detail on the background and the process that we have gone through up until this point. But unfortunately for some of those people listening at home or perhaps reading *Hansard* later, it might be a bit difficult to determine the actual answer in there, so I will use my opportunity now to ask very carefully and succinctly: will the government halve or reduce the bag limit for southern bluefin tuna in Victoria?

Ms PULFORD (Minister for Agriculture) (12:40) — No, we will not. We want the research to be undertaken for the size of the recreational fishery to be properly understood. We are not resiling from our responsibilities to participate in that national allocation,

but we think that while Australia's share is going up, our rec fishers' share should not be going down, unless there is some extraordinarily compelling argument about it, and even so the two-bag limit to one-bag limit I think is a very, very blunt instrument. Even if we were post-research and in a position to have a discussion about this, there would be a range of other things that we would take into account that would be perhaps less dramatically impacting on our fishers.

Written responses

The PRESIDENT (12:40) — In respect of today's questions, I seek written responses to Mr Rich-Phillips's substantive question to Ms Pulford; Mr Ramsay's substantive and supplementary questions to Mr Jennings, and that is two days because in my view they are to a minister in the other place; Ms Wooldridge's supplementary question to Ms Pulford, and I also make that two days because I believe that the supplementary question actually went to matters which the minister in our house would not necessarily have been advised on — the cost factor that was raised in that question would be more a matter for her colleague the Minister for Health in another place, so that is two days; Ms Lovell's substantive question to Ms Pulford; Ms Patten's substantive question to Mr Dalidakis; and Dr Ratnam's substantive and supplementary questions to Mr Dalidakis, two days.

RULINGS BY THE CHAIR

Questions on notice

The PRESIDENT (12:42) — I have been asked by Ms Wooldridge to consider an answer to question 12 667, with a view to reinstatement on the basis that the answer did not respond adequately to the question, and I concur with that view and therefore reinstate that one.

Mr Rich-Phillips has written to me again about quite a number of questions which in fact I have reinstated several times. No doubt Mr Rich-Phillips is frustrated, and I am frustrated at the nature of the answers which on this occasion in respect of these questions simply say, 'We have dealt with this before. I have answered this before'. Clearly if that were the case, I would not have reinstated them. I am pretty careful about reinstatements, and I do not just put them back for the sake of it. I consider them and ask the clerks to consider them as well so that I reach an informed position on reinstatements. As I said, in the case of this series of questions, having reinstated them a number of times, I am of the view that they have not been answered, and it is to me not satisfactory that the response on this occasion should be, 'Refer to my previous answer' because clearly that was inadequate. On that basis I will try once again.

So the questions that I seek to reinstate are 11 474, 11 476–8, 11 480, 11 482–6, 11 488, 11 490, 11 492, 11 494, 11 496, 11 498–500, 11 502, 11 504, 11 506–9, 11 511, 11 513, 11 515, 11 517, 11 519, 11 521–3, 11 525, 11 527–31, 11 533, 11 535, 11 537, 11 539, 11 541, 11 543–5, 11 547, 11 549–53, 11 555, 11 561, 11 563, 11 565–7, 11 569, 11 571–5, 11 577, 11 579, 11 581 and 11 583.

Mr Rich-Phillips — On a point of order, President, I am just seeking clarification with regard to my principal question without notice to Ms Pulford, which you asked for a written answer to as Ms Pulford offered. I am just clarifying the time frame on that, because you did not indicate the time frame on that.

The PRESIDENT — One day.

Mr Morris — On a point of order, President, with regard to a question that you asked Minister Mikakos to provide a written response to yesterday, I think what has occurred here is that the minister has copied down the original question incorrectly. The question that I asked referred to reporting that occurred in Ballarat, but I actually asked about hotel rooms — silent on it — being used across the state. The minister has answered the question: how many Ballarat hotel rooms have been used? However, the question did not ask that. The question asked about reporting that occurred in Ballarat about hotel rooms that have been used to have children placed in them as a result of a lack of foster carers being available, so I would ask you to consider reinstating that question.

The PRESIDENT — I have considered it. The answer is no. The question actually does not ask 'across the state'. The question only mentions Ballarat. Sorry.

Mr Morris — That is not the question.

The PRESIDENT — The question is: 'It has been reported that in the past year Ballarat hotel rooms are being used to house vulnerable children due to a lack of foster carers to look after them. How many children have been placed in hotel rooms?'. The reference is only to Ballarat.

Mr Morris — President, that is not what is recorded in *Hansard*. It is not the question that I asked. The question in *Hansard* is recorded as:

> My question is to the Minister for Families and Children. Minister, it has been recently reported in Ballarat …

The PRESIDENT — If it is different in *Hansard*, I will have a look at it.

Mr Morris — It is entirely different.

On a further point of order, President, yesterday you asked the Minister for Training and Skills to provide a response to a question I asked about whether or not she had met with Adult and Community Education Victoria (ACEVic) to discuss TAFE courses. I note that you gave some guidance to the minister to say that it is quite different for a department to meet with an organisation rather than herself personally. In this response once again the minister has said:

> My office has been in contact with a number of stakeholders, including ACEVic …

Yet again, that is not a response to the question that was asked, and again it is in direct conflict with the advice you gave the minister yesterday.

The PRESIDENT — That might be the case, but let me say to you: you have got your answer. The answer is that she has not, otherwise she would have said she had. So I think that the minister's answer actually does respond to your question, and you can make what you like of the fact that the minister has not indicated that she met with them and only her department has. I think the answer is there. It is a read-between-the-lines one. Go for it.

Mr Finn — On a point of order, President, I am not exactly sure where we go with this, but I will draw it to your attention and seek your advice. The *Third Report into Infrastructure Projects* from the Economy and Infrastructure Committee was tabled in this place on 25 May last year. A response was due from the government on 25 November last year. As of today we still have not received that response. I bring that to your attention and seek your advice as to what can be done to bring such a response to fruition.

The PRESIDENT — Can you just tell me the report again?

Mr Finn — It was the *Third Report into Infrastructure Projects* from the Economy and Infrastructure Committee.

The PRESIDENT — Thank you. Under our standing orders we do require a response to these reports from the minister, effectively from the government, within six months. So with Mr Finn pointing out that that time frame has not been met, it does mean that the government has not complied with that standing order. I do not specifically have a power to require the tabling of that response, but I dare say that in raising it today I refer it to the Leader of the Government to inquire into what is the status of a response to that report.

CONSTITUENCY QUESTIONS

Eastern Metropolitan Region

Ms WOOLDRIDGE (Eastern Metropolitan) (12:51) — My question is for the Minister for Roads and Road Safety and relates to the so-called upgrade of Bolton Street in Eltham. This 1.6-kilometre stretch of road has been problematic. There have been shutdowns, there have been delays and there has been a massive impost on traders. While the road is now open, part of the new footpath was recently dug up and potholes have appeared at the northern end of the roundabout. One pothole was hurriedly filled but has dropped again, and landscaping has been haphazard and not maintained.

Of greater concern is the lack of working lights on the eastern side of the road. Having no lights on one side of the street, particularly at the Main Road intersection, does not fulfil the promised upgrade. This is particularly dangerous for left-turning vehicles and at the southern end of the road where it adjoins Main Road. These lights have been out for some weeks now, and I ask the minister why no action has been taken to ensure these lights are working for the safety of motorists, and when he will have it fixed.

Northern Metropolitan Region

Dr RATNAM (Northern Metropolitan) (12:52) — My question is to the Minister for Roads and Road Safety. Another day, another sale of open space by this government. Moreland City Council has recently been advised by VicRoads of its plan to sell parcels of land at 1–17 Leonard Street and 154 and 156 McBryde Street, Fawkner. These are precious areas of open space adjoining the Merri Creek that the local council and residents have been maintaining and caretaking for years, not to mention it being home to biodiversity and wildlife. *Plan Melbourne* explicitly states:

> There is a critical need to maintain and improve the overall extent and condition of natural habitats, including waterways.

My question is: what will the government do to protect this precious piece of open space, to keep it in public ownership and protect biodiversity?

Southern Metropolitan Region

Ms CROZIER (Southern Metropolitan) (12:53) — My constituency question is to the Treasurer. In a newsletter to constituents in St Kilda Road around the Domain interchange where significant works are being undertaken on the Metro Tunnel project it says that the Metro Tunnel project is on track to open a year ahead of schedule and that trains will be running through the Metro Tunnel by the end of 2025. The Treasurer has recently, however, indicated in a public forum that there may be a need to slow down projects because of a shortage of raw materials. So I ask the Treasurer: what projects will be impacted by extractive industries that will not be able to meet the demands of the various projects, including the metro rail project, and the time lines as publicly stated?

Northern Metropolitan Region

Mr ELASMAR (Northern Metropolitan) (12:53) — My question is for the Minister for Tourism and Major Events. Victoria will be home to the biggest eSport event in the country when it hosts the inaugural Melbourne Esports Open in September. This is a fantastic win for Melbourne, and I am pleased that it will be held at the Melbourne and Olympic Parks precinct, in my region of Northern Metropolitan. Over the weekend there will be a jam-packed schedule of top-level professional eSport competition in arenas complete with giant video screens, full concert lighting and concert-level audio production. I am sure it will attract many gamers to Melbourne, from participants to observers, from across the state and from interstate and even international tourists. My question to the minister, the Honourable John Eren, is: can he please outline the economic benefits of major events like this for the constituents of Northern Metropolitan Region?

Eastern Victoria Region

Ms BATH (Eastern Victoria) (12:54) — My question is to the Premier. As part of the Latrobe Valley Authority's worker transition service scheme, former power station and mill workers have been encouraged to undertake a certificate III in non-emergency patient transport course delivered by Federation Training. A former mineworker and constituent has successfully completed the course, and although he has a great many references and he volunteers in his community, he is yet to find employment in this field in the Latrobe Valley. Providing false hope to unemployed workers is a cruel thing. Premier, how many people have completed this course and how many have subsequently gained full-time employment?

Eastern Metropolitan Region

Mr LEANE (Eastern Metropolitan) (12:55) — My question today is directed to the Minister for Education, James Merlino, and it concerns the new in-school apprenticeships. I have had conversations with a number of schools in the Eastern Metropolitan Region that are very interested to partake in this program, where students can leave secondary school with a Victorian certificate of education and also a trade certificate. The question I have for the minister is: could he please inform me at his earliest convenience which schools in the Eastern Metropolitan Region will be partaking in this program?

Western Victoria Region

Mr RAMSAY (Western Victoria) (12:56) — My constituency question is for the Minister for Sport, the Honourable John Eren. The Birregurra Recreation Reserve committee has for a number of years been seeking to upgrade its football and netball club rooms. The change rooms are in a disgraceful state and date back to pre-World War II, and they are unfit for purpose. The government has seen fit to provide the AFL with $225 million to upgrade its Docklands asset with no strings attached, but refuses to grant funding to regional clubs like Birregurra Recreation Reserve, which is seeking $600 000 for stage one of its upgrade to have basic running water in the toilets and hot water in a clean and modern change room for men and women, if I can still use that phrase, without the grant being a loan.

Minister, will you give consideration to the Birregurra Recreation Reserve application for funding assistance, with no strings attached, for the most basic of hygiene and modern needs?

Western Metropolitan Region

Mr FINN (Western Metropolitan) (12:57) — My constituency question I believe is to the Minister for Roads and Road Safety, but I am open to suggestions. Parking is a major issue in the Sunbury CBD. Finding a park can often be a major challenge to those seeking to shop at local businesses, and it is having a significantly detrimental effect on the local economy. Despite pleas by Sunbury traders to both the Hume council and state government, no solution is forthcoming from either. Will the minister consider the need for more parking within Sunbury as a matter of urgency and come up with a way to make it happen?

Northern Victoria Region

Ms LOVELL (Northern Victoria) (12:57) — My question is for the Minister for Police and relates to her failure to address concerns I have previously raised regarding uniformed staff numbers at the Shepparton police station. On 28 March I raised with the minister the significant concern in my electorate about the removal of vacant police positions from the Shepparton police station. So far, the minister has failed to respond to this issue that I raised over two months ago. At that time I highlighted the constant drain on uniformed police resources at Shepparton caused by members being seconded to other units within the police complex or the need to backfill positions at neighbouring police stations. Recently I received information that indicates that this issue remains a problem, with 14 members currently off the uniformed roster due to their performing duties at other locations or being on special leave. An additional eight to nine members are on annual leave each week and four or five members are needed each day for court security. Clearly, the minister has no interest in policing in Shepparton, so again I ask her to provide a commitment that the Shepparton police station has the resources to continue to deliver a quality policing service to the Shepparton community.

Southern Metropolitan Region

Mr DAVIS (Southern Metropolitan) (12:58) — My matter today in my local electorate is for the attention of the Minister for Planning, but it will also be of interest to the Minister for Public Transport and others. The government as part of what appears to be its sky rail project is proposing, in concert it would seem with the City of Glen Eira, to develop the Woorayl Street reserve in Carnegie. This is a small but important reserve area, one of the few remaining areas of open space along the corridor, and it is important in my view to protect the heritage of trees in that area. My question to the minister is: is his planning support required for the government and the City of Glen Eira to remove the trees in Woorayl Street reserve?

The PRESIDENT — I have had an opportunity to have a look at *Hansard* in respect of the matters raised by Mr Morris. Whilst I understand that his intention might have been to extract numbers across Victoria, the fact is that the only geography mentioned in the question is Ballarat by way of the newspaper report that appeared in Ballarat. Because there is not an explicit question to the minister seeking statewide information, I think the minister was entitled to provide the answer that she did on this occasion, so I cannot reinstate it.

Sitting suspended 1.00 p.m. until 2.07 p.m.

NATIONAL REDRESS SCHEME FOR INSTITUTIONAL CHILD SEXUAL ABUSE (COMMONWEALTH POWERS) BILL 2018

Committee

Clause 1

Ms CROZIER — Minister, I made reference in my second-reading speech to the issues around insurance. I would just like to quote the shadow Attorney-General, Mr Pesutto, when he raised this issue in his contribution, because it goes to the question, and I want to seek some clarification from you if I can.

Ms Mikakos — You will need to paraphrase him, because you cannot actually quote him from the Assembly within six months.

Ms CROZIER — Well, that is right. In his speech Mr Pesutto identified issues regarding the Victorian Managed Insurance Authority (VMIA) about indemnifying organisations that are included in or have signed up to the scheme, and their liability. The questions around this are, as he highlighted in his second-reading speech: who will be assisting that process? Will the government be covering that, or who will be in relation to those issues around the VMIA and the concerns that they have raised, I think both publicly and probably to you in government as well?

Ms MIKAKOS — I thank the member for her question. What I can advise is that some non-government institutions which are funded by the Victorian government to provide services on behalf of the government are covered by insurance policies provided by the Victorian Managed Insurance Authority — the VMIA. The VMIA is actively following the progress of the bills relating to the national redress scheme through the commonwealth Parliament, and the VMIA will review its position on redress payments when the legislation is finalised.

In my summing up contribution I did indicate to the house that it is my understanding that the commonwealth's bill is coming back on for debate in the Senate very shortly. I understand that it is expected to be debated later this month. Obviously we are all working towards very tight time lines here. As members would be well aware, the commonwealth bill is actually a schedule — schedule 1 — to our bill. Ours is a very short, brief bill in terms of the referral powers, which is the main purpose of what we are doing through our bill here today, and the vast bulk in terms

of the length of our bill does in fact comprise the commonwealth's bill. The commonwealth's bill hopefully will pass before the end of this month, because it is the stated intention of all of the participating jurisdictions that the national redress scheme will commence on 1 July 2018. That is certainly what the commonwealth has advised they are working towards as well.

Ms CROZIER — Thank you for that response, Minister. I will go to the point then about the government covering some of those organisations that you mentioned that do provide services on behalf of the government and again the issue of budget allocations, which was raised in the second-reading debate. In relation to any of those elements that need to be covered, is that covered off in this year's budget?

Ms MIKAKOS — What specifically? The redress scheme? What specifically?

Ms CROZIER — For the liability. Sorry, I will go back to my original question. The VMIA is not going to sign up, so it is not going to take on liability. The question is: who does? They are calling on government to cover that, so has the government considered that in the budget process? That is my question.

Ms MIKAKOS — Okay. Just so we are clear here, you are referring to the issue of the VMIA specifically, and I did already address this issue. I did advise the member that the VMIA is actively following the progress of the bills relating to the national redress scheme through the commonwealth Parliament, and the advice that I have is that the VMIA will review its position on redress payments when the legislation is finalised.

In relation to budget matters more broadly, I can advise the member that the Victorian government will meet the cost of redress payments under the scheme where a state institution is responsible for the abuse. The budget includes provision for redress payments to ensure that Victoria can meet its obligations to pay redress under the scheme. This is specifically referred to in budget paper 5 at page 175, and I am sure that is something that Mr Rich-Phillips would be very familiar with. It has been listed there under the heading 'Non-quantifiable contingent liabilities', and it states:

> The precise number of eligible survivors of abuse is difficult to estimate. Consequently, the exact financial implications of Victoria's participation remain uncertain.

I also think it is important that members understand that we have had for some time issues around civil claims against the government brought by survivors of child sexual abuse. We have made a provision in past budgets for this and we have again in this year's budget. The Victorian government is committed to responding to civil claims for historical institutional abuse in a sensitive and timely manner by adopting an approach of early settlement consistent with the principles outlined in the state-endorsed common guiding principles for responding to civil claims involving allegations of child sexual abuse.

The Victorian government also recognises that, despite the national redress scheme, survivors are entitled to pursue compensation under a civil claims process. There are still open civil claims that are subject to potential settlement with survivors, and these claims are likely to continue beyond the establishment of the national redress scheme. There will be a period of transition where survivors may either choose to pursue a claim under the civil claims process or opt to make an application to the national redress scheme. Accordingly, the Victorian government has committed up to $7.7 million in funding for 2018–19 to manage and settle civil claims for historical institutional child abuse as an interim measure until the impact of the national redress scheme can be evaluated. This is specifically provided for in budget paper 3, page 77, of this year's state budget.

Mr RICH-PHILLIPS — Thank you, Minister. Minister, you have clarified that $7.7 million is not for redress; it is for civil claims. There is no estimate within government as to the cost to government of participation in the redress scheme; is that correct? You have indicated that is a non-quantified liability in the budget paper, but there is no internal estimate of the cost and extent of the state's exposure under the redress scheme.

Ms MIKAKOS — So, firstly, the amount of $7.7 million in funding is specifically to settle civil claims. I can confirm that that is correct. In relation to the matter referred to in budget paper 5, the non-quantifiable contingent liability and the specific reference there to the national redress scheme, I can advise the member that the Victorian government has allocated a significant amount of funding to ensure that Victoria can meet its obligations to pay redress under the scheme. The funding allocation is based on estimates that 5290 people were abused in Victorian government institutions as estimated by Finity Consulting in a report prepared for the McClellan royal commission. So obviously the government has had to consider the actuarial advice in terms of potential claimants in Victoria in making appropriate provision

for these matters. These are matters that are very difficult to quantify, given that people have the option to pursue a civil claim against a government department for historical institutional child abuse as an alternative to pursuing a claim under the national redress scheme. They have those alternative options and obviously the actuarial advice is based on the estimate there and the evidence that has been provided to the McClellan royal commission.

Mr RICH-PHILLIPS — Thank you, Minister. Minister, just to clarify, you indicate that 5290 cases were identified by the royal commission. Obviously, if those 5290 people were to seek redress under the scheme at the maximum level, that would be a very large sum of money. Does that reflect the type of allowance the government has made in respect to those 5290 potential claims? It would be in excess of $750 million if it was at the full level.

Ms MIKAKOS — I thank the member for his further question in relation to this matter. There has been a considerable amount of work done in looking at these issues, based on consideration of the actuarial advice that I referred to earlier, looking at past historic civil claims, looking at average payments for claims and making provision for things like administrative costs. Legal costs have also been provided to claimants under this scheme, and counselling costs. So there has been a range of considerations in relation to these particular matters.

Can I also add that it is important for members to understand that whilst the commonwealth bill provides that monetary payments of up to $150 000 will be provided to eligible survivors, I acknowledge the point that has been made by other members that this is less than the maximum recommended by the McClellan royal commission. I acknowledge that some victims and survivors might be disappointed about that. These were effectively the terms set by the commonwealth in establishing the national redress scheme and were the subject of negotiation. The average payment to survivors is expected to be around $76 000, which is $11 000 more than the average recommended by the McClellan royal commission. A higher average payment, even with a lower cap, will ensure more consistent and equitable financial compensation for survivors as part of the redress scheme.

Of course it is important to understand that the redress scheme will also give survivors access to community-based support to assist them with access to mainstream services. It will provide counselling support as well. Most importantly, I believe, and not to be forgotten, is that beyond the monetary recognition there is also the direct personal response. Survivors may wish to pursue and receive an apology from the institution that was involved, and there will also be access to counselling and support. Obviously there has had to be consideration of all of these issues in terms of looking at how we can make provision for claimants going into the future, bearing in mind that this is a scheme that is intended to operate for a 10-year period.

Mr RICH-PHILLIPS — Thank you, Minister. That is very helpful. Can I just clarify with the $7.7 million for civil claims, is that an allowance for known civil claims that are on foot, or is that in anticipation of future civil claims?

Ms MIKAKOS — Thank you, Mr Rich-Phillips, for your question on civil claims. My understanding of this matter is it did relate to both such matters. I will seek confirmation of that during the course of the committee stage if possible and, if that is not possible, come back to you on that as quickly as possible.

Mr RICH-PHILLIPS — Thank you, Minister. That would be useful to understand, particularly noting that funding is provided in one financial year only — it is not in the out years.

Minister, can I just take you back to your earlier comment about the Victorian Managed Insurance Authority and its approach to claims under the redress system from non-government organisations that were government funded and are insured by the VMIA? You indicated that basically the VMIA is maintaining a watching brief pending the passage of the commonwealth legislation. Obviously the bill we are passing today acknowledges the commonwealth bill and, as you indicated, has the commonwealth bill attached to the Victorian bill, and the Victorian legislation is only valid if the commonwealth passes that bill or a bill that is materially the same — that is what our legislation says — so it is not clear to me what the VMIA would be waiting for when we know the commonwealth bill must be in the form of schedule 1 of our bill, because otherwise it is not valid. There are not conceivably going to be material changes in the commonwealth Parliament — and cannot be, or the referral scheme is invalid if they are materially different — so why is the VMIA waiting to articulate its position when it knows what the commonwealth bill is going to be like? Obviously our scheme is reliant on the commonwealth bill being like the schedule in this bill.

Ms MIKAKOS — Thank you. It is correct that the commonwealth bill is a schedule to our bill, as I noted earlier, but the point that I would make is it has not as yet passed. We cannot make any assumptions around that given the independent sovereignty of another Parliament and another house in that Parliament, so obviously we need to wait for that bill to pass — to go through its process and hopefully pass by the end of the month. I did indicate earlier that it is anticipated that it will come on for debate — that is certainly the advice that I have had — fairly soon. I am sure we all hope, all things going well, that that bill will pass before the end of this month. I cannot crystal ball gaze beyond that.

Mr RICH-PHILLIPS — That is right, Minister. I think that is probably a fair assessment. Whatever passes does need to be in this form, or it will not be the national redress scheme and will not be eligible under Victorian law. I restate that I am perplexed that the VMIA is waiting for something it knows the outcome of. Either there will be a scheme or there will not be a scheme, but if there is a scheme we know what form it is going to be in because it must be in this form. It would only be otherwise if the commonwealth Parliament in the commonwealth Senate, in its unique wisdom, decided not to go ahead or did something radically different that was not the redress scheme. We either know it is happening or it is not happening, but if it is happening, this is what it looks like. I am perplexed that the VMIA has not landed its position knowing, if there is a redress scheme, what it is going to look like.

Ms MIKAKOS — I think we are just going to cover the same ground here. I could launch into a very long discussion around the commonwealth Senate and its very colourful make-up at the moment; therefore I think it would be wise for none of us to make any predictions around what the commonwealth Senate might do on this bill, let alone any other bill. I am sure that these matters will be able to be resolved in a matter of weeks.

Clause agreed to; clauses 2 to 12 agreed to; schedule 1 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

Ms MIKAKOS (Minister for Families and Children) (14:31) — As I said at the outset of my summing up, it is with pride and sadness that I move this. We all wish, of course, that this legislation had never been necessary. Again I want to thank all members for their support of this important legislation and everyone who has been involved in making this possible. Again I think it is important to acknowledge all the victim survivors who have campaigned for many, many years to see such a national redress scheme come to reality.

I move:

That the bill be now read a third time.

Motion agreed to.

Read third time.

SERIOUS OFFENDERS BILL 2018

Second reading

Debate resumed from 24 May; motion of Mr JENNINGS (Special Minister of State).

Mr O'DONOHUE (Eastern Victoria) (14:33) — I am pleased to rise on behalf of the opposition and speak in relation to the Serious Offenders Bill 2018. The word 'serious' is appropriate in many ways for this bill. This is a very serious piece of legislation; it is a very important piece of legislation. Fundamentally the question that the house is considering today is: what does the community do with serious sex offenders and now, if this bill passes, serious violent offenders who have finished their term in prison yet still pose a very serious, unacceptable risk to community safety? What is the community's response and what is the justice system's response to managing that risk?

This bill has quite a lengthy background to it. Of course the Serious Sex Offenders (Detention and Supervision) Act was passed by this place, from memory, in 2009. The SSODSA, as it is known, set out to create a post-sentence scheme for serious sex offenders. This bill seeks to replicate much contained in the SSODSA but extend it to serious violent offenders while making some other changes. The history that sits behind this bill is the tragic murder of Masa Vukotic on 17 March 2015 and the subsequent review commissioned by the then Minister for Corrections, the Honourable Wade Noonan. He appointed a panel consisting of the Honourable David Harper, AM, Professor Paul Mullen and Professor Bernadette McSherry. They conducted their review, and they handed it to government in November 2015.

This is the final bill in a tranche of reforms that flow from the 35 recommendations of the Harper review. Whilst this has become colloquially known as the Harper review, I do note that it was the three

aforementioned who jointly wrote and settled this important review.

Sometimes a tragedy or a significant event occurs and the government commissions a far-reaching, root-and-branch review into a public policy area or an operational area of government, and that review then sets the policy framework for many years to come — for a decade or more — in general terms. We have seen that from governments on many occasions in the past, and I think this is one such review. So I think it is worth giving some context by speaking to that review — the Harper-Mullen-McSherry review — which the government has had in its possession since November 2015. I want to quote from the executive summary, which says that the panel's terms of reference were:

> To conduct an independent review of the [Department of Justice and Regulation] internal review of the management of Sean Price and the chief psychiatrist's review of the clinical assessments of, and mental health service system responses to, Sean Price.
>
> To provide advice on how the SSODSA could be improved or another post-sentence legislative framework be created to strengthen the protection of the community from complex adult victim sex offenders and improve the management of complex adult victim sex offenders.
>
> To provide advice on governance models for improved decision-making and case management between the criminal justice and mental health service systems in relation to complex adult victim sex offenders.

It goes on to say on page vii:

> The SSODSA, as its purposes show, was never designed to provide for protection from other than those who have served custodial sentences for the sexual offences to which the act applies. No Victorian legislation has as its purpose the enhancement of post-sentence protection from offenders who have committed offences of non-sexual interpersonal violence.

It goes on to say later on that page:

> In the panel's opinion, any improvement in the post-sentence legislative framework must encompass the extension of that framework to the management of the risk of violent offending; expanding its focus to protect the community from all acts of serious interpersonal harm.

In due course, perhaps during the committee stage, I will ask the minister to provide some further guidance around the definition of 'interpersonal harm', because from my reading of the bill it is not defined. Whilst it has an ordinary meaning, I think for the purposes of clarification, given that this bill is likely to be the subject of considerable judicial interpretation, some clarity from the minister about her understanding or her intention in relation to the term 'serious interpersonal harm' would be welcome. I flag that now so that that can be considered.

The review goes on to say:

> It is this somewhat more broadly based advice, together with advice on governance models for improved decision-making and case management between the criminal justice and mental health service systems, which this report attempts to provide. It proceeds throughout on the assumption that there will be no artificial distinction between sexual and violent offences.

We have previously considered in this place legislation to create the Post Sentence Authority, and the Post Sentence Authority in effect has been tasked with that aspect of the improvement of case management between the criminal justice and mental health systems. Again, I would welcome any advice from the minister, or indeed any government member, in due course about that laudable objective of creating a seamless interface between different limbs of government that have a role to play in trying to mitigate risk for these high-risk offenders. That bill passed this place some time ago and I know the Post Sentence Authority is up and running and serving its functions. I think it would help inform debate to have some update on the operations of the Post Sentence Authority and how it is proceeding in seeking to implement those objectives, as outlined in the Harper review.

Finally, in this section of the review, it says:

> The panel considered the cases of 46 offenders — of the 118 subject to the SSODSA — who had committed sexual offences against adult victims. They also had complex offending profiles. While all had committed a sexual offence, many had engaged in acts of general criminality, and had histories of violent offending, in addition to their sexual offence history.

So again the bill before us is seeking to break down what is described as an artificial distinction between serious sex offenders and serious violent offenders, noting that often offenders commit both types of offending.

The Harper review identified four pillars underpinning the panel's advice. The first is: early intervention and continuity of care to reduce the risk of serious interpersonal harm. The report speaks about engaging in interventions involving treatment and management while under sentence in prison or on parole. I think that is a laudable objective. It is consistent with the recommendations in the Callinan review for all offenders to try to address the causes of their offending behaviour at an earlier stage and participate in programs at an earlier stage of their sentence rather than just leaving it to the end. We are talking about a very high

risk and dangerous cohort, and those interventions obviously need to be more significant than perhaps for the lower level of offending. Of course the issue of recidivism is an issue that has no straightforward answers. The general recidivism rate has risen now to be stabilised unfortunately above 40 per cent. That is something that the budget papers handed down just a few weeks ago anticipate remaining at the higher level.

The second pillar identified is: reducing the number of victims of serious interpersonal harm. The report says:

> A key gap in the operation of the SSODSA is that the legislation is limited to protecting the community against the risk of further sexual offending —

which is again the issue of then expanding this to violent offenders.

The third pillar is: independent and rigorous oversight. It says:

> A key area of improvement in the management of offenders under the SSODSA is to remove fragmentation while promoting rigour in decision-making and increasing accountability.

Again, that is the purpose of the Post Sentence Authority.

The fourth pillar is: responsive service delivery and intensive case management. The government is seeking to implement this in a number of ways, perhaps most notably by the creation of the new facility at Ararat. I have expressed my concern and am seeking to obtain some assurances from the minister about the investment by the state — $400 000 a bed is extremely significant. If that can reduce harm and reduce offending, that of course is the objective, but it is a significant investment from the state.

Those four pillars have guided the recommendations from the Harper review and obviously driven the legislative program of the government in seeking to implement those 35 Harper review recommendations. My understanding after advice from the minister and media releases et cetera is that as of today 24 of those 35 recommendations of Judge Harper have been implemented and that with the passage and then implementation of this bill — which may not be declared until early next year — those 35 recommendations will have been implemented. But again I would appreciate the minister clarifying the 11 recommendations that will be implemented as part of this bill.

In my introduction I spoke about the challenges for us as a Parliament but also for the community in the intersection between the protection of the community from offenders who have a history of dangerous offending and the rights of those individuals, once they have served their term of imprisonment, to live in the community. That is a difficult intersection to define and it calls into question many fundamental tenets of our justice system and of our legal system. I congratulate the Scrutiny of Acts and Regulations Committee (SARC) for in effect highlighting the difficulty of finding that intersection and the many issues that are raised as a result of this bill and the amendments that are before the house.

I note that the government will circulate during the debate some house amendments that seek to address questions raised by the Scrutiny of Acts and Regulations Committee. It is a matter for the minister and the government to clarify those amendments, but again, just looking at some of the issues raised by the Scrutiny of Acts and Regulations Committee in its *Alert Digest* No. 7 of 2018, it raised questions about the right to a fair hearing and powers of arrest, entry and search without a warrant, noting that the bill allows third parties, non-police officers, to arrest a person. Clause 192 of the bill gives supervision officers and specified officers powers to arrest a person without a warrant where they reasonably believe that the person has committed an offence under clause 190(1) or clause 190(2) and deliver that person to a police station as soon as practicable.

The bill and SARC note the privilege against self-incrimination. Clause 236 empowers a relevant officer during a search to direct an offender to provide information or other assistance that is reasonably necessary to access data on a computer, copy data or convert data into documentary form. The provision would also apply to any person being searched, under part 14, which could include non-offenders inside or near a residential facility or residential treatment facility — for example, staff members or visitors. It would be an offence, subject to imprisonment for a maximum of five years, not to comply with such a direction without a reasonable excuse. Again, the opposition believes the powers that this bill is providing are appropriate in the circumstances, but the breadth of these powers does raise legitimate questions that need to be considered.

The SARC report on page 28 also notes the different approach taken in New South Wales. It says:

> The panel notes that a two-part approach is reflected in the eligibility criteria for post-sentence supervision in the New South Wales scheme. The New South Wales criteria, which differ from those recommended by the panel, include a requirement that an offender must have been, at any time,

> convicted and sentenced to imprisonment for a specified 'serious' sexual or violent offence … and be currently subject to a post-sentence order or a sentence of imprisonment for that offence or a broad range of sexual or violent offences … While the scheme in New South Wales is broader than the current Victorian scheme in terms of including violent offenders, it uses different eligibility criteria to that in Victoria and has less than half the number of offenders (56 compared with 118) subject to post-sentence orders.

Again, to flag for the committee stage, I would be interested in understanding from the minister whether as part of the implementation of the Harper review what analysis of other existing interstate post-sentence schemes has taken place. Of course the SSODSA had been informed by High Court cases and the testing of the legality of post-sentence schemes in other jurisdictions, but given that broadening of the criteria and the more restrictive nature of some elements of this scheme, I would be interested to learn from the minister what analysis of New South Wales and other jurisdictions the government has done, particularly with reference to the new intensive treatment and supervision order that is being introduced and that the Rivergum facility is being constructed to accommodate.

As I said, this is a very important bill and it is a very serious issue. The opposition has sought to support changes that improve community safety. I wish to limit any critique, but I do just want to say for the record that we are disappointed that it has taken this long for the bill to arrive in this place. The government has had the Harper review since November 2015, and we are perplexed as to why this bill could not have been drafted and introduced more quickly. We appreciate that the review of the SSODSA in itself is complex. The expansion of the eligibility criteria and introduction of new powers, new orders and other new elements is also complex, but we believe they could have been done and should have been done before now.

With those words let me now move to the bill itself. The primary purpose of the bill is to establish a civil, non-punitive, post-sentence scheme which will enhance community protection by enabling the continued supervision or detention of offenders who have served custodial sentences for specified serious sex offences and serious violent offences, but who are determined as posing further unacceptable risk of harm to the community. The secondary purpose of the bill is to facilitate the treatment and rehabilitation of those offenders.

As I have mentioned, the bill repeals and replaces the SSODSA with a new act and seeks to implement the Harper review. It establishes a legal framework for the supervision of offenders in a new secure residential treatment facility. The bill says the facility will have a non-punitive therapeutic purpose and deliver intensive treatment and interventions for offenders. Eligible offenders can have an intensive treatment and supervision condition placed on their supervision order requiring them to reside at the new residential treatment facility. An intensive treatment and supervision condition can operate for up to two years, and it can be renewed once for up to 12 months if the threshold criteria continue to be met. On further occasions the court can only renew the condition if satisfied that exceptional circumstances exist.

I think that this is a really important issue. This new intensive order can apply for a maximum of three years unless there are exceptional circumstances. One of the challenges in accommodating those who have a supervision order that requires them to be residing at a facility is that the intention of the SSODSA was for offenders to transition through to living in the community post-jail. I think over time that transition has proven to be more difficult than what was anticipated when that legislation was first drafted and implemented. This has led to an increasing number of offenders who are the subject of the SSODSA, and no doubt this bill will introduce a new cohort with the added eligibility for the serious violent offenders.

So it is interesting that the government has that three-year quarantine on that intensive year when there has been a challenge in seeing offenders on the SSODSA transition through to living in the community not the subject of an order. Those who are the subject of an intensive treatment and supervision order will be living in a facility that, whilst this is a civil scheme, is closer to a prison environment than Corella Place or Emu Creek. It will be walled. The bill goes into extensive detail about the rights and obligations of those subject to the order and residing at the facility that has been named Rivergum, and I have a question about what will happen to those offenders if they continue to pose a significant risk after that three-year period — not that the objective is to retain them in that location in perpetuity, but what is the risk management process at the end of that three-year period if that serious risk is still there?

The Harper review talks about a step-up facility, and I know Corella Place has had challenges with managing a more difficult cohort over time, but what is the step-down process for those particularly challenging, dangerous offenders at the end of that three-year period? Of course there is an exceptional circumstances test, and that in and of itself has been a matter of significant public debate in recent times in a different context, but we should not be relying on exceptional circumstances to become a de facto extension

mechanism. Again I would welcome the minister's advice about that issue.

The bill creates new emergency detention orders. The Secretary to the Department of Justice and Regulation will be able to apply to the Supreme Court for an emergency detention order requiring an offender on a supervision order or an interim supervision order to be detained in prison for up to seven days. The Harper review made a recommendation of five days. In the briefing from the department — and I thank the department and the minister's office for facilitating that briefing — I think it was said that it had been determined that a seven-day period was more suitable to make an assessment about how to manage the risk of that cohort that may be subject to an emergency detention order, so they can have appropriate psychological tests and manage to get a proper understanding of risk. That is reasonable, but again it would be interesting to know, given that the Harper review considered this issue, whether there are any specific factors that determined the change from five days as recommended to seven days as contained in this bill.

The purpose of the emergency detention order is the temporary or short-term detention of an offender to contain an escalating and imminent risk — escalating and imminent risk — to the community until different supervision arrangements or an application for a detention order can be made. The bill also provides for a review of the legislation supporting an expanded scheme within five years of commencement of operation. I note that the bill in large part replicates many aspects of the SSODSA, including in relation to a detention order. So this bill really sets up a hierarchy of orders from the emergency detention order to manage short-term risk, the supervision order, the newer intensive order with a requirement to reside at Rivergum and then of course the detention order is the most serious order where an offender is required to be located in a prison.

Detention orders have been issued very rarely. There have just been a small handful of detention orders at any one time in the history of the scheme, and there have been significant periods where there have been no detention orders in place. Clearly it is anticipated that there will be more detention orders with the expanded cohort, perhaps with a view to some of the offenders who are completing their prison terms in the future, and a new unit is being constructed to manage or to house those that are the subject of a detention order.

Only offenders convicted and sentenced in the higher courts — the Supreme Court or the County Court — to a custodial sentence for a serious sex offence or a serious violent offence are eligible for the scheme. SARC has identified some questions around that, around matters that are commenced in a lower jurisdiction and then elevated to a higher jurisdiction, and I note the government has flagged an amendment to clarify that issue. The serious offenders captured are those that target criminal conduct where the motivation or result of the offending is serious interpersonal harm and includes serious violent offences such as murder, manslaughter except culpable driving, child homicide, defensive homicide, arson causing death, causing serious injury offences and kidnapping, and the serious sex offenders remain as defined under the SSODSA, but it excludes any summary offences. The bill also captures incomplete instances of these offences, such as attempts and conspiracies to commit — those types of offences — and interstate equivalent offences will also be captured.

As I have mentioned there have been a number of bills passed in this place that have sought to implement elements of the Harper review: the Serious Sex Offenders (Detention and Supervision) Amendment (Community Safety) Act 2016, which was passed in this place; the Serious Sex Offenders (Detention and Supervision) Amendment (Governance) Act 2017, which established the Post Sentence Authority, and the Post Sentence Authority has, as I said, now been operational for some time with its multi-agency panel to improve coordinated delivery of services to offenders on orders by relevant departments and limbs of government.

In the first instance I just want to flag my amendments, and I would be pleased to circulate the amendments in my name.

Opposition amendments circulated by Mr O'DONOHUE (Eastern Victoria) pursuant to standing orders.

Mr O'DONOHUE — My amendments relate specifically to the qualification requirements for the chair and deputy chair of the Post Sentence Authority. When the Serious Sex Offenders (Detention and Supervision) Amendment (Governance) Bill 2017 came before this place, the requirement for the chair and the deputy chair, as flagged by the government, was a lawyer with five years of experience. The opposition formed the view that that was an inadequate level of experience for such important positions, for the serious responsibility that those positions hold and for the public confidence that the community must have in the leadership of the Post Sentence Authority.

I think it is also worth mentioning the historical background to this. Until the Callinan recommendations the chair of the Adult Parole Board of Victoria was a sitting Supreme Court judge. The previous government then changed that qualification to be a sitting or retired Supreme Court, County Court or equivalent judge, and in practice, because of the demands of sitting judges, that has meant retired Supreme Court, County Court or equivalent judges. As I said in the passage of the governance bill, Frank Shelton, as the chair of the former detention and supervision order division of the APB and a former County Court judge, was overseeing that role, and that function has been transferred to the Post Sentence Authority. The starting point really for the leadership of the Post Sentence Authority is an equivalence to the adult parole board, which, as I said, is a sitting or retired Supreme Court or County Court judge, or equivalent.

When the governance bill came before this place, every member besides the government members — so all the crossbenchers, the coalition and the Greens — supported the retention of that higher threshold, agreeing that a five-year requirement was insufficient. This bill raises that threshold to 10 years experience as a lawyer. The opposition retains a belief that whilst it is better than five years, it is still insufficient given the importance of the role, given the comparable requirements for the adult parole board and given the public expectation. I was grateful to the government for enabling me and Mr Clark from the other place to have a discussion with the chair and the deputy chair of the Post Sentence Authority. I also sought advice from other people of equivalent experience about where best to land on this issue, and I accept the proposition from the government and others that it is difficult. The pool of retired judges is not vast, and it presents some challenges.

What I am proposing in my amendments is what I see as a compromise and what I think is a realistic middle ground — one that seeks to acknowledge the limited pool but also retain a high threshold qualification in the interests of the esteem of that role, the importance of that role and what that role oversees and discharges. I am proposing that the chair retain that judicial requirement, while the deputy chair could be a Queen's counsel or a senior counsel with significant experience in criminal law. It could be a chief Crown prosecutor or a Crown prosecutor within the meaning of the Public Prosecutions Act 1994, which broadens the available pool for deputy chair significantly, so I was pleased to circulate those amendments in my name.

The opposition has had some discussions with the government about that, and there was some conjecture about whether it was possible for the chair and the deputy chair to have different threshold qualifications. In considering that position I became aware that the chair and the deputy chair of the Independent Broad-based Anti-corruption Commission, pursuant to the Independent Broad-based Anti-corruption Commission Act 2011, have different qualification requirements. Section 22 of the IBAC act provides that a current or former judge may be appointed as a commissioner of IBAC. Section 23(1) of the act provides that a person may be appointed as deputy commissioner of IBAC who the minister considers has the experience and qualifications necessary to enable IBAC to achieve the objects of this act and perform its duties and functions. The deputy chair can discharge the functions of the commissioner when acting as the commissioner even though those threshold requirements are different. What I am proposing is consistent with the IBAC act. It seeks to find a middle ground between these two competing interests, and it is something which I look forward to the house considering in due course.

I just want to go through a couple of the key points. I think in the interest of the debate I will discuss some of the changes that have been made to the SSODSA. Clause 8 is based on section 4 of the SSODSA but varies from it in two key respects. Clause 8 limits the definition of 'eligible offender' to an offender upon whom a custodial sentence has been imposed by the Supreme Court or the County Court, as I have previously mentioned. The SSODSA relevant custodial sentence could be imposed by any court, including the Magistrates Court. The explanatory memorandum says:

> This change reflects the fact that the court in which a person is sentenced generally reflects the gravity of the offending.

I think there is perhaps some administrative simplicity, for want of a better term, in that distinction, but again that is something I will be asking the minister about when we get to clause 8 during the committee stage.

Division 3 deals with contravention of a supervision order or an interim supervision order, and the bill retains the statutory minimum term of imprisonment. On clause 169, the explanatory memorandum says:

> The clause … also indicates that in the case of an intentional or reckless contravention of a restrictive condition of an order, section 10AB of the Sentencing Act 1991 requires that a term of imprisonment of not less than 12 months be imposed, unless the court finds that a special reason exists.

The opposition supports the retention of that clause. A contravention of one of those conditions could have very serious consequences for community safety, and there needs to be a very clear understanding that that

will be dealt with seriously and a serious consequence will flow. I previously raised the issue of the extension of intensive treatment and supervision conditions, and that is dealt with in clause 43 of the bill. As I said, the bill deals in some significant detail with the core conditions, rights and obligations in relation to the intensive treatment and supervision condition and the requirement to reside at the new facility. Clause 32 deals with the intensive treatment supervision condition and states:

> (1) The court may impose a condition on a supervision order requiring an offender to reside at a residential treatment facility if the court is satisfied that—
>
> (a) the condition is necessary to reduce the risk of the offender committing a serious sex offence or a serious violence offence or both; and
>
> (b) less restrictive means of managing the risk referred to in paragraph (a) have been tried or considered.

The consideration of the less restrictive means and that not being sufficient will obviously be the nub of that test.

The opposition welcomes this bill. We take these changes and what they mean for the community and for the individuals who may be the subject of these orders very seriously. It is a very challenging, difficult area. The final point I would make in relation to this bill, and perhaps this goes back to the issue of the lesser numbers of offenders on the post-sentence scheme in New South Wales compared to Victoria despite the broader eligibility criteria, is that the sentencing regime clearly needs strengthening, particularly for the most serious dangerous, violent offenders and sex offenders. This scheme has been created because dangerous, violent and/or sex offenders are being released from prison and they pose an unacceptable risk to the community. Perhaps because of the different, stronger sentencing regime that exists in New South Wales, the call on that scheme is much less.

I think we also need to examine the relationship between this scheme and the sentencing regime — what we on the opposition believe is a sentencing regime that needs to be strengthened and toughened, particularly for the worst offenders. This is a question that has not had the public discussion that perhaps it should. With those words, the opposition welcomes this bill, and I look forward to discussing some of these issues in more detail during the committee stage.

Mr ELASMAR (Northern Metropolitan) (15:20) — I rise to speak to the Serious Offenders Bill 2018. This bill is part of a tranche of legislation whose primary purpose is the protection of the community. The bill seeks to overhaul and expand the existing post-sentence scheme. The post-sentence scheme allows for ongoing supervision or detention of serious offenders who pose an ongoing unacceptable risk to the community after they have served their prescribed sentence. The bill facilitates the treatment and rehabilitation of serious offenders who are placed on supervision or detention orders. Under the current scheme only serious sex offenders are eligible. The bill proposes to add serious sex offenders and serious violent offenders to the present scheme. The post-sentence scheme is designed for offenders on supervision orders who must comply with the range of conditions as determined by the court when making the order. Conditions cover matters such as where the offender must live, who the offender may contact, activities the offender may or may not participate in, participation in treatment programs, drug testing and electronic monitoring.

Supervision orders are made by the County or Supreme courts. They can be made for up to 15 years and can be renewed for further periods of up to 15 years. Supervision orders must be reviewed at least every three years by the court. Arising out of the Harper review, known as the Complex Adult Victim Sex Offender Management Review Panel review, an analysis was commissioned in 2015 which came about by the tragic murder of Ms Masa Vukotic by Sean Price. At the time of the murder Sean Price was subject to a supervision order and bail conditions resulting from a charge of making a threat to kill. The Harper review made 35 recommendations for significant reforms to the post-sentence regime, including that the scheme be expanded to include serious violent offenders.

The bill establishes a new condition: the intensive treatment and supervision condition. An offender who is subject to this condition must reside at a residential treatment facility. This is a new type of facility that will deliver short-term intensive treatment and interventions to offenders on supervision orders in a secure environment. A new 20-bed facility known as Rivergum Residential Treatment Centre is currently being constructed next to the Hopkins Correctional Centre at Ararat for this purpose. So offenders on detention orders are detained in a detention unit within a prison. Detention orders are made by the Supreme Court. They can be made for up to three years and can be renewed for additional periods of three years. These orders must be reviewed by the Supreme Court at least annually.

In conclusion, the bill provides a framework together with practical mechanisms to rehabilitate offenders while at the same time protecting our community from

violent attacks. The bill is the final piece of legislation in the tranche of amendments put before this chamber.

I know my colleague, Ms Tierney, will move amendments in the committee stage, so on her behalf I ask that the amendments be circulated.

Government amendments circulated for Ms TIERNEY (Minister for Corrections) by Mr Elasmar pursuant to standing orders.

Mr ELASMAR — The amendment regarding proceedings for a contravention offence is to clause 174. As part of the rewrite of the Serious Sex Offenders (Detention and Supervision) Act 2009 (SSODSA), the provisions regarding prosecuting a contravention of a supervision order were updated to reflect modern drafting. It was intended that the updated provisions retain the current procedures in relation to proceedings for contravention offences. However, in redrafting these provisions it has been identified that the clause as drafted may give rise to some ambiguity and may have implications for how these provisions will be interpreted by the courts.

To avoid any doubt and minimise the risk of legal challenge, the government is proposing a house amendment to ensure that there is no ambiguity. This is a technical but nonetheless important amendment that will ensure it is clear that the rules, practice and procedure of the Magistrates Court continue to apply to proceedings for a contravention offence so that the offence of contravention of an order is an indictable offence that may be triable summarily; where the charge is to be heard and determined summarily, the consent of the accused is required; and where the court grants a summary hearing for the charge, the maximum term of imprisonment that may be imposed is two years.

The government is moving an amendment to clause 19 of schedule 4. This is a minor sequential numbering issue that has arisen in relation to these transitional provisions. This provision has the intention of continuing, under this act, the current system of parole decision-making in respect of offenders subject to orders made under the SSODSA and the treatment of victims in respect of offences referred to in schedule 1 to the SSODSA. The current drafting of this provision relies on commencement of the Justice Legislation Amendment (Terrorism) Bill 2018, which is currently before the Legislative Assembly. The proposed amendment will ensure that this important amendment to the Corrections Act 1986 can be made when the bill commences, rather than being dependent on the commencement of the terrorism bill.

I commend the bill to the house, and as I said previously, my colleague will move amendments in committee.

Ms PENNICUIK (Southern Metropolitan) (15:29) — The bill before us today, the Serious Offenders Bill 2018, is certainly well named, because it is a serious bill, and the provisions of the bill that will allow for the detention and/or ongoing supervision of people once they have served their custodial sentence as imposed by a court are serious matters. We already have in place the regime known as SSODSA — the Serious Sex Offenders (Detention and Supervision) Act 2009 — which has been in operation for several years, and I have spoken on all of the bills that have come before the Parliament to establish that scheme.

As I said on every other occasion, and as I will repeat again now, the supervision and particularly the detention of people post-sentence is a very serious matter for the Parliament to consider and for a community to implement. It should only occur where there is no other alternative. So the question before us is: is that what the bill before us does? It is a question that I have posed in debate on other bills that set up the existing SSODSA scheme.

This bill repeals the SSODSA act of 2009 and replaces it with the new act, which will be the Serious Offenders Act. The broad main changes are to include serious violent offenders in the scheme who may or may not be also sex offenders. This is a key recommendation of the Harper review, which others have already mentioned. I take the opportunity to once again commend the work of the people who worked on that review and the excellent report they produced on what is a very difficult issue. This bill basically is the final tranche of legislation to address the 35 recommendations made in the review.

This bill has not been in the Parliament or the public arena for very long — about a month. I suggest that is not long enough for a bill of this gravity. It probably should have gone to an upper house committee for inquiry. I say that, and I have said it many times before, because the Victorian Parliament is not up with many parliaments, in particular where there are bills that infringe human rights, which this one clearly does, and puts in place a new regime that has not existed before and a detention scheme — or expands on an existing detention scheme. That sort of bill requires more scrutiny than this one has had.

In the Australian Senate a bill such as this would not just be presented in the House of Representatives, go to the Senate for debate and then just be passed. It would

automatically go to a Senate committee for inquiry. This is the case even in the Parliament of Queensland; bills goes to committees for inquiry. Other parliaments in Australia also use that mechanism more automatically than we do in the Victorian Parliament.

In fact you would have to say that bills in the Legislative Assembly here get very little scrutiny, because the government has what it refers to as the government business program, which other people refer to as the guillotine, which means that even when people are in mid-sentence and others are still wanting to speak about a bill, it does not matter, because at 5.00 p.m. on Thursday they are all passed in a bunch. That is not proper scrutiny of legislation. Then they can appear in the Legislative Council the very following week, and it is expected that they will be passed. That is the expectation of the government, but it is not good practice. It is very bad practice actually.

I suppose not many people have got physical telephone books anymore, but this is a telephone-book-sized bill with some 360 clauses. As much as I try to be very thorough in my scrutiny of clauses of bills and how they relate to each other, there is a limit. I do have to take on good faith that a lot of the clauses in the bill are correct, and what I have learned in my experience in this place is that that is not always the case. Often bills do have to come back with statute-type amendments and other types of amendments because there is not enough scrutiny of them. I just put in my introductory remarks that it is not good practice for this bill to be racing through the Parliament at the speed it is.

If I could go through what the bill does, it expands, as I said, the eligibility of the existing post-sentencing scheme to include people who have been convicted of serious violent offences as well as serious sex offenders who are currently eligible. There are of course people under the current scheme who are detained at Corella Place or — I have forgotten the name of the other one. Emu Fields, is it? Yes. There are several on supervision orders as well.

This bill amends the list of core and discretionary conditions on orders and expands the core conditions on supervision orders to include a ban on violent offending and behaviour. In some ways it would seem self-evident that there should be a ban on violent offending and behaviour applied to the serious violent offenders who will come under this scheme. The bill largely maintains the existing discretionary conditions — such as where a person may live and with whom they may associate, drug testing, electronic monitoring and that sort of thing — for supervision orders which already can apply to parolees. But again in this situation we are talking about people who are post the custodial sentence that was imposed by the court in the first place.

Just as an aside, of course given the changes that have been made to the parole system — largely supported by the Greens, although we have been critical of some aspects — following the Callinan review and the Ogloff review, there are less offenders, particularly serious offenders, being granted parole because the major change was that there was not an automatic review of parole once a person had served their non-parole period. Offenders or people who are in prison now have to apply for parole. There were changes — rightly so — to the criteria for parole in relation to community safety et cetera. We are seeing less people, particularly those convicted of serious offences, being released on parole.

The consequence is that people are often released post-sentence with no supervision or conditions, which is what they would have had if they were on parole. As I have said many times in this place, it sounds very simple in the community to talk about not having people on parole, but unless you are going to release people on parole and have them supervised by the parole board you will have people being released unsupervised and without any supports. I am not sure that I would necessarily call this scheme 'supports', but in terms of those people who the Supreme Court or the County Court might find to be eligible — given the evidence that is presented to them under this scheme to a civil level of probability rather than a criminal level of beyond reasonable doubt — it will provide those who are falling into that category with some supervision. I would prefer to see that it is supervision orders rather than detention orders, but of course there may be the rare cases where it will need to be detention orders. I will talk about that a little further on.

I go back to the conditions. The bill introduces a new condition that the court may order that an offender:

> … must not contravene the Firearms Act 1996 or the Control of Weapons Act 1990 —

with regard to possession of firearms. Given that we are dealing with serious violent offenders, I think this is a good addition. Of course the Greens would say that there should be further restrictions on the availability of guns anyway across the community in general.

The bill largely re-enacts the existing mandatory sentence provisions of the Serious Sex Offenders (Detention and Supervision) Act 2009 in relation to retaining the 12-month minimum mandatory sentence for a breach of a supervision order by an offender. The

Greens opposed that provision in previous bills here, and we intend to oppose it again today. If you look at the way that that division, beginning at clause 169, is written, you could take the view that clause 169 is not required at all because clause 170 talks about the Post Sentence Authority being able to conduct an inquiry or an investigation into an alleged breach and to make recommendations, including that the person be charged by the police for a contravention of a breach — not that it is worded that way in the bill because it refers back to clause 169, but it could be that that division without clause 169 could stand on its own and be a fairer provision because the person could be charged by the police and brought to a court which could then decide what the punishment should be. It also allows the Post Sentence Authority under those other clauses to take a different action and not charge the person with an offence; so it depends on what the breach is. The way it is at the moment it is a very blunt instrument, but it also includes that mandatory minimum sentence. The Greens are opposed to mandatory minimum sentences because they do not allow for mitigating circumstances; they do not allow for the discretion of the courts.

The bill introduces the intensive treatment and supervision condition that a court may impose on offenders to require them to reside at a high-security residential treatment facility, which we have been advised is the new Rivergum facility at Ararat. This is applicable where the court comes to the view, given the evidence put to them by the secretary of the department, that the person would benefit from an intensive rehabilitation treatment program that could be provided at that facility. What Judge Harper did say in his review was that in addition to supervision and detention orders there should be much more attention paid to these types of rehabilitation programs and treatment programs while people are in prison and in particular in the last three years of their sentence.

But I have said many times in this place that this type of rehabilitation and treatment program should be carried out all through the sentence of a prisoner and begin very soon after they are incarcerated, and we should not have people incarcerated for many years without any programs in place. I know there are some programs in place, but there are never enough. That is an ongoing criticism of the corrections system — that not enough resources and attention are paid to that part. The reason for incarcerating anybody — as well as protection of the community, punishment et cetera — is rehabilitation and reintegration of the person into the community. We know that this is not being successful at the moment just by the growing recidivism rate in our prison system, which is around 44 per cent and has gone up from around 30 per cent only a few years ago.

The bill also introduces new emergency detention orders that can apply to persons who are on a supervision order or an interim supervision order to allow the detention of that person in a prison for up to seven days in the case of altered circumstances where the offender poses an imminent risk of committing a serious sex or serious violent offence. I think this is concerning, and I certainly will be questioning the minister about this particular provision or part of the bill and whether it is necessary at all, because I do not think that anything I have read in the second-reading speech or anywhere else really justifies the need for it.

The bill also allows a security officer to arrest an offender without a warrant if they believe an offender has committed an indictable offence. The offender must subsequently be handed over to the police as soon as possible. I have some concerns about this particular provision as well in terms of the ability of security officers to identify indictable offences to start with and their training in that regard, and how they will then detain the person, or restrain the person, before they hand them over to the police as opposed to the security officer actually calling the police and getting the police to actually arrest the person in the first place. So if they feel that somebody is committing an offence, the police should be called in to undertake the arrest.

The bill changes and expands the eligibility criteria for the appointment of the positions of chair and deputy chair of the Post Sentence Authority to include, alongside four magistrates or judges, an Australian lawyer of at least 10 years experience. The government's bill for the SSODSA regime included only an Australian lawyer of at least five years experience, so I think under this bill you could still be an Australian lawyer of 10 years experience or you could be an Australian lawyer of five years experience in terms of appointment to the actual Post Sentence Authority but not in terms of being in the position of chair or deputy chair.

I think we had quite a lot of debate about that under the governance bill. I think it is better; I think it is possibly satisfactory. I would like the minister to talk more about the types of experience they will be looking for in terms of a person to be appointed as chair or deputy chair, because under the bill it basically just allows for the appointment of anybody in the first three categories, which is former judges, former magistrates and people with 10 years experience in the legal profession. But in terms of the former judges and former magistrates — particularly judges — you would assume they would have had experience in criminal law and in dealing with serious offenders, for example, but that is not necessarily the case with a lawyer of 10 years

experience. It does not specify 10 years experience in the criminal law, for example.

What I raised with the government in the debate on the governance bill was the need for human rights expertise, because this bill infringes on human rights — to have that expertise on the board as well in terms of the chair and the deputy chair of the board. I do agree with the government with regard to the need for the chair and deputy chair to be at a similar level, because then the deputy chair can stand in for the chair at any time and have the same powers and responsibilities, so that is a point that I do take on. As I said, the inclusion of serious offenders in this scheme is a serious matter, but it is probably preferable to us debating bills referring to the post-sentence detention of single individuals, which we have seen in this place in the past. I think that is something to avoid, and perhaps this scheme will assist in that regard.

As I said, the bill expands the eligibility of the existing post-sentencing scheme to include people who are convicted of the serious violence offences which are outlined in schedule 2 of the bill. Including both serious violence and serious sexual offenders is a key recommendation of the Harper review. A detention or supervision order can be applied to those who are eligible and are also determined by the court to pose an unacceptable risk of committing a serious sex offence, a serious violence offence or both. As I said, schedule 2 lists the serious violence offences — with offenders posing an unacceptable risk of causing serious interpersonal harm — that will be eligible for the scheme.

The Harper review suggests that eligibility for the scheme should not be too broad and that the cohort of offenders eligible for post-sentence supervision or detention should be appropriately confined to those offenders who present the greatest likelihood of causing serious interpersonal harm. It made this recommendation for practical and principled reasons — practical in terms of the resources that would be required to effectively manage a large cohort of offenders in terms of post-sentence detention and particularly post-sentence supervision, because it is quite resource intensive. It also involves the courts, because the courts not only have to make the determination in the first place — that a detention or supervision order be imposed — but they also have to review those decisions every three years. I think, in terms of those detention or supervision orders, it should be more often. I note that the bill does not preclude a court from reviewing the decision more often. I know the courts always like to know what the intention of Parliament is. I think in terms of bills like this, the intention is not necessarily uniform. Some members, such as myself, might raise quite serious concerns about certain provisions. One of the ways, I think, of ameliorating some of those concerns is with active oversight by the courts of these orders.

The review says that there are principled reasons for not having too many people caught in this scheme in terms of the civil or non-punitive mandate to protect the community and treat offenders. The way that mandate is tested et cetera is at a civil level, but in terms of requiring that a person is detained post-sentence, that is actually not fully a civil provision.

There have been some issues raised by the Law Institute of Victoria (LIV) and Liberty Victoria which I would like to just talk about briefly as well. The law institute wrote to everybody on 4 June — not very long ago, three days ago. It goes to the issue I raised before. We have a bill that is serious in its provisions, and those who take an interest in these types of pieces of legislation have very little time to actually look through them and provide their views and commentary to parliamentarians. I have only just received this in the last couple of days. The law institute said it is:

> … concerned that the expansion of a post-sentence scheme to violent offenders encounters a number of practical difficulties. In particular, it is very difficult to predict violent offences.
>
> Serious sex offenders can be identified by authorities and experts due to common themes such as the method of offending, the choice of victims, the grooming behaviour, the distortion of relationships, and the eventual abuse of power. In contrast, audits of serious violent offenders have shown that there is no such common thread among the offenders found to be 'high-risk'.

I take these comments and observations by the law institute and others, and I have looked at some of the evidence, and I agree: it is more difficult with serious violent offenders. However, as I said before, we have passed at least one piece of legislation in this Parliament to deal with a particular individual and keeping that person in detention. I think, having thought about this, where the difficulty is is not with persons like that who, through their behaviour while they may have been incarcerated for a long time for a serious violent offence, such as homicide, kidnapping or offences of that gravity, may have shown no remorse or may have stated that they intend to do people harm once they are released et cetera. I think there is probably a cohort of offenders that may be easier to identify as being eligible for this scheme, but I agree with the law institute that in other cases it may be more

difficult. I am sure the courts will turn their minds to that very, very seriously.

They went on to say:

> Studies have shown that the majority of criminals will reoffend once they are released.

We know that around 44 per cent of the prison population in Victoria do reoffend. Of course the corrections system should be always looking at reducing the number of people who reoffend if, as the law institute says, it can be prevented by providing treatment for those with drug, intellectual or mental health problems while they are in prison.

The law institute emphasised:

> … rehabilitation of offenders must be the priority in any effort to keep the community safe from reoffending.

It also said:

> … the bill should be strengthened to ensure the availability of rehabilitation programs for serious violent offenders.

I agree, as I said before, that we need to be — as a community and the corrections system — focusing on rehabilitation so that we will not have to use this scheme or we will only have to use this scheme sparingly.

The institute raises the issue of the civil standard of proof — the unacceptable risk test — being not strong enough and that, given the gravity of the consequences of a continuing detention order, the test should be beyond reasonable doubt. While I have concerns about that, I certainly think that should be a key part of the review of the bill.

The law institute also said:

> The bill provides that the offender must have a reasonable opportunity to obtain legal representation before the hearing of an application for a detention order. However, the bill does not allow the court to order funding for the offender's legal expenses, should the offender not be in a position to self-fund.
>
> Given the extraordinary nature of the powers in this bill to detain a person after they have completed their sentence, the bill must include provisions allowing the court to order proper funding for the respondent's representation.

I have raised this issue in debate on previous bills. Anybody subject to this should have access to legal aid if that is what is required, and I would suggest that would be in most cases.

The law institute went on to say:

> In order to ensure that the measures in this bill are proportionate, the LIV submits that the scheme should be restricted to those who have been sentenced to a minimum term greater than seven years to reflect the seriousness of the particular offending. This mirrors the Law Council of Australia's recommendation on the federal post-sentence regime.

Again, I think this bill does not have a minimum requirement; rather, it directs the eligibility to offences that are heard in the Supreme Court and the County Court. I note that the Scrutiny of Acts and Regulations Committee also raised the issue of a minimum term of three to four years, and the law institute is suggesting seven years. That should definitely be part of the review.

Liberty Victoria have also written to everyone. They also make the point that the unacceptable risk test is a very low bar for the making of an order that can have such an impact on all aspects of a person's life, including where they live, whether they can work and who they can associate with. Again, I suggest that that be part of the review.

Liberty Victoria go on to say that they do not accept that post-sentence detention and supervision orders are not punitive. I understand that of course the aim of them is community safety and rehabilitation of the person, but in terms of their implementation people are required to be detained or they are required to adhere to the conditions of their supervision order.

Liberty Victoria also raise the issue of whether there will be what they call 'equality of arms' for people to resist the making of such orders. They asked:

> For example, will Victoria Legal Aid be funded to respond to such applications?

They made the point that:

> … the eligible offences have been cast too wide.

I think there are a number of competing views about that.

Their letter goes on to say:

> Liberty Victoria does support the bill's retention of the courts' discretion as to whether or not to make an order even if the threshold tests are satisfied. As noted by the government, that is important in preserving the independence of the judiciary.

They are opposed to section 169, which is the mandatory imprisonment for 12 months for breaches of conditions. They also raise concerns about schedule 3 of the bill, which they say:

> … is designed to try to ensure compliance from persons subject to supervision orders in residential facilities …

Mr Morris — Apologies, Ms Pennicuik, but Acting President, I draw your attention to the state of the house.

Quorum formed.

Ms PENNICUIK — In terms of offences under schedule 3 to the bill, Liberty raised the concern that there is significant scope for such provisions resulting in mandatory imprisonment to be misused by police or custodial officers, and I think that is an issue that certainly needs to be paid attention to. Liberty supports the review clause in the bill, as do we. In fact with the previous bill we moved an amendment to include a review, so I am very happy to see that the government included a review clause in the bill.

In terms of the provisions of this bill and the expansion of the eligibility of people to this detention and supervision scheme, it needs to be closely reviewed. I would suggest and hope that that review would be a public review calling for submissions and not an internal Department of Justice and Regulation review. Another point which I have made many times before is that the Department of Justice and Regulation reviews its own legislation in house and does not, in most cases, release that information to the community, but I think on this important issue it should be a public review, as I said, calling for public submissions, and possibly could be implemented three years rather than five years after the commencement of the legislation. As I have said before, that allows for some time to pass but not too much time. With those remarks, I look forward to the committee stage, when I will raise the issues with the minister that I have raised in the debate.

Mr MORRIS (Western Victoria) (16:09) — I rise to make my contribution to the Serious Offenders Bill 2018, and I certainly concur with Ms Pennicuik insofar as it is quite a significant bill in terms of the volume of clauses and the like. It can be difficult at times to get a handle on bills of this size, so it is important that due consideration can be given to such bills.

I note that the primary purpose of the bill and the civil, non-punitive post-sentence scheme within the bill is to enhance community protection by enabling the continued supervision or detention of offenders who have served custodial sentences for specified serious sex offences and serious violent offences but who have been determined as posing further unacceptable risk of harm to the community.

It is certainly a difficult area, because the first and most important role of any government is to ensure that the community is kept safe. As a result of that we need to recognise that even when some offenders have completed their custodial sentences — and many might say, 'Well, they've repaid their debt to society' — unfortunately some of these recidivist offenders still do pose significant harm to the community. It is of course our role in this place to ensure that the community is protected and kept safe from people who may wish to do harm to others, and that is why it is important that this does happen. That is something that we on this side of the house see as being exceptionally important. We recognise that the role of government is to keep the community safe, which is why, if we are fortunate enough to be elected at the next election, that is exactly what we are going to be doing. We are going to be placing victims at the centre of our justice system to ensure that the needs of those victims are prioritised over those of the criminals who commit very serious crimes.

This bill repeals and replaces the Serious Sex Offenders (Detention and Supervision) Act 2009, also known as SSODSA, which is in line with the recommendations of the Harper review. Further, the bill expands the post-sentence scheme to include serious violent offenders in addition to serious sex offenders — under the SSODSA only sex offenders are eligible. I have actually visited, with Mr O'Donohue, Corella Place, a correctional facility in western Victoria, which is where some offenders who do pose that unacceptable risk to the community are housed — not in a jail per se but in a residential-type facility where they are monitored to ensure that the community is kept safe from any potential offending they might commit if they were to be released into the community.

The bill also establishes a legal framework for the supervision of offenders in a new secure residential treatment facility. This facility will have a non-punitive, therapeutic purpose. It will deliver intensive treatment and interventions for offenders. Eligible offenders can have an intensive treatment and supervision condition placed on their supervision order requiring them to reside at the new residential treatment facility. An intensive treatment and supervision condition can operate for up to two years and it can be renewed once for up to 12 months if the threshold criteria continue to be met. On further occasions it will be up to the court, which can only renew the condition if it satisfies the exceptional circumstances test — if indeed those exceptional circumstances do exist.

The bill goes on to create a new emergency detention order, also known as the EDO. The Secretary of the Department of Justice and Regulation will be able to apply to the Supreme Court for an EDO requiring an offender on a supervision order or indeed an interim

supervision order to be detained in prison for up to seven days.

This government tries to talk tough about being serious about addressing the massive increase in crime that we are seeing across this community, and indeed the serious offences that are occurring not just in the community but also in prisons — and it has come to light this week that the number of weapons found in prisons and the like is unacceptably high, which is something this government is utterly failing to address in any meaningful way — but of even greater concern is the fact that despite seeing significant increases in crime, this government is slashing the number of police in the community who are keeping our community safe.

We on this side of the house certainly acknowledge the hard job that the police have in our community in keeping our community safe. That job is made all the more difficult when their resources are being slashed. I note that in Ballarat we have 18.48 fewer full-time equivalent police officers now than we had under the previous government — a slashing of 18 full-time police officers keeping the community safe in Ballarat. This is off the back of a shocking 165 per cent increase in the number of home invasions that are occurring in Ballarat and overall a 13.4 per cent increase in crime in Ballarat since this government was elected.

We are hearing a lot of rhetoric from this government about being tough on crime, and we know there have been some internal party splits about wanting to be serious on crime. Indeed the Premier came out saying, 'We support mandatory sentences for people who assault our hardworking emergency workers', and then we find it revealed in the paper that there are massive splits in the government over support for this. Cabinet ministers are speaking out against it, saying, 'No, I think we should be softer on these thugs who assault ambulance officers and police officers and other emergency workers'. So we know there are massive divisions within the government.

There is only one coalition that is going to be tough on crime and that is the coalition on this side of the house. If after the next election we see the other coalition, which is of course the Labor-Greens coalition, then we know that if people have concerns about the way the justice system is going at the moment, well, I can tell you that they will be in for an even bigger shock once the Labor-Greens coalition occupies the Treasury benches.

Mr Finn — They'll take away the bars.

Mr MORRIS — They would; they would take away the bars from prisons. There has certainly been a view among some on the left that there should not be any prisons at all — that they are unneeded and unwarranted — and that if everybody just sat down and had a nice cup of Milo hardened criminals would change their ways. We know that that is obviously living in a fantasy world. We know that there are some people who are just bad people; there are some people who just should never be allowed out again because of the heinous crimes that they have committed and they will commit once again if they get the opportunity. This is why people are so aghast when they look at what we have seen with our criminal justice system, which in effect has just been a revolving door under Daniel Andrews.

The hardworking men and women of Victoria Police are just continually catching the same crooks to have them put before the courts only to have them released on bail or released in other ways. It must make their job just so much harder when they are catching the same people time and time again, which is why obviously we on this side of the house say that if police oppose bail for a violent offender then what the court must do is not grant bail. If police have concerns about the safety of the community as a result of somebody being let out, then they should not be let out, they should be kept in custody, because at the end of the day the right of the community to be kept safe trumps the right of somebody who has been charged with a serious offence to be out in the community, and that is just the way it should be. I do not think anybody could honestly in any way, shape or form — except those opposite —

Mr Melhem — Judge Morris.

Mr MORRIS — That's not a bad idea, Mr Melhem. I think what we have seen is the rights of criminals under this government being placed higher on the pyramid than the rights of victims of crime.

Mr Gepp interjected.

Mr MORRIS — Sorry?

Mr O'Donohue — It's the industrial left speaking.

Mr MORRIS — Oh, the industrial left, is it? It was a good video too, wasn't it? That was a good video. It was a fabulous video. It was almost Hollywoodesque. We saw Mr Gepp alongside Mr Setka and the like in that Facebook video. If anybody has not seen it, I recommend you see it, because it gives you a good indication of who is going to be running the government if they are elected. It is not only Peter

Marshall but John Setka who will be running a future government if they are elected.

Mr Melhem interjected.

Mr MORRIS — Mr Gepp? Maybe. Maybe you might take Mr Jennings's job. Who knows? Only offenders convicted —

Mr Gepp interjected.

Mr MORRIS — You never know your luck.

Honourable members interjecting.

Mr MORRIS — Leader of the Opposition. That is right. Exactly. Only offenders convicted and sentenced in higher courts such as the Supreme Court and the County Court to a custodial sentence for a serious sex offence or a serious violent offence will be eligible for the expanded scheme, which is instigated under this bill. The serious offences captured are those that target criminal conduct where the motivation or result of the offending is serious interpersonal harm — that is, harm inflicted by a person upon another person. These offences include serious violent offences such as murder, manslaughter, child homicide, defensive homicide, arson causing death, causing serious injury and kidnapping, as well as serious sex offences, which are defined under the Serious Sex Offenders (Detention and Supervision) Act 2009, and incomplete instances of these offences, such as attempts and conspiracies to commit these offences.

As other members have stated, this bill attempts to implement some of the recommendations from the Harper review, which was of course commissioned in 2015 after Sean Price, who was on a supervision order and on bail, committed a shocking murder and then committed further offences against other victims. The review was conducted by the Honourable David Harper alongside Professor Paul Mullen and Professor Bernadette McSherry. The Harper review made 35 recommendations for significant and in many ways quite complex reforms to the post-sentence scheme. The government agreed in principle to implement all of those recommendations. I heard Ms Pennicuik's views on parole in her contribution. Parole is something that many members of the community will engage on with members of Parliament because it is parole and bail that many people have significant concerns about because people feel that when criminals are just given a light slap on the wrist for very, very serious crimes and then that slap on the wrist is not even followed through because a criminal is released on parole —

Mr Finn — Prematurely.

Mr MORRIS — prematurely, indeed, after not serving what many members of the community see to be an appropriate amount of time in prison, this reduces the confidence that many members of our community have in our justice system. The deterrence factor should ensure that a sentence deters not only that individual offender but also the community as a whole. People are walking around saying, 'Well, why would you not commit a crime, because all you're going to get is a slap on the wrist from the justice system, nothing more significant than that?'.

Mr FINN (Western Metropolitan) (16:24) — I rise to support the Serious Offenders Bill 2018. In particular I was caught by the first sentence of the minister's second-reading speech, which says:

> Community safety is paramount to the Andrews Labor government.

Well, I sincerely hope the Andrews Labor government believes that, because nobody else does. The fact of the matter is that under the Andrews Labor government Victoria has had the worst law and order crisis in the history of the state, and this is no coincidence. We have a government led by Daniel Andrews that is so ideologically welded to the left — and I know there are some opposite who believe that it is not as far to the left as it should be — that it has let law and order go to hell in a handcart in this state. It is what we have come to expect from Labor, and I have to say they have not let us down on this occasion. We just have to think of the number of victims who have been subjected to some heinous crimes in this state over the last few years — increasing numbers of crimes, and crimes that we are just not used to in this state. I am talking about crimes like home invasions. A few years ago who had ever heard of home invasions? Who had ever heard of carjackings? These sorts of things just did not happen, but now they have become regular events.

If indeed the government does hold the view that community safety is paramount, I have to ask why this bill is before this house just six sitting weeks before an election. Why didn't we have a bill like this back in 2015? Why has it taken so long? Why are we putting this on the agenda now when of course the public have accepted long ago that this government has totally failed in keeping them safe? The community has accepted that this government largely does not care about law and order in this state. Many victims have said to me personally, 'We just don't know what to do. The government has let us down badly'. I have spoken to victims of home invasions who have actually had to sell their homes and move elsewhere because they

cannot live in the home that was invaded by the thugs. It is pretty rough to think that can happen when you are in your bed at 4 or 5 in the morning, or whenever it might be. You would think it would be the safest place in the world, and it should be, but not in Victoria in 2018, not under the Andrews government. It is not safe at all. We have seen that time and time again.

Well, that has got to change, and I am very glad that change is at hand. It has nothing to do with this legislation; change is at hand because come November this year, this government is going to get the heave-ho. The people have already made up their minds, I think, that this government will go, and it will be largely based on the fact that this government does not have the capacity to protect the community. It has no great desire to protect the community. It talks a lot of nonsense. It talks about community safety being paramount and parrots a few words here and a few phrases there but does not actually do what people want it to do.

It is outrageous that this government has been allowed to get away with what it has. It is just quite extraordinary that we have seen victims being treated so badly. Of course now we have what would seem to be an epidemic of road rage. We had a situation in the last day or so where a man was dragged from his vehicle, bashed and then kidnapped. This is not Johannesburg; this is Victoria. These sorts of things should not be happening. We should not be having home invasions, we should not be having carjackings, we should not be having the sort of violent road rage that we have witnessed so much of over the last couple of years. It is beyond me that this government has sat back and just let it happen. They thought it would pass. I assume that the government thought that if they sat back and closed their eyes and ears, then they would let it pass; it would just wash over all of us. Well, that has not happened. I wish it had, but it has not. We are seeing more and more victims on a daily basis, and if the government was fair dinkum this legislation would not be before the house today; it would have been before the house two or three years ago.

Do not let anybody from this government tell you that they are serious about protecting the community. They are not serious. What they are serious about is rhetoric to win them a few votes, in the hope that people will forget what has happened to them over the past few years, and in the hope that people will forget just how badly the Andrews government has failed them. From one end of the state to the other — metropolitan, regional, country or wherever — this government has failed the people of Victoria. It has not protected them, it has not kept them safe, and law and order has been and continues to be in crisis in this state.

I hear some of the comments from the police that I know — I do know quite a few police officers — and they are in despair. You made the point earlier, Acting President Morris, that many of our police are almost at breaking point because they joined Victoria Police to do a job and to protect the community. Even when police command allows them to do their job — and that is not always the case — when they bring offenders before the courts, the courts let them free. The courts let them walk. I have spoken to police officers who have told me that they have brought drug dealers before the courts and the magistrate has whipped the offender with a feather and let them off, and as the police officers have left the court there is the culprit selling drugs again in his car out the front of the courthouse. If I was a policeman, that would break my heart, and I have nothing but total sympathy for the plight of our police officers in this state.

There are many in our judiciary who should be having a good hard look at themselves, because they too have let the show down. You might wonder how we have got so many people on the bench who take the view that punishment and deterrence are not something that is for them. Of course, as I have mentioned in this house before on many occasions, it was for 11 years a situation where the then Attorney-General, Rob Hulls, made every judicial appointment in this state. He committed what I have described as bench stacking, and unfortunately we are still suffering from that. He is long gone, and for that we can be thankful, but his legacy lingers on. We still have his sorts of magistrates, his sorts of judges sitting in judgement, and that is something that rips at the very fabric of what we all know to be justice in Victoria.

Letting criminals off lightly is bad enough, but the real problem is the total lack of confidence that the public has in the justice system, and that is my great concern. If you talk to people — and we talk about the pub test — if you walk into any pub anywhere and start a discussion about justice, about the legal system in Victoria, people will tell you they have no faith in the justice system, they have no faith in the legal system. In fact they know there is no justice system in Victoria. What we need to do is to restore the justice system. What we need to do is to restore the faith of Victorians in our courts. We need to get the message across that the courts are places where justice is dispensed. Justice unfortunately, in many instances, is a thing of the past. If people think it is bad enough now, if people think that Daniel Andrews and his government are bad enough now, they should consider what will happen given that the only way that the Andrews government will be returned in November is via a coalition with the Greens. The only way that Labor will get back in in

November is in a coalition with the Greens. So if people think it is bad now, just imagine what a Labor-Greens government would do in this state — just imagine.

Mr Dalidakis — On a point of order, Acting President, I am not sure how this is even remotely relevant to the business of the house. I ask you to call the member back to order.

Mr O'Donohue — On the point of order, Acting President, this has been a wideranging debate. Ms Pennicuik canvassed a range of issues across the justice system, as did I in my contribution.

Mr FINN — As did Mr Morris.

Mr O'Donohue — As did Mr Morris. I think there have been comparisons to this bill being the size of a telephone book. It is a very large bill. It covers aspects of policing, the corrections system, the post-sentence scheme. It expands the post-sentence scheme. It touches on a number of issues all relating to law and order in this state, and on that point I would say Mr Finn is making a contribution that is consistent with the debate.

Mr Dalidakis — Further to the point of order, Acting President, I can in absolute good faith accept what Mr O'Donohue says about the wideranging nature of the debate on the legislation. I can accept his commentary about other members of this place, but when the member's contribution goes towards an election, that has nothing to do with the legislation before us. I just do not see the relevance to the legislation when the member is talking about 24 November, which is in the future.

The ACTING PRESIDENT (**Mr Morris**) — I do not uphold the point of order. It certainly has been a wideranging debate to this point, but I would encourage Mr Finn to come back more closely to the substance of the bill.

Mr FINN — I am very much reflecting what has already gone before, Acting President. The fact is that Victoria, in terms of law and order, has a very, very bleak future indeed if we have a Labor-Greens coalition government in this state. This sort of legislation will be very much a thing of the past because as we know, with the tail wagging the dog, we will not have this sort of legislation again. We will not have any form of justice in this state if Labor and the Greens get their way in November and beyond this year.

I am very hopeful that we will very, very soon be able to put in place a program whereby we will have justice in Victoria, where victims will be able to feel that they have been backed up by a system that at the moment is letting them down. They feel it is letting them down. Time and time again we are seeing that, we are hearing that, and that is just not good enough. That is something that none of us in this house should tolerate. I find it intolerable. I hope this legislation goes through, and I hope we get a change of government in November and can get serious about law and order in this state.

Mr O'Donohue — Acting President, I direct your attention to the state of the house.

Quorum formed.

Ms PATTEN (Northern Metropolitan) (16:41) — Thank you, Mr O'Donohue, for providing me with an audience.

Mr Finn — Not for long.

Ms PATTEN — I listened to you, Mr Finn. I rise to speak, albeit relatively briefly, on this very large Serious Offenders Bill 2018. It establishes a number of things. It expands the post-sentence scheme for existing sex offenders to include violent offenders, establishes a legal framework for placing supervised offenders into a new secure residential treatment facility, introduces new emergency detention orders to allow supervised offenders to be detained for up to seven days and provides various management arrangements for those offenders.

I understand and appreciate the reasons why this bill is being introduced and why we would want a scheme that protects Victorians from the risk of serious violent harm and protects us from the most dangerous in our community, and a scheme that would and should only be used in the most extreme circumstances on only a select few, but I do not think this bill does that. This bill does not achieve that, because it does not strike the balance. There is no way, no matter how you look at this bill, that it strikes the balance between human rights on one hand and community protection on the other.

The bill overreaches in a number of ways — the Scrutiny of Acts and Regulations Committee (SARC) report covered that. As we are quite often seeing in this house, we read the SARC report saying a bill breaches the charter of human rights, we read the statement of compatibility where it says it breaches the charter and then we still go ahead and pass it. We say, 'Well, it breaches the charter; however, we think this legislation is still important'.

I echo the Law Institute of Victoria's view in saying that the proposed measures are far broader than is

necessary or proportionate to achieve this absolutely legitimate and important objective of protecting the community from serious violent harm. But, as a I say, no matter how you spin it, how you dress it up, this bill is just not compatible with the Victorian charter of human rights. When we are detaining people, fundamentally we should always proceed carefully. When we do detain someone and we imprison them, generally it has been judged to be proportionate to the offence and the term takes into account the sentencing considerations of the risk of reoffending and community protection. It is what we do now when we send people to prison or even give them community orders.

I would support a post-detention scheme that struck an appropriate balance, but this scheme will not, and I will highlight some of those aspects of concern to me. The net of eligible offences has been cast too wide. Recklessly causing serious injury is a fairly common offence, and therefore this bill is creating a very low bar — so low that it is an offence that can be dealt with in the Magistrates Court. In looking at a recent snapshot of court data available from our higher courts, that offence of recklessly causing serious injury does not even result in a term of imprisonment or a custodial term in around 25 per cent of the occasions that someone is found guilty of recklessly causing serious injury.

I would like to thank barrister Michael Stanton, who wrote Liberty Victoria's comments on the bill, and he said that the test of 'unacceptable risk' also sets an unreasonably low bar — a bar much lower than the usual criminal standard of 'beyond reasonable doubt'. Predicting dangerous behaviour is difficult — it is very difficult — and it is essentially based on opinion, not factual evidence, to the extent that experts in law, psychology and criminology have long recognised the unreliability of predictions of criminal dangerousness. I have not seen anything in any of the information that the government has provided around any scientific validation of the way that they are going about that risk assessment. Australian case law recognises that psychiatrists notoriously overpredict and that predictions of dangerousness have been shown to only have a 33 to 50 per cent success rate, so it is really flipping a coin, and nor do any recognised or valid scientific tools exist. I have yet to find any information that would allay my fears around the unpredictability and difficulty of predicting future dangerous activities of an offender.

I also think that when discussing 'beyond reasonable doubt' if we look at the fact that we have about a 50 per cent recidivism rate, the fact is that a violent offender is going to reoffend — we know that. If you were to use that test at all times, you would probably be detaining just about every single prisoner who had received a prison term for a violent offence. Quite unlike sex offender assessments, we know that the tools used in sex offender assessments — the psychological themes and tools — are a lot more predictable. With respect to this scheme, the combination of a low offence threshold with a low risk threshold and a psychiatric assessment that is more likely to be wrong than right will plainly result in a miscarriage of justice should these laws come into force.

I think the bill is also fundamentally unfair in a number of other ways. When you consider — and the Harper review touched on this as well — the prevalence of intellectual disability amongst offenders already on orders of this type, a mandatory jail sentence for a breach of conditions that include 'obey all instructions given by a supervision officer or a specified officer' could also result in inherently unjust outcomes, like 12 months jail possibly for just not wanting to tidy up your room. This really is draconian. Similarly the government has not made the case as to why new emergency detention orders are necessary, particularly when the bill already provides for police holding powers up to 72 hours. So we have got the 72-hour police holding power, but we are also going to have a seven-day emergency detention order. I think it is troubling that these holding powers can be executed, also without any judicial oversight.

I recognise the important work that was completed by Justice Harper in his review, and I note that this legislation well and truly departs from his recommendations. I am not satisfied that on balance this legislation is a sufficiently proportionate instrument with its objects of keeping our community safe and ensuring that violent offenders are detained while we still feel there is a large risk of them offending again violently. I think we could achieve this through less restrictive means. We certainly should be protecting Victorians from the risk of serious violent harm, but I do not think that this legislation achieves this in a way that appropriately safeguards our human rights. We are one of the few states that has a charter of human rights, and yet constantly in bills like this we just ignore it, we put it in the bottom draw and we pay no heed to it. On that basis I cannot support the bill.

Ms FITZHERBERT (Southern Metropolitan) (16:51) — I am very pleased to have the opportunity to speak briefly on the Serious Offenders Bill 2018. There has been a range of contributions that have been made to this debate so far, and many have focused on the level and the kind of crime that we have, sadly, come to

see as quite prevalent in the community, in particular violent crimes against the person.

Every day it seems there are reports of crimes of this kind. They occur in every suburb against all manner of people of different ages and of different backgrounds, and it seems that we are simply not as safe as we used to be. This is something that the community is concerned about and continually raises. And while the government might seek to dampen down concerns, I think that that is a losing battle on their part. The evidence is out there in the community. People can see it for themselves. They are worried, and they are not happy about how the government is addressing this issue. I think what we have seen from the government in terms of law and order is that they are continually playing catch-up. An issue comes about, the government reluctantly responds and usually it is too little too late.

The prompt of course for this bill was the Harper review, which was commissioned in 2015. This is a response to recommendations within that report some three years later. That report was prompted by a very serious crime in particular. So three years later here were are in the Legislative Council looking at this bill. It is admittedly a very difficult issue. It is an issue that the community has had to grapple with over the years and on a number of occasions.

I note that when this bill was debated in the Assembly at least one contribution made reference to the debates of the 1980s and into the 1990s that focused on an offender named Garry David. I recall that debate within the community about what you do in circumstances where there is a reasonable apprehension that someone is going to continue to be a risk to the community and what means should be put in place to ensure the safety of the community given that whenever someone is put in detention that is a very serious step to take. To extend that detention beyond a person's sentence when it has been completed is an even more serious step, and that is what we grapple with today. It brings into play consideration of whether someone is fully in control of their actions, whether there are issues of mental health or whether it is — as I heard someone refer to it earlier in the debate today; I believe it was Mr Morris — merely someone who is a bad person. These are not easy issues. However, the fact remains that it is an issue that we need to consider as a community, and the safety of the community really needs to come first.

This bill seeks to consolidate and extend the law relating to the protection of the community from ongoing risks from serious offenders after their prison sentence has been completed. The situation is that it relates to a relatively small group of people who are judged to be a future risk to the community and need to be subject to some form of constraint in the interests of the community. This means that there needs to be a very real risk demonstrated by the fact of their prior serious offending, and so this is the issue that this somewhat tardy bill is intended to address. We have in the past looked at the detention and supervision of serious sexual offenders. That is now at the point where it has been extended to offenders for other forms of serious violent crime, based on the assessment that they are a serious and ongoing risk to the community.

The primary purpose of the bill is to establish and enhance community protection by enabling the continued supervision or detention of offenders who have served custodial sentences for specified serious sex offences or serious violent offences but who are determined as posing a further unacceptable risk of harm to the community. The bill repeals the Serious Sex Offenders (Detention and Supervision) Act 2009 and replaces it with a new act. As mentioned earlier, this is in line with recommendations of the Harper review. It expands the post-sentence scheme to include serious violent offenders in addition to serious sex offenders. Under the existing 2009 act only serious sex offenders are eligible.

It also establishes a legal framework for the supervision of offenders in a new secure residential treatment facility. This will have a non-punitive therapeutic purpose and deliver intensive treatment and interventions for offenders. Eligible offenders can have an intensive treatment and supervision condition placed on their supervision order requiring them to reside at the new residential treatment facility. An intensive treatment and supervision condition can operate for up to two years, and it can be renewed once for up to 12 months if the threshold criteria continue to be met. On further occasions the court can only renew the condition if satisfied that exceptional circumstances exist.

The bill also creates new emergency detention orders, or EDOs, whereby the Secretary of the Department of Justice and Regulation may apply to the Supreme Court for such an order requiring an offender on a supervision order or an interim supervision order to be detained in prison for up to seven days, which I note is a different condition to that in the Harper review, which recommended five days.

The Harper review also recommended that the range of offences to be contemplated by this extension of the post-sentence regime to serious violent offending should be those as defined by the Corrections Act 1986.

The final decision, based on being less administrative but difficult, varies this to a narrower list of offences — those indictable serious sex and violent offences that are deemed to have been dealt with by the County and Supreme courts.

As I indicated at the start of my contribution, this bill has been a long time coming. We do know that it affects a relatively small number of currently sentenced offenders who would technically meet the scheme's eligibility criteria during the first 12 months. It has not been clearly explained why we have had to wait so long to be dealing with this bill now — several years — but I think it is in part a reflection of the turnover in personnel that Mr O'Donohue has referred to a number of times in terms of corrections ministers — four so far and counting. There is still time. None, however, has been able to get on top of the portfolio, and that is why this government remains perpetually in catch-up as it pertains to law and order issues.

The law and order issues contemplated in this bill are of course at the very serious end of the spectrum. It is not intended to deal with the sort of crime such as violence against persons or things like home invasions and carjackings that used to seem to be fairly unusual occurrences. Something that we read about overseas is now something that is, sadly, commonplace. This is unfinished business for this government, which it has not at all dealt with in this legislation and which so far it has failed to get on top of. The opposition will not be opposing this bill of course, and I commend the bill to the house.

Mr RAMSAY (Western Victoria) (17:00) — I would also like to make some comments in relation to this bill. Much of what I want to say has been pretty well covered by previous speakers, but I will make some points with respect to the passage of this bill through the Assembly and to this chamber.

Mr Finn gave a good representation of the current state of play. It seems to me that a catalyst is required for the government to respond to the crises that we see in Victoria on a regular basis. I will never forget seeing Lisa Neville's face on TV when she and the Premier, Daniel Andrews, refuted the fact that there were actually youth gangs at work in a way that was orchestrated, methodical and harmful to the community at large. At the same time she refused to acknowledge in fact that these were gangs rather than individuals, and she refused to acknowledge in the main that these youth gangs were from African backgrounds. Through that time the government was in total denial about what was happening out there in relation to violent crimes, and as Mr Finn and others have said, there has been an increase in crimes that we have not seen before on such a regular basis.

Take for example carjackings, where people in the community are dragged out of their cars while they are waiting at a stoplight or hauled out of their stationary vehicles, thrown to the ground and some carjacker jumps in and steals their cars. We have not seen that sort of brazenness of criminals in this state before, yet we are seeing it now on a regular basis. I can talk about home invasions. I can refer to my electorate in western Victoria, and I can pick any number of places that had rarely seen home invasions prior to the Andrews government coming to power.

Mr Dalidakis interjected.

Mr RAMSAY — I can talk about a whole lot of other instances too, Mr Dalidakis. The reality is that even in the early term of the Andrews government, where there was little increase in police through the academy, there was criticism by James Merlino of the protective services officers (PSOs), calling them plastic police. Just generally the demeanour of the Andrews government at the time was, 'There's not actually a problem here, and if there is a small problem, we've got it in hand'. That was the rhetoric coming out of the Andrews government at the time. But now we are seeing, after it is has done some community polling, that it is almost in a rush to send the message out, 'We're going to be tough on crime'. Only when the polling is saying what the community has for a long time now tried to tell the Andrews government — that in fact we do have a problem here — are we getting this reaction and we are getting this flurry of bills coming through to try to strengthen the judicial regime. The police academy now is pushing as many graduates out —

Mr O'Donohue — I draw your attention, Acting President, to the state of the house.

Quorum formed.

Mr RAMSAY — Despite Mr Dalidakis doing his best to interfere with my contribution, I will rally forth. I was talking about the fact that the Andrews government was in total denial of what the community was saying about the increase in crime and the impact it was having on community safety generally. I was saying that in fact during the early years of the Andrews government, the Minister for Police, Lisa Neville, was front and centre at press conferences saying that there was not a problem — there was not a gang problem, there was not a youth crime problem and there was not an African youth crime problem. Jenny Mikakos was

saying that there were no problems in our youth detention centres and that everything was all hunky-dory. Of course history will say that it was otherwise.

In the last six months of its tenure the Andrews government has almost been in a rush to push forward legislation and put out press releases saying it is strengthening the sentencing regime and the judicial regime. I would like to congratulate the shadow minister for both police and corrections, Edward O'Donohue, who has been consistently over the last four years trying to highlight the issues around crime, crime prevention and policing and trying to get the government to galvanise itself to respond to what the community has been saying and what we have been seeing in the statistics — that is, a significant increase in crimes that we do not normally see in the state.

This bill primarily has come out of the Harper review, which was commissioned in 2015 after Sean Price, who was on a supervision order on bail, murdered Masa Vukotic and committed further offences against other victims. The review was conducted by former Justice David Harper, Professor Paul Mullen and Professor Bernadette McSherry. It is three years since that review was commissioned and recommendations made — 35 of them. They suggest reasonably complex reforms to the post-sentence scheme, which the government agreed in principle to implement. We have moved on and still we are looking at bills coming through on the basis of those recommendations made three years ago.

There is slight divergence in this bill from the Harper recommendations. Nevertheless this bill follows the work done by David Harper and his colleagues in their review and also their conclusions, summaries and recommendations. The phased approach has been delayed for too long. We have seen an escalation in crime and we have seen an escalation in sex offences and now in violent crime, all of which this bill encapsulates.

I note that notice has been given of amendments from our side to make sure that the judicial experience is upheld, and I think other parties have flagged amendments as well.

The Serious Sex Offenders (Detention and Supervision) Amendment (Community Safety) Act 2016 implemented a number of recommendations and strengthened the existing post-sentence scheme by providing stronger powers to support the management of serious sex offenders. The Serious Sex Offenders (Detention and Supervision) Amendment (Governance) Act 2017, which came into operation on 27 February of this year, established the Post Sentence Authority to manage offenders on orders and oversee the performance of the scheme. The governance act also established a multi-agency panel to improve coordinated delivery of services to offenders on orders by relevant departments and agencies. I am sure Mr O'Donohue will make further commentary in relation to his amendment to that part of the bill.

As I said, the bill contains some deviations from the Harper recommendations. It is proposing introducing a seven-day detention period in prison for the new emergency detention orders instead of the recommended five days. Some issues — I am not sure if these are going to be considered in the committee stage, but they may well have to be addressed directly if they are not — are in relation to the expansion of the post-sentence scheme, which as I said was historically just serious sex offenders but now includes serious violent offenders. It raises questions about the adequacy of the sentencing regime as well as the rights of offenders to live freely in the community once they have done their time. Obviously there have been some announcements over the last couple of days in respect to how to actually monitor those serious violent offenders who are moved out into the community post sentence, and I will let others comment on that. There also remain concerns around the robustness of the new post-sentence regime regarding the accuracy of individual risk assessments and the unacceptable risk test applied. We may well put that to the test in a closer examination later.

The government is building a new 20-bed security facility at Ararat for the most difficult, dangerous offenders at a cost of around $400 000 per bed. With potentially hundreds of serious violent offenders in the system who may be eligible for this scheme, we will be seeking assurances that this 20-bed facility will be sufficient. There may well be greater demand for more beds once these sentencing bills come through the system.

In closing, my main point is that this bill is the result of the Harper review recommendations. It has taken nearly three years for the government to get to this stage in relation to this bill. I appreciate there have been other bills that have come forward that also encapsulate the Harper review recommendations, but my main point is pretty much what Mr Finn was saying: it is disappointing. I believe the Andrews government has let the community down by having a head-in-the-sand approach in relation to what was happening. We were all seeing it. The crime stats were showing us, the Police Association Victoria was telling us, the

Neighbourhood Watch groups were telling us and local communities were telling us that there was a significant increase in crime. There was also a significant increase in the strategic way that youth crime was escalating, particularly with quite violent responses to our frontline services. Well-orchestrated youth gangs were actually thumbing their noses at our local enforcement officers and were prepared to be arrested knowing that they would most likely be out through the court system within 24 hours without criminal charges.

We have told the government for many years now that in fact the sentencing regime is too soft and there are too many repeat offenders coming through the system. I invite Mr Dalidakis, who mentioned Warrnambool, to come down to Warrnambool or to Geelong, to come down to the Surf Coast and talk to our police down there. They will tell him they are frustrated by the fact that they go through quite lengthy, complicated, and exhausting arrests of offenders. They then provide the court with the background and make recommendations about sentencing only to find the magistrates and judiciary let offenders back out into the community within 24 hours, only for them to start committing similar crimes.

It takes a lot of work to arrest someone, do an interview process and bring them to a court only to find that with the strike of a biro they are out in the community again reoffending. Given the lack of police resources, they were getting particularly frustrated and angry that they were putting so much time and effort into policing yet the next stage of the system was letting them down. My hope is that now the head is out of the sand and that Minister Neville, the member for Bellarine in the Assembly, has a greater understanding of some of the huge tasks that are in front of her as the Minister for Police.

Mr O'SULLIVAN (Northern Victoria) (17:16) — I rise this evening to speak on the Serious Offenders Bill 2018. I will not go into too much detail on the actual bill itself because that has been extensively covered by many before me and I do not want to completely rehash what they have said in this place in relation to this bill. But I do want to make some comments on crime and some types of serious crime, which is obviously undertaken by serious offenders in this state. I want to concentrate my comments in relation to my electorate, which I think is a reasonable place to start.

In terms of serious offenders, obviously serious offenders are committing serious crimes around the state. One of the things that has been really evident in the last few years is that the number of crimes in this state has risen dramatically. It has almost got to the point where people expect crime to keep going up and up and up.

Mr Dalidakis — Crime has started to drop. The crime stats show that it has dropped.

Mr O'SULLIVAN — Mr Dalidakis, I am happy to take up that interjection. They have dropped a fraction off the back of them going up extraordinarily in the three years before that, Mr Dalidakis, and have slightly dropped in the last few months. But what I want to particularly focus on is the area where I have my electorate office, in Bendigo, where crime has increased by 12.5 per cent since you were sitting on that side of the chamber, Mr Dalidakis — 12.5 per cent in just three and a half years. In Shepparton, one of the other areas in my electorate, crime has gone up by 10.9 per cent in just three and a half years. If you break those down further, in Shepparton there were 8056 offences committed in 2017; that is some 22 per day. That is virtually once an hour that a crime is being committed and reported to police in Shepparton.

But that is not covering all the crimes that there are in these areas, because many crimes do not get reported to police. I made a contribution in this chamber a few weeks ago in relation to stock theft in northern Victoria. The president of the livestock group for the Victorian Farmers Federation, Leonard Vallance, was saying that it has got to the point now where farmers who have stock stolen do not even bother to go and report it to the police, because the police are already very busy dealing with what they are dealing with. They have got a horrendous job, and we thank them for the work that they do on behalf of our community in trying to keep us safe with the lack of resources that they have available to them. Nonetheless, they do a terrific job in trying to keep people safe, but they are not getting the support from the government that they deserve to undertake the job that they would like to do in the best way possible.

What is happening is that people do not bother to report crime because they do not want to burden the local police officers, who are already busy out doing a whole range of other things. Many people think, 'They're doing things that are more important than having to deal with my particular crime or victim of crime issue that I've just been dealing with in the last whatever period of time'. That is a sad reflection — where people do not actually go and report crime to the police because they think it is too minor for the police to worry about and because they think the police have got much more serious things to be dealing with. That is not true. All crime is abhorrent.

It is unfortunate that we have to bring in another bill today — the Serious Offenders Bill 2018, which is some 300-plus pages long — to try and deal with some serious offenders. If the Serious Offenders Bill is that thick, I would hate to see how thick the bill would be for normal crime. If one was ever brought into this place, I think it would be about a foot thick with the crime rates that we currently have under this government. In Bendigo there were 9274 offences in the year to December 2017 — that is up 12.5 per cent in just three and a half years — or 26 committed per day, more than one an hour that the police have to deal with. That is a startling statistic when you see the extent of what the police have to deal with in terms of fighting crime.

When police turn up to where a crime has been committed they are never, ever quite sure what they will be dealing with, whether it be domestic violence, aggravated burglary, carjacking or home invasion. Whatever it is, they are not quite sure what they are going to get when they turn up. So it is a horrendous job that they have to do, and it is a pity that the government is not doing enough to support them and not doing enough to support people in Victoria in terms of keeping them safe in their own homes, in their cars, when they walk down the street to go shopping and when they are out socialising. But that is the case unfortunately.

Just today I was talking to a constituent of mine who was telling me that they were recently a victim of a crime that was committed at their house. It is something, I must admit, I have never had happen to me, so I cannot fully appreciate what that would be like — to be a victim of crime in terms of someone coming onto your property, coming to your house and committing a crime. This constituent was telling me that that happened to them, and it very much freaked out his wife; it freaked out his wife enormously. So he had to try and make sure that his wife could feel safe in her own home. He was in a position where he had to go and put in a $2500 security system at his house, which involved video cameras. Those video cameras work on a motion sensor operation where — whether it be daytime or night-time — the cameras actually pick up any movement and start to record that activity. Then what it does, which I think is quite good, is that the system automatically sends that person a text message saying, 'There has been activity at your place in terms of the sensors for your security system', and it actually sends the video of what that activity is. This person showed me two videos: one of them was a cat walking through the backyard and another one was one of the members of his family at night-time bringing in the bins. So that seems like a great system in terms of being able to see what activity you have in your backyard.

Mr Dalidakis — A cat? Was it a black cat, a tabby cat or an alley cat?

Mr O'SULLIVAN — Mr Dalidakis, I do not think crime in someone's home or someone's backyard is something that we should be making light of.

Mr Dalidakis — I was asking what type of cat it was.

Mr O'SULLIVAN — I would think that you would not think that this is something we should see as funny or should make light of. I think that is pretty insensitive of you. I am talking about someone who has had an offence committed at their own home and has had to put in security cameras, and you are making light of that fact. I do not think that is an appropriate response from a senior minister of government, but —

Mr Dalidakis interjected.

The ACTING PRESIDENT (**Mr Melhem**) — Order! Mr Dalidakis! I do not think Mr O'Sullivan needs any assistance. Mr O'Sullivan, can you direct your comments through the Chair, please.

Mr O'SULLIVAN — I will continue to do that. This person had to put in a $2500 security system with video cameras, motion sensors and a system where the video is fed back through a text message to his phone so he can see any activity that is occurring at his property. Obviously if there is someone who should not have been there, that is when you would call the police, and the police hopefully would come as quickly as possible, if they were not too busy doing something else, to have a look at that situation. So it is a good thing that you can make a family feel safe in that way, but we should not have to go to that length — to put an elaborate, expensive security system in our homes to try and make our family feel safe. Unfortunately that is an increasing activity in this state. This was not in Dandenong. It was not in Corio in Geelong. It was not in one of the areas where you would expect high crime rates. This was in a regional town of a few thousand people up along the Murray River. You would not expect that level of crime to be in that space.

There are reasons that I think crime in this state has increased, particularly over the last three years. If someone feels they are going to do something wrong, it is all about, one, whether they are going to be caught, and two, whether they are going to get the appropriate punishment. As we know, punishments can act as a deterrent for other crimes. Under this government I

think there are too many people out there who decide it is worth the risk of committing a crime because they do not think there is a very high chance of, one, getting caught or, two, being punished.

Now, the police are doing absolutely everything that they can to catch people, but they are under-resourced. There are not enough of them around. We heard Mr Morris today talking about how there was a reduction of 18 police in Ballarat in the last three and a half years, so there is an example of the government not respecting the people of Ballarat in terms of having appropriate police resources made available to them. Ballarat is not in my electorate, but I am sure that example can be replicated elsewhere. Also, in the other chamber today there was commentary about a whole lot of police stations around Melbourne that were either shut or had had their opening hours reduced. So if this government thinks it is doing anything in relation to crime in this state, it is not. Police stations are closed, and their doors are not open as much as they were when we were on the other side of the chamber.

In terms of some of the other areas that we need to look at, there is no doubt drug offences are a problem as well. There is no silver bullet to solving that situation. There is also no doubt that rampant drug use in this state is fed by people committing crimes. They go out and find something that they can steal and then sell it down some dark alley somewhere. Then they go and buy more drugs to feed their habit. There is no doubt that there is a serious drug problem in the state and I do not think this government is doing enough to address that either.

In terms of the Serious Offenders Bill, I would like to commend the work that was done particularly by David Harper in relation to the Harper review off the back of the tragic situation that happened in 2015. That report came out in 2016. I do find that a bit frustrating. If this government were serious about what they were doing in relation to serious crime in this state, they would not have waited two years —

Honourable members interjecting.

The ACTING PRESIDENT (**Mr Melhem**) — Order! Mr O'Sullivan to continue.

Mr O'SULLIVAN — As I was saying, Mr Harper put out this report in 2016, and it has taken until the middle of 2018 before this legislation has finally come into the chamber. We have had to wait a long time for this bill to reach this chamber. If the government were as serious about addressing this issue as they think they are, they would have brought this in much sooner than they have, rather than just rushing it in at the end of a parliamentary term because they have legislation that they need to try to get through before they are booted into opposition on 24 November.

I would like to thank the people involved — David Harper in particular, Paul Mullen and also Bernadette McSherry — for the work that they did in coming up with the 35 recommendations as a part of this report. What has been terrific from my time in Parliament is sitting on this side of the chamber and listening to some of the great contributions that are made in relation to this space, particularly from Mr O'Donohue. Day in, day out he asks questions of the government in relation to the Harper review and why its recommendations have been delayed so much in terms of coming forward through legislation. Mr O'Donohue certainly takes this issue very seriously, as we have observed over the last couple of years not only in his speeches but also through his continued efforts to try and get this issue dealt with properly.

Ms TIERNEY (Minister for Corrections) (17:31) — This bill deals with important reforms to the post-sentence scheme and, along with related operational reforms, will acquit the remaining outstanding legislative recommendations of the Harper review. I want to take this opportunity to thank Justice Harper, Professor Paul Mullen and Professor Bernadette McSherry for their diligent work and considerate report. In summary, the bill will repeal and replace the Serious Sex Offenders (Detention and Supervision) Act 2009, SSODSA, with new legislation that expands the post-sentence scheme to include serious violent offenders, a key recommendation of the Harper review. It expands accommodation options for offenders on post-sentence orders by providing a legal framework for the supervision of offenders in a new secure residential treatment facility that will offer a new step-up, step-down option. It will also enhance the powers to deal with imminent and escalating risk of post-sentence offenders by creating new emergency detention orders. Importantly, in line with the recommendation of the Harper review the bill also includes a requirement that the legislation be reviewed within five years of operation. I am heartened by the engagement of members on this important community safety reform.

I also note that questions have been raised during the course of the debate about ways in which the bill departs from the recommendations of the Harper review. As I have outlined during the course of the debate, these departures reflect careful analysis and consideration of the operational and legal constraints involved. Of fundamental importance is the need to

ensure the continued legal validity and charter compliance of the scheme. I am confident that we have struck the right balance in terms of eligibility, noting that eligibility is not the same as suitability for an order. Ultimately it is the courts that determine which offenders present such an unacceptable risk to the community.

The new facility, Rivergum, is unique to the Victorian post-sentence scheme. There is no equivalent anywhere in Australia. This facility will provide the courts with an option to place serious violent offenders and serious sex offenders into a purpose-built intensive treatment environment. This facility provides an option for managing those offenders that cannot be safely managed on orders within the community, including in existing residential facilities. Putting serious violent offenders into a facility such as Corella Place is not desirable. It is the experience of Corrections Victoria that putting groups of violent, antisocial individuals together without strict controls on their movements can increase the risk of escalating violent offending and therefore put the community at risk.

A number of my colleagues have made comment about the costs of some of the elements of this scheme, but what price do you put on community safety? The government is unapologetic for making this investment in keeping Victorians safe.

It has been suggested that the statement of compatibility and the report of the Scrutiny of Acts and Regulations Committee (SARC) state that the bill is not compliant with the Charter of Human Rights and Responsibilities. This is not the case. The statement of compatibility is clear that the bill is charter compliant and that any restrictions on human rights are lawful and not arbitrary. The SARC report raised some questions regarding eligibility for the scheme; however, it did not find that the bill is incompatible with the charter.

In terms of the government's proposed amendments, which have been circulated already, as mentioned by my colleague Mr Elasmar, the government has two house amendments. The first relates to the prosecution of a contravention of a supervision order. As part of the rewrite of the Serious Sex Offenders (Detention and Supervision) Act 2009, the provisions regarding the prosecution of a contravention of a supervision order were updated to reflect modern drafting. It was intended that the updated provisions would retain the current procedures in relation to proceedings for contravention offences; however, in redrafting these provisions it has been identified that the clause as drafted may give rise to some ambiguity and may have implications for how these provisions will be interpreted by the courts.

To avoid any doubt and minimise the risk of legal challenge, the government is proposing a house amendment to ensure that there is no ambiguity. This is a technical but nonetheless important amendment that will ensure that it is clear that the rules, practice and procedure of the Magistrates Court continue to apply to proceedings for a contravention offence so that: the offence of contravention of an order is an indictable offence that may be tried summarily; where the charge is to be heard and determined summarily the consent of the accused is required; and where the court grants the summary hearing for the charge the maximum term of imprisonment that may be imposed is two years.

In relation to serious interpersonal harm, which was a question from Mr O'Donohue, serious interpersonal harm is a term used in the Harper review to describe significant harm against the person, whether the offending that results in the harm is sexual or violent in nature. It is not a term defined or used in the bill. The offences in schedules 1 and 2, Mr O'Donohue, are those that result in serious interpersonal harm.

There was also a question in relation to the progress of the Post Sentence Authority. The authority has been up and running since 27 February and, under the leadership of Judge Gray, has had a smooth transition from the Adult Parole Board of Victoria. The authority is fulfilling its functions of issuing instructions and directions to offenders on post-sentence orders. The authority has held 50 meetings and considered 350 matters since its establishment. The authority has issued 101 instructions and directions. Authority members have been to visit Corella Place and the detention unit at Hopkins Correctional Centre. Judge Gray has been actively engaging with stakeholders about the authority's operations and the authority has been reviewing coordinated service plans developed by the multi-agency panels that were also established under the governance act to ensure that agencies responsible for the provision of services to offenders are brought together and coordinated.

I should mention also that I visited the Post Sentence Authority fairly recently and met with Judge Gray, Justice Harper and a number of other board members, and I could not help but be impressed with the work that they have done and indeed how Emma has organised the infrastructure in such a newly established and important agency.

There was a question from Mr O'Donohue in terms of exceptional circumstances. It is anticipated that extensions of an intensive treatment and supervision condition for a fourth or subsequent year will be sought in circumstances where offenders residing there are engaged in treatment and other programs to reduce their risks but would benefit from a further year of intensive treatment and supervision to assist them to transition into the community under supervision, Mr O'Donohue. By their very nature exceptional circumstances are not defined in legislation. However, to assist in the debate in the house, for example, of such exceptional circumstances, it might be that an offender is close to making a therapeutic breakthrough or may be going through a period awaiting a new regime of medication to take effect.

There was also a question about what happens to those who continue to pose a risk at the end of their term at Rivergum. Because of the intensive treatment, interventions and supervision by case workers that will be provided at Rivergum to reduce the risk of the offender reoffending, it is anticipated that the majority of offenders will be successfully transitioned to being supervised in the community. Every offender required to reside at Rivergum will have an individualised treatment and supervision plan that will outline the treatment and programs that will be provided to the offender and that is directly linked to reducing the offender's risk and how this will result in the planned transition out of the facility.

The bill does allow for extensions of an intensive treatment and supervision condition for a fourth or subsequent year to be sought in exceptional circumstances where offenders residing there are engaging in treatment and other programs to reduce their risk but would benefit from a further year of intensive treatment and supervision to assist them to transition into the community under supervision. However, where an offender becomes resistant to therapeutic benefits offered by Rivergum and poses an unacceptable risk of committing serious sex or violent offences and cannot be safely supervised in the community or a residential facility, they may be eligible to be placed on a detention order by the Supreme Court.

There was a question about what work has been done to assess other schemes in other jurisdictions. Equivalent schemes in other jurisdictions were assessed in the development of the bill, particularly the New South Wales and South Australia schemes, which apply to both serious sex and violent offenders. A number of aspects of the bill were drawn from those schemes. For example, the emergency detention order provisions in the bill are modelled on the New South Wales scheme but have been adapted where necessary to fit the Victorian context, such as the period of operation, which after careful consideration and assessment has been set to up to seven days tailored to the Victorian system in comparison to five days in New South Wales. As an example of a point of difference with other jurisdictions, most of the other jurisdictions link the assessment of an offender's risk with the offence that makes the offender eligible for the scheme.

This means that a serious sex offender will be assessed against the risk they pose of committing a further serious sex offence only, without consideration of the risk that they may commit a serious violent offence. In contrast the bill reflects the Harper review finding that there is not always a clear delineation between sexual and violent offending. Accordingly, the bill enables the court to assess a serious sex offender's risk of committing a further serious sex offence as well as the risk of committing a serious violent offence and vice versa. The intensive treatment and supervision condition is unique to Victoria's post-sentence scheme and has arisen directly from the Harper review recommendations. The condition addresses the current gap in Victoria's scheme by providing for a step up from community accommodation while also addressing key recommendations of the review by providing for investment in treatment for offenders to reduce their risk of reoffending and better integrate them back into the community.

In terms of costs, I have touched on that. Why didn't this bill go to a select committee? I think that was a question from the Greens. The fact is that the matters in this bill have been well canvassed by the Harper review — the governance review.

Some members have noted that the government has taken some time to get the balance of this bill right. In terms of the progress of the implementation of Harper — there was a question from Mr O'Donohue — the Harper review made 35 recommendations, and as a result of the 2017–18 budget each of the 35 recommendations has been fully funded. To date 24 recommendations have been implemented, including 14 recommendations that were acquitted by the Serious Sex Offenders (Detention and Supervision) Amendment (Governance) Act 2017. The Serious Offenders Bill and associated operational reforms will implement a further 10 recommendations. The government will have acquitted all 35 recommendations with the residential service coming into operation later this year. In line with Harper's recommendations and consistent with arrangements under the Disability Act 2006, the Department of Justice and Regulation and the

Department of Health and Human Services are undertaking work together to develop a new forensic disability service to meet the needs of serious offenders with a disability. Work is underway to identify this area.

In terms of rehabilitation of offenders — I think it was a question from Ms Pennicuik — Corrections Victoria delivers a targeted suite of interventions for suitable sexual and/or serious violent offenders under sentence. Recommendations for interventions and specific treatment targets are based on the outcomes of a clinical assessment process. Intervention programs aim to directly address criminogenic need and reduce the risk of reoffending in line with the risk-need-responsivity model of offender rehabilitation. This model incorporates a set of empirically validated principles which provide direction for assessment and treatment in a wide range of offending populations.

In terms of compatibility with the Charter of Human Rights and Responsibilities, I believe I have covered off in that area.

In respect to the proposed amendments from Mr O'Donohue — and I thank the honourable member for his contribution in the debate — they would allow sitting as well as former judges to be appointed as chair and deputy chair and would exclude magistrates and Australian lawyers with 10 years of service from these roles. As the bill currently stands it provides for the long-term sustainability of the authority and ensures that the chair and deputy chair have the required expertise, experience and gravitas.

The government will not be supporting the proposed amendments as they seriously jeopardise the scheme for two reasons: moving forward, the role of the authority will increase significantly with the broadening of eligibility for the scheme to include eligible serious violent offenders as well as serious sex offenders, and it is vital that the very best appointments to the authority can be made from a sufficiently large pool of eligible and highly qualified candidates; and succession planning is very important in a small, specialist body such as the authority, providing a broader pool of qualifications to attract a deputy chair.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1

Mr O'DONOHUE — Thank you, Minister, for the responses to the questions I posed in the second-reading debate and providing that information. That is very helpful. I have just a couple of follow-up questions, if I may. You said the Post Sentence Authority (PSA) has had 50 meetings thus far and considered 350 —

Ms Tierney — Do you want clarification on that?

Mr O'DONOHUE — Thank you.

Ms TIERNEY — It was 350 matters.

Mr O'DONOHUE — Thank you. What does a matter constitute? Is that an individual and their plan; is that what we are talking about?

Ms TIERNEY — I will get advice. I think it is wider than that. It is a range of things, Mr O'Donohue. It is looking at the plans for each offender. It is checking in with them. It is dealing with the coordination of services as well — a range of matters.

Mr O'DONOHUE — Thank you, Minister. You spoke of the work the PSA has been doing and the energy of the chair and deputy chair to implement the new model in addition to picking up the detention and supervision order (DSO) division functions from the Adult Parole Board of Victoria (APB). I appreciate your answer in response to that. One of the key challenges for any government working across government is to get the buy-in from the agencies, the departments, to make that objective real. Can you give some commentary, noting the enthusiasm of the PSA leadership and staff, whether that is also reflected in the other agencies that are involved in making these coordinated service plans?

Ms TIERNEY — Yes. The enthusiasm of the chair and the deputy chair, not to mention the members who I met and the other staff I met on the day, was quite astounding. I think everyone is very optimistic and very excited about being part of something that is very new and something that is quite challenging as well.

In terms of who else is involved in terms of the agencies, obviously the responsible agencies are the Department of Justice and Regulation (DJR) — and I understand that there has been very, very close cooperation in respect to that. In fact the chair and the deputy chair made a point of saying time and time again that they really appreciated that connection and that it was very helpful — the Department of Health

and Human Services (DHHS), obviously, and Victoria Police. So there is a high level of cooperation, and I have not had any indication that there is anything untoward. In fact everyone is highly energetic and just wants to get on with the job.

Mr O'DONOHUE — Thank you, Minister, for that answer. I just have another follow-up in relation to 'exceptional circumstances'. From the examples you gave the house — and whilst it will be a matter for the court of course — it sounds like it is quite an open or expansive view of 'exceptional circumstances' from those examples that you provided. Would that be a fair characterisation?

Ms TIERNEY — I would not characterise it as open as such. I would probably prefer to characterise it as evidence based and clinically based.

Mr O'DONOHUE — Again, Minister, this is a question I had for later on, but I thank you for mentioning this in your summation. It is on this point of where to from Rivergum, noting that the Harper review identified the need for a step-up facility but there does appear to be a gap in the step-down process. I note your comments that with intensive treatment and intensive supervision the expectation would be that offenders in Rivergum would step down to living in the community. That is a different model, though, from what has been developed for serious sex offenders — from Corella Place to Emu Creek and onto a supervision order. So it does appear on its face to be a gap in the system, noting that Rivergum fills a gap in and of itself.

Ms TIERNEY — This was also a matter that was raised in the other place by a number of people. The residential facilities like Corella Place, which unlike Rivergum do not have a secure perimeter — you are well aware of that — have been developed to meet the particular needs of serious sex offenders and are not appropriate for housing groups of violent offenders together. Requiring groups of violent, antisocial individuals to reside together without strict controls on their movements would increase the risk of further violent offending and therefore the risk to the community, which I mentioned in my summation.

We believe that the community will be better protected by ensuring that offenders on supervision orders are subject to a range of strict conditions and close monitoring. These conditions can be used to ensure that offenders do not associate with other violent offenders who may increase their risk of reoffending through committing further violent offences, and I think you would appreciate that. The range of conditions would include curfews, no-go zones and of course electronic monitoring; requirements to attend treatment and rehabilitation programs; prohibitions on drug or alcohol use and requirements for drug and alcohol testing; and prohibitions on internet use, contact with certain persons or engaging in certain types of behaviour that may increase the risk of reoffending.

The court of course may also apply a condition as to where an offender is to reside. Corrections Victoria will assess a property before a condition of residence is made to identify any risks associated with it and ensure that any such risks can be managed. Without the reforms in this bill serious violent offenders who continue to pose an unacceptable risk to the community at the end of their sentences will be released into the community without condition or supervision, and this is a very important point in this bill.

Mr O'DONOHUE — Thank you, Minister. On this side we are not disputing these points, and I was not suggesting that someone from Rivergum use Corella Place as a step-down facility. I am making the point, though, that from Corella Place an offender can be stepped down to Emu Creek and then into the community on a supervision order. Under this model for violent offenders the step down is from a walled, much more prison-like and more restrictive environment than Corella Place to the community. Was consideration given in the development of Emu Creek to having different sections — perhaps a walled section and a section that is not walled — to provide that step down from a very restrictive environment to a less restrictive environment and then into the community on a supervision order?

Ms TIERNEY — As I said in the second-reading summation, it is the view of Corrections Victoria that it is not a good idea to have a large group of serious violent offenders housed in the one location. The distinction with Rivergum is that it has highly intensive treatment and people have individualised rehabilitation plans. So there is a view that with all of the effort that is put into rehabilitation there is a higher success rate in trying to deal with the issues at hand and to integrate the person back into the community when they are not seen to pose a level of serious risk to the community.

Mr O'DONOHUE — Thank you, Minister. I hope you are correct. I hope Corrections Victoria are correct and that that intensive treatment and intensive supervision will provide that ability to step down, but, as I mentioned in my second-reading debate speech, the expectation when the Serious Sex Offenders (Detention and Supervision) Act 2009 (SSODSA) was introduced in 2009 was that with intensive treatment at Corella Place offenders would be able to step down to a

supervision order. That has not happened in a way that I think was anticipated when the SSODSA was introduced, but I will leave it there. I think there is arguably a gap in that space, but I will leave that point there.

Minister, you referenced that the emergency detention order is modelled on the New South Wales scheme and adapted to Victoria's requirements. Which jurisdictions in Australia have a post-sentence scheme for violent offenders?

Ms TIERNEY — My understanding is New South Wales and South Australia.

Mr O'DONOHUE — Minister, I do apologise, I did not catch all the detail about the new forensic disability service that you referred to in your summation. Do you mind just reiterating what that is about?

Ms TIERNEY — There is a recommendation, as you well know, in the Harper review in relation to an eight-bed arrangement. There are discussions and investigations going on in terms of the best way to go about that in terms of providing the service that is the intent of that recommendation. Those discussions are going on between DJR and DHHS.

Mr O'DONOHUE — Has a location for that facility been determined?

Ms TIERNEY — No.

Mr O'DONOHUE — Is the DJR well advanced in its thinking and near a position where that decision will be made?

Ms TIERNEY — As I understand it there are a number of options that go to service delivery that will fulfil that recommendation.

Mr O'DONOHUE — Minister, thank you for those answers. I have some general questions now, and then some questions in relation to specific clauses — especially at the front of the bill — if I may pose those now. Minister, I do not mean to be churlish about this because I know it is a very complex bill, but can you respond to the point that the government has had the Harper review for two and a half years, so why has it taken that period to get this bill here today?

Ms TIERNEY — This has been raised by a number of speakers so I am pleased to have the opportunity to respond. The implementation of the Harper review recommendations represents the biggest reform to the post-sentence scheme since it was introduced a decade ago. The expansion of the post-sentence scheme to include serious violent offenders is complex, both legally and operationally. As the Harper review emphasised, the reforms have been carefully considered and crafted to ensure that they are constitutionally valid and compatible with the Charter of Human Rights and Responsibilities Act 2006. The bill acquits the remaining recommendations requiring a legislative response arising out of the Harper review.

Mr O'Donohue, can I say that the Harper review recommendations are complex and do require legislative and operational changes which have been achieved over a series of phased reforms. It is not as if this is a piece of legislation that is just hanging out there. There have been a number of things we have been doing. We have been working really hard in a range of areas. We made immediate changes to address critical concerns that were addressed by the Harper review in 2015, with new police powers and a new presumption against bail to strengthen and improve the management of serious sex offenders via the Serious Sex Offenders (Detention and Supervision) and Other Acts Amendment Act 2015.

In 2016 we also introduced the Serious Sex Offenders (Detention and Supervision) Amendment (Community Safety) Act 2016 to further strengthen the scheme by ensuring that the safety and protection of the community is the paramount consideration when making post-sentence decisions, as well as reforms to improve the scheme's ability to manage serious sex offenders, risks of violent offending and conduct, and to extend police holding powers.

Last year, as you know, the Serious Sex Offenders (Detention and Supervision) Amendment (Governance) Act 2017 importantly established a new independent statutory body — the Post Sentence Authority — to oversee the scheme and multi-agency panels to improve information sharing and the coordination of the delivery of services to offenders.

To say that this government has not been doing anything and that it has been sitting on its hands —

Mr O'Donohue — I did not say that.

Ms TIERNEY — Some people have this afternoon, Mr O'Donohue. It could not be further from the truth. We have been working tirelessly, and as I said, this is the last tranche of recommendations that require a legislative bill, which is before us today.

Mr O'DONOHUE — Thank you for that answer, Minister. Just for the record I think the second reading or the statement of compatibility refers to 118 people

on a supervision order or subject to the SSODSA at the moment — a supervision order or a detention order. Can you update the house on how many offenders are on a supervision order and how many are on a detention order as of today?

Ms TIERNEY — Mr O'Donohue, I can give you data as of 27 April. There are 138 offenders subject to supervision orders, including nine offenders who are subject to interim supervision orders. Of these, 76 are accommodated in residential facilities — Corella Place, Emu Creek — 38 are living under supervision in the community, 24 are in prison and there are currently three offenders on detention orders.

Mr O'DONOHUE — Again, just for the record, Minister, the department kindly gave an estimate of numbers, and I appreciate that it is only an estimate, because it is a matter for the court and things change — risk profiles can change. Just for the house's information and for the record, what is the anticipated number of eligible offenders that will be brought into the scheme as a result of broadening it to include violent offenders and what sort of number of extra offenders is Corrections Victoria anticipating will be subject to the scheme once that eligibility is broadened? Again, I note that it can only be an estimate because it is a matter for the court.

Ms TIERNEY — There is also the issue of making the distinction between eligibility and suitability, but I will try and see if I can get something for you.

As the member would appreciate, the number of eligible offenders changes constantly as new offenders are convicted and enter the prison system and others leave the system. However, based on the eligibility criteria of the bill, as at May this year there are 159 serious violent offenders who meet the criteria whose sentences are due to expire within the 2018–19 financial year. It is important to recognise that eligibility, as I mentioned before, is not the same as suitability. Applications for orders will only be made for those offenders deemed, following assessment, to be an unacceptable risk, and it is the courts that will ultimately make decisions about whether or not a post-sentence order is made.

I am happy to also go to the issue of what is expected to be the increase in the number of offenders on orders. The way in which the expanded scheme will operate after the bill commences in terms of the likely number of applications for serious violent offenders is dependent on a range of unknown factors. The courts are, as you said, ultimately responsible for making decisions about whether or not an order is made, and it is not possible to pre-empt the likely decisions of the court for obvious reasons. It is also not possible to predict the impact of operational changes being made in response to the Harper review.

These changes will mean that offenders are notified of their eligibility at the commencement of their prison sentence. They will be provided with treatment early in their term of imprisonment and will be reminded of their eligibility for a post-sentence order if they refuse the treatment and rehabilitation provided. Knowledge of their eligibility for the post-sentence scheme should act as a powerful incentive for offenders to engage in appropriate programs during their sentence period in order to reduce their risk of reoffending and therefore the likelihood of their posing an unacceptable risk to the community at the end of their sentence, thereby requiring continued supervision or detention.

Mr O'DONOHUE — Thank you, Minister; that is a helpful answer. Just on the number of offenders who may be eligible because of the broadening of the scheme, I think it is interesting — it is one of the key tenets of Harper, and you have referred to it in your summation, Minister — that some sex offenders are also violent offenders and vice versa. That extra cohort that Corrections Victoria has identified I assume covers both the serious sex offenders and the violent offenders that would be eligible, or is that violent offenders only?

Ms TIERNEY — I am advised that the 159 that I mentioned are specifically serious violent offenders. To clarify, that number is 158.

Mr O'DONOHUE — Thank you, Minister. The concept that you have referred to — of identifying the potential offenders when they come into the prison system — is to be lauded and I agree that the prospect of a supervision order or worse is a strong incentive to address the causes of the offending behaviour. The type of treatment or intensive program that is envisaged at Rivergum is different to what occurs in the prison system now. Can you speak to operationally how the delivery of those services to those prisoners will be different, from a program perspective, from the traditional Corrections Victoria programs? And have extra resources been provided to Corrections Victoria to run those more intensive programs in the prison system?

Ms TIERNEY — Mr O'Donohue, the point of difference is that these are very intensive, very individualised therapeutic treatment programs where we have specialists in the area — clinicians, a whole range of people. As you know, there is an individual plan that is developed by the agencies so that there is a

whole wraparound approach to the offending behaviour and what needs to be put in place in respect to confronting that behaviour and rehabilitating the person. So it is highly specialised and it is highly individualised, and this is because, as you can remember and recall, this is about the worst of the worst cohort. We are trying to tackle — and Harper was very clear about this — the worst of the worst, and this is how operationally it is treated.

In terms of the money that is provided, it has already been budgeted for. I can go to the detail of that, but it is nothing new. It was contained in the budget last year and this year. I will just get those figures for you.

The total capital cost for the build is just under $50 million, and the operating cost is $24 million over four years, or $8.6 million a year.

Mr O'DONOHUE — That is for Rivergum?

Ms TIERNEY — Yes.

Mr O'DONOHUE — I appreciate that information. I was interested in the in-prison model, though, for these.

Ms TIERNEY — That is general?

Mr O'DONOHUE — Yes. Are these offenders going to be concentrated in a couple of prisons where these more intensive programs can be delivered? What is the model for dealing with this cohort in prison?

Ms TIERNEY — These are people that are not on the post-sentence scheme. They are actually serving their sentence in jail; is that right?

Mr O'DONOHUE — Yes.

Ms PENNICUIK — I have got a question along the same lines. You mentioned the 158 that are eligible in this coming year. So let us say there are approximately 150 per year. Who knows? I am interested too in whether there is going to be a special effort now for prisoners who are informed that they would be eligible, due to the provisions in the bill relating to schedule 2 matters heard in the higher courts, to have special programs put in place for them straightaway. I ask that question because I have raised many times in the Parliament the fact that the reports are that so many people go a long way into their sentence before they are actually offered programs or are included in programs. Of course some of these offenders will have quite long sentences given the offences they have committed, so I just wanted to add that.

Ms TIERNEY — The advice I have received is that because people will be advised of their eligibility right at the beginning they will be provided with treatment early in their imprisonment and will be reminded of their eligibility. So it is seen as part of the ongoing rehabilitation process. I will just get further information for Mr O'Donohue.

As a result of the allocations that were in last year's budget, it will triple the number of rehabilitation programs in the general prison population but there will be a particular focus on treatment at the beginning and at the end of the sentence.

Ms Bath — Acting President, I would like to draw your attention to the state of the house and ask that you count the numbers in here, please.

Quorum formed.

Mr O'DONOHUE — Minister, I appreciate that advice about the increased funding. Corrections Victoria has certain prisons which have more sex offenders or more protection prisoners. Is it anticipated that these extra programs for this violent cohort will be coordinated through one or two particular prisons, or will this be a system-wide process?

Ms TIERNEY — This is in relation to the general prison system, people that are not under the post-sentence scheme; is that right?

Mr O'DONOHUE — That may be eligible.

Ms TIERNEY — That may be eligible later on. Increased access to programs is across all prisons, Mr O'Donohue.

Mr O'DONOHUE — I just have one further question on clause 1, Minister. Was there consideration given to retaining the SSODSA as it currently stands and amending it to incorporate these changes? Why was a full repeal required?

Ms TIERNEY — The answer is yes, but the advice from parliamentary counsel was that modernisation was required.

Clause agreed to; clauses 2 to 7 agreed to.

Clause 8

Mr O'DONOHUE — Minister, clause 8 talks about eligible offenders. It says a person is an eligible offender if the person is of or over the age of 18 and the Supreme Court or the County Court or an equivalent court of another state or territory has at any time imposed on the person a custodial sentence for a serious

sex offence or a serious violence offence. I have two questions in relation to clause 8, and these are dealt with in part in the explanatory memorandum and in the bill briefing. I just want to get on the record the reason why there is the change to limit actions that are heard in the Supreme Court or the County Court and not the Magistrates Court, as was the case in the SSODSA — that is the first question. The second question is the bill refers to the equivalent jurisdictions in other states; is that element introduced in this bill or was it existing in the SSODSA, if that makes sense?

Ms TIERNEY — Instead of taking a piecemeal approach to the issue of eligibility, because it has been raised across a number of places in recent times —

Ms Pennicuik — On a point of order, Acting President, I cannot hear what the minister is saying.

The ACTING PRESIDENT (**Mr Melhem**) — Can I ask members to take their conversations outside? There are people on iPhones. Thank you, Ms Pennicuik. The minister to resume.

Ms TIERNEY — Offenders convicted and sentenced by the Supreme Court or County Court for a serious sex offence defined under schedule 1 or a serious violent offence defined under schedule 2 will be eligible for the scheme. It is important to note that although all offenders who meet this criteria will be eligible for the scheme, applications for orders will only be made for those offenders deemed on the basis of assessment reports to pose an unacceptable risk.

So then there is the natural question: what are the eligible offences that relate to serious violent offenders that will now be subject to the post-sentence scheme? There is a list of new eligible violent offences outlined in schedule 2 of the bill, and it includes the following most serious offences against the person: murder, manslaughter, child homicide, defensive homicide where the offender was convicted and sentenced prior to this offence being abolished in 2005, causing serious injury intentionally in circumstances of gross violence, causing serious injury recklessly in circumstances of gross violence, causing serious injury intentionally, causing serious injury recklessly, kidnapping and arson causing death.

There have been questions about whether there are any changes to the list of eligible sex offences included in the SSODSA, and the answer is yes. There are two new offences being added to the list for serious sex offenders: home invasion when committed with the intent to commit a serious sex offence and aggravated home invasion when committed with the intent to commit a serious sex offence.

In addition, two summary offences will be removed from the list because these offences are heard in the Magistrates Court, not the County or Supreme courts. These offences are distribution of intimate images, with a maximum penalty of two years imprisonment, and threat to distribute intimate images, with a maximum of one year's imprisonment. These offences are less serious in nature and were introduced recently to cover the practice of revenge porn, which is sending images of another person's private parts without their consent, so their exclusion from the scheme is consistent with the Harper review and the recommendation that the post-sentence scheme should be confined to those offenders who pose the greatest risk of causing serious interpersonal harm. I could go on in terms of the eligibility, Mr O'Donohue.

Sitting suspended 6.31 p.m. until 7.32 p.m.

Clause 8 further discussed.

Ms TIERNEY — The question was: why do the eligibility criteria require an offender to have been convicted and sentenced in the higher courts? Mr O'Donohue wanted this on the record. The requirement that an offender must be convicted and sentenced in the County Court or the Supreme Court to be eligible for a post-sentence order is consistent with the overall intent of the Harper review that the scheme be strictly confined to protect the community from those offenders who pose the greatest risk of interpersonal harm.

The Magistrates Court is restricted in the maximum sentence length it may impose for a finding of guilt. Accordingly, confining the offences to those most serious offences dealt with within the higher courts, such as murder, intentionally causing serious injury and rape, provides a clear and precise eligibility criteria that reflects the gravity of offending and the risks posed by the offender. In addition, it importantly reflects the Harper review's suggestion that the scheme should operate as a last resort.

Clause agreed to; clause 9 agreed to.

Clause 10

Mr O'DONOHUE — Minister, just on clause 10, the referral to the Director of Public Prosecutions (DPP), clause 9 says the secretary may decide to apply under section 13 for a supervision order and then in clause 10 it says that on a referral under section 9(2) the DPP must decide whether or not to apply under

section 61 for a detention order in respect of the eligible offender. Just for clarity, there is no time limit on the consideration of that referral by the DPP from my reading of section 61.

Ms TIERNEY — What I am advised will occur is that before the end of a person's sentence, and if there is consideration of a matter going to court, then there is a meeting that is triaged between Corrections Victoria, the DJR and the DPP, and that is done before the end of the sentence. Of course then there is a discussion as to what application would be submitted.

Mr O'DONOHUE — Thank you, Minister. And then just following through to the rest of clause 10 and then into 11, if the DPP decides not to apply for a detention order, it is not required that the DPP refer it back to the secretary for consideration of a supervision order, but presumably there will be protocols in place to ensure that there are communications as to what is happening with each of these offenders.

Ms TIERNEY — The answer is yes.

Clause agreed to; clause 11 agreed to.

Clause 12

Mr O'DONOHUE — Minister, clause 12(2) provides:

> If an offender was sentenced by an equivalent court of another State or a Territory and is an eligible offender, the court in which an application under this Part is to be commenced is the Supreme Court …

I sort of broached this issue back in clause 8, but we did not quite get there, I do not think. So just for clarity, this section about the offenders from other jurisdictions who have convictions from other jurisdictions or who have committed offences in other jurisdictions, is this new in this bill or has this been transferred from the SSODSA?

Ms TIERNEY — Status quo — it is the same as what is in the SSODSA.

Clause agreed to; clauses 13 to 31 agreed to.

Clause 32

Mr O'DONOHUE — Minister, clause 32 deals with the intensive treatment and supervision order. This is the Rivergum section, for want of a better term. It is an important new addition to the bill not transposed from the SSODSA and, I think, is worthy of a bit of consideration. The first question is just for the record, Minister, are you confident that these new provisions are legally sound — would withstand legal challenge? I suppose I will just pose that question first.

Ms TIERNEY — The advice that I have is that we have got the correct balance.

Mr O'DONOHUE — Is that a yes? You believe it is legally sound?

Ms TIERNEY — That is the advice that I have received from the solicitor-general, Mr O'Donohue.

Mr O'DONOHUE — I note previously the issue of a walled facility has been one that has given rise to questions and issues about its legal validity. Has the bill been constructed in a way that addresses that issue?

Ms TIERNEY — These particular provisions were jointly developed with the solicitor-general to ensure that the human rights aspects were taken into account. For example, the court must ensure that any condition of a supervision order constitutes the minimum interference of the offender's liberty, privacy or freedom of movement that is necessary to achieve the purposes of the condition. The same considerations apply to directions given by the Post Sentence Authority.

Mr O'DONOHUE — Thank you, Minister. Just going to clause 32(4):

> If the court imposes a condition under subsection (1), the court must also impose the following conditions on the supervision order—
>
> (a) the offender must attend and participate in the treatment or rehabilitation programs or activities set out in the treatment and supervision plan …

Minister, later on in the bill there is reference to the statutory minimum for a breach of the order, so rightly breaches of the order will be taken seriously and may for particular conditions result in 12 months minimum prison time. Having offenders participating in treatment and rehabilitation and complying with conditions can be very challenging. How does Corrections Victoria propose to ensure that the high threshold required for participation and compliance will be achieved?

Ms TIERNEY — There is a multidisciplinary team that is involved in the rehabilitation and the monitoring of the implementation of and adherence to the plan that has been developed. I am advised that if they understand that someone is not complying with the order, then the Post Sentence Authority will be advised and the Post Sentence Authority will then issue further instruction.

Mr O'DONOHUE — Thank you, Minister. I will perhaps explore this issue a little bit further in clauses 40 and 41.

Clause agreed to; clauses 33 to 39 agreed to.

Clause 40

Mr O'DONOHUE — Minister, in dealing with this issue of restrictive conditions — and these carry, as I understand it, the minimum penalty — just talk me through what would happen if, for example, with clause 41(1)(d) an offender was 10 minutes late returning or basically there was a minor breach of a restrictive condition. What would Corrections Victoria's course of action be?

Ms TIERNEY — I am advised that minor indiscretions will not necessarily be considered a contravention. However, there will be a conversation between the offender and Corrections Victoria in the first instance, and then Corrections Victoria will determine whether they notify the Post Sentence Authority.

Mr O'DONOHUE — Minister, would that discretion be guided by guidelines or protocols, or would it basically be at the whim of the general manager or equivalent title of the new Rivergum facility or any of these facilities?

Ms TIERNEY — It would follow proper case management practice, Mr O'Donohue.

Ms Bath — Acting President, I direct your attention to the state of the house.

Quorum formed.

Clause agreed to.

Clause 41

Mr O'DONOHUE — Just to round out this question — Minister, under the current Serious Sex Offenders (Detention and Supervision) Act 2009, how many times has that statutory 12-month minimum sentence for a breach of a supervision order been determined by the court?

Ms TIERNEY — I am advised that the advisers do not have that information currently.

Mr O'DONOHUE — Are you providing an undertaking to try and obtain that information, Minister?

Ms TIERNEY — They have just indicated that they will do that. I subsequently asked them whether that was possible because I knew that you would probably ask that question — whether that information could be provided before the end of this committee stage — and they have indicated probably not.

Mr O'DONOHUE — Perhaps, Minister, if you could give an undertaking that that information will be provided tomorrow if the house is sitting or on the next sitting Tuesday, it would be appreciated.

Ms TIERNEY — If it is available, I am advised.

Clause agreed to; clause 42 agreed to.

Clause 43

Mr O'DONOHUE — Minister, just a question about clause 43:

> **Application to extend intensive treatment and supervision condition**
>
> (1) At any time while an intensive treatment and supervision condition is in force in respect of an offender, the Secretary may apply to the court that imposed the condition for an extension of the condition.

I do not have a problem with it, but I am just curious as to why it is open-ended. In theory, the court could order the treatment and supervision condition today and tomorrow, and the secretary could apply to extend that condition.

Ms TIERNEY — It is essentially just a safety net provision, I am advised. It is the court at the end of the day that will make the determination.

Ms PENNICUIK — My question is along the same lines — well, it is in relation to clause 43 in conjunction with 44. Minister, it does seem that there is no real indication of what happens at the end of the second extension if the person is in the same state as they were when the first extension came through. You did talk a little bit about it in clause 1.

Ms TIERNEY — As I indicated in my summation before the committee, by their very nature exceptional circumstances are not defined in the legislation. This is because it will be relevant to the individual treatment gains of each offender. Essentially it is ultimately up to the court to determine what are exceptional circumstances, having regard to the individual circumstances.

Ms PENNICUIK — Thank you, Minister. I understand that. My question is going to: if the court decides not to grant another intensive treatment or

supervision order, what is the next step? I do not think that is entirely clear in the step-up, step-down option. What happens next? Is the person released on it? Is there an application for a supervision order if there is an assessment that the person is still not ready to be released without that?

Ms TIERNEY — They are already on a supervision order, so a clinical assessment would be made, and based on that there would be a determination as to whether there would be an application in terms of intensive supervision in the community or indeed a detention order.

Ms PENNICUIK — In terms of the cohort of 158, or any cohort, has the department done an analysis of how many of a cohort of such eligible offenders may be assessed as requiring an intensive treatment order?

Ms TIERNEY — Again it is impossible to determine at this point in time because it is determined by clinical assessments that just have not occurred at the moment.

Ms PENNICUIK — Minister, just in terms of the size of the facility that is being built to accommodate these types of offenders there must have been some analysis done to arrive at that figure.

Ms TIERNEY — There was in terms of stepping back from the number that are currently in detention in particular, which is a relatively low number. I think it is three. Again that size facility was determined to be the optimum size for a therapeutic facility that would have and deliver individualised therapeutic treatment and rehabilitation.

Mr O'DONOHUE — Minister, was the size of Rivergum determined on operational considerations, not on potential demand?

Ms TIERNEY — Obviously a mixture, but as I have said, in terms of operational demand, that is an unknown number, given that those clinical assessments, by the very nature of the timing of all this and the bill not being completed in this house, cannot have taken place. This is an assessment that people have arrived at and is understood. Twenty is the appropriate size, I am advised, because it is based on the advice that we have received from CV and those that are familiar with this type of offending.

Mr O'DONOHUE — For how long does Corrections Victoria or the government anticipate that Rivergum will meet the demand that this new expanded scheme will generate?

Ms TIERNEY — Again it will depend not just on the clinical assessments but also on the periods of time that people will be physically at the facility. It is actually hoped that this intensive treatment will mean that there will be shorter periods of time at the facility. It is part and parcel of the nature of the treatment and rehabilitation that people will be receiving, and that is consistent with what the Harper review recommended.

Clause agreed to; clauses 44 to 86 agreed to.

Clause 87

Ms PENNICUIK — Part 7, starting at clause 87, is with regard to emergency detention orders. Notwithstanding the Harper review, I just wonder why there is a need for the emergency detention order when there is also, under section 155, the ability for a holding power by the police for people on basically the same thing — a supervision order or an interim supervision order — where there is a reasonable belief or a suspicion that a person is going to breach the order.

Ms TIERNEY — An emergency detention order provides an additional tool that will enable intervention, where the risk posed by the offender on a supervision order is escalating, before the offender can cause further harm to the community. An emergency detention order may be made by the Supreme Court if, because of altered circumstances, a supervised offender poses an imminent risk of committing a serious sex or violent offence. The order will allow for the offender to be immediately removed from the community and detained in prison for up to seven days until different supervisory arrangements or an application for a detention order can be made. This is intended to be used as a last resort in situations where a supervised offender's circumstances change suddenly so that they now pose an imminent risk of committing a serious offence but where there has not necessarily been a breach of their supervision order.

Because of the urgent nature of an emergency detention order, the Supreme Court can decide to make an order in the absence of the offender. This is a decision that judges from the Supreme Court may make in their full discretion in accordance with their judicial obligations to balance the rights of parties to a fair hearing. Emergency detention orders are a new order available under this bill. There is no equivalent provision under the Serious Sex Offenders (Detention and Supervision) Act 2009. This was identified as a gap in the system, and that is the reason as to how this has found its way to this bill.

But then there is the issue of the emergency detention orders being for a maximum of seven days, rather than five days as recommended by the Harper review. The Harper review noted that the emergency detention order should last for a period of sufficient duration to provide time to contain an offender's imminent risk and that 'a period of five days may be an appropriate duration for this purpose'. Following careful consideration by the Department of Justice and Regulation, the bill allows for up to seven days to ensure that there is sufficient time to manage and respond to an offender's imminent risk, to assess treatment needs and to prepare alternative arrangements for the offender. This may include the need to obtain a new or additional clinical assessment that may take time to prepare. It should also be noted that the court will have the power to make an emergency detention order for a shorter period as it sees fit. The bill makes it clear that the order cannot continue for longer than is reasonably required to take action to contain the imminent risk.

Ms PENNICUIK — Thank you, Minister. I suppose one of the key questions is about — and you mentioned this — the 'altered circumstances', and I quote:

> … because of the altered circumstances, the offender poses an imminent risk of committing a serious sex offence or serious violence offence or both if an emergency detention order is not made …

I suppose that is the crux of the matter: who ascertains that there have been altered circumstances and what sort of altered circumstances would trigger the need for an application for an emergency detention order?

Ms TIERNEY — Examples of altered circumstances that would give rise to the secretary seeking an emergency detention order include that an offender on a supervision order may pose an imminent risk of committing a serious sex offence or a serious violence offence in circumstances where there has been a significant escalation in their risk of committing a serious violence offence or a serious sex offence. Examples include but are not limited to: their mental health has deteriorated and they are neither engaged in nor meet the criteria for compulsory mental health treatment under the Mental Health Act 2014; and there has been a significant escalation in the type of behaviour and conduct of the offender that was either preparatory to their prior serious offending or would increase their risk of offending or threatening the safety of persons, such as alcohol consumption or the use of illicit drugs. This becomes apparent, through case management, to the case manager of the individual concerned.

Mr O'DONOHUE — Minister, how frequently are emergency detention orders used in New South Wales?

Ms TIERNEY — I will see if I can get that information.

I am advised that it has been exercised once, and he was posing an imminent risk and there was a difficulty in finding suitable accommodation at the time.

Mr O'DONOHUE — That is very helpful, Minister. I do not know how long they have had their scheme running. I noted in your summation that you said that this has been adopted and modified for Victoria from New South Wales. Do you know how long they have had this provision in the New South Wales scheme?

Ms TIERNEY — This particular provision?

Mr O'Donohue — This concept.

Ms TIERNEY — The advice is that it is approximately two years.

Mr O'DONOHUE — Thank you, Minister. That is very helpful. It is interesting that in two years it has only been used on one occasion. Would it be fair to say, without verballing you, Minister, that the expectation is that it would be a rare and seldom-used power?

Ms TIERNEY — It was a gap that was identified in the Harper review.

Ms PENNICUIK — I would have thought that because of the word emergency, it would only be used in an emergency.

Mr O'DONOHUE — Minister, this is probably an appropriate time just to explore the relationship — you are talking about an emergency detention order, but more broadly — between the adult parole board and this legislation and the powers of the adult parole board vis-a-vis the powers that are created under this bill. It is possible, although probably unlikely or rare, that an offender on parole could also be subject to a supervision order. Now that the Post Sentence Authority and the adult parole board are two independent and separate organisations, can you talk to the relationship between the two, given they have different powers and different capabilities in managing risk? For example, the adult parole board can cancel a parole order and issue a warrant. How do you, as the minister, envisage this relationship working?

Ms TIERNEY — The first thing is that a parolee is under sentence. The second thing I would say is that a

supervision order would only occur after the parole has finished.

Mr O'Donohue — But there are prisoners in prison with supervision orders.

Ms TIERNEY — There are two parts. Whilst in prison, offenders on supervision orders have their conditions suspended because they are subject to prison management. Whilst in prison, offenders on a supervision order have their conditions suspended, there has been one case, and the two separate bodies shared information regarding the offender's end-of-parole period and the resumption of the supervision order conditions.

Mr O'DONOHUE — Thank you. As I said in my question, Minister, this would be an infrequent situation but, as you have just described, it has happened already. Is there any plan to formalise or have a memorandum of understanding (MOU), because again it is infrequent but we are talking about high-risk offenders? Is there any plan to coordinate how that response looks in that sort of rare situation?

Ms TIERNEY — Yes, it is envisaged that there would be an MOU between the Post Sentence Authority and the adult parole board.

Clause agreed to; clauses 88 to 167 agreed to.

Clause 168

Ms PENNICUIK — Clause 168 provides the power for a specified officer or a supervision officer to arrest an offender in a residential treatment facility who is suspected of contravening a supervision order or an interim supervision order. There are two main questions. The first is: is this a new provision or is it already existing under SSODSA?

Ms TIERNEY — Obviously this is a new provision because it does directly relate to new residential facilities.

Ms PENNICUIK — Minister, powers of arrest are quite extensive powers and they are usually only exercised by police or protective services officers, so why in a situation where there was a suspicion that a person was going to contravene an order would the police not be called in to make that arrest?

Ms TIERNEY — That may occur, but what will also happen is that certain classes of officers working at Rivergum will be authorised to arrest an offender for the purpose of delivering them to police where they believe on reasonable grounds that the offender has breached the order. So if there is someone who is behaving in a high-risk way and authorities have rung for police, instead of that behaviour being conducted in an unrestricted way there will be officers working at Rivergum who will have the ability to arrest the offender. We believe that this is necessary due to the secure nature of the facility and the fact that residents will be able to move around freely within this facility subject to their order and authorised instructions.

Ms PENNICUIK — Under what sort of head of power will they be given that power to arrest, and what training will they receive to be able to do that?

Ms TIERNEY — Ms Pennicuik, it is an interim power to maintain order until police can attend. I will seek further advice now in relation to the training, but the head of power is in the provision of the bill. The advice I have received is that officers will receive training on their legislative powers.

Ms PENNICUIK — Their legislative powers under this act?

Ms TIERNEY — Yes.

Ms PENNICUIK — Okay, and in terms of that training, will that training be on what constitutes 'believes on reasonable grounds', for example?

Ms TIERNEY — I am advised that the training will deal with how an officer can exercise that power lawfully relevant to the management of offenders in that secure facility. Are you seeking further detail, Ms Pennicuik?

Ms PENNICUIK — Well, I do have concerns about this clause because, as I say, arresting a person is a serious thing to do. It does say that the:

> … officer who has arrested an offender under subsection (1)—
>
> (a) must deliver the offender into the custody of a police officer as soon as practicable … and
>
> (b) may detain the offender in a suitable place … until the offender is delivered …

I am just concerned in terms of other authorised officers across the system having been known to overreach their powers, and that is in public; this is in a confined area not open to the public. This has been raised by the Law Institute of Victoria and Liberty Victoria, about the ability to misuse that power, particularly in terms of clause 168(1)(d), where one of the reasons for being able to arrest a person is 'engaging in conduct that poses a risk to the good order of the facility', which is very broad, and while I sort of understand what that is,

it could, as has been raised with me, be used as a sort of disciplinary type of measure if there is no oversight of this power. What oversight of this power is there?

Ms TIERNEY — If we go back to the need for it, the fact is that we are in a facility that is dealing with the worst of the worst, and so the possibility and the probability of significant antisocial behaviour is potentially ever-present. This essentially enables an officer to arrest someone, and only until the police arrive. I think most people would consider that to be a fair and reasonable situation. Can I also say there is the independent visitors scheme, which I know is very active in the prison system, and I do have a lot of confidence in that scheme as well. People are always attracted to participating in that scheme because they want to see vigilance and proper processes enforced.

Ms PENNICUIK — Certainly I am aware of that, but I do not think that is necessarily a robust enough oversight. There is nothing in this bill that provides that oversight. Notwithstanding that I have not heard all the answers you have given me, I still remain concerned about the ability of this power to be overused or abused. There is nothing in the bill requiring the reporting of it, but that may be a way to alleviate concerns — to have a reporting requirement, whether that is going to be in regulations or guidelines, so that if that power has been used, that is brought to the attention of the Post Sentence Authority et cetera.

Ms TIERNEY — Any use of powers will need to be reported to the PSA. The PSA will maintain oversight and accountability for how offenders are managed in the facility and in these situations.

Mr O'DONOHUE — Minister, the bill refers to a supervision officer or a specified officer as those that have that arrest power. Is it anticipated that that will apply to most of the staff at Rivergum?

Ms TIERNEY — I am advised that specialist caseworkers will be the specified officers that will have the power to arrest.

Mr O'DONOHUE — So, Minister, presumably there will be a new stream of trained caseworkers and people employed by Corrections Victoria to work at this facility. Is it envisaged that there will be Security and Emergency Services Group (SESG) or equivalent-style security to maintain the good order of the facility?

Ms TIERNEY — Yes, it will be the SESG, and it will be similar to what happens at Hopkins.

Clause agreed to.

Clause 169

Ms PENNICUIK — I would like to ask some questions about clause 169, but they also refer to the following clauses in division 3, which goes up to clause 177. Clause 169 is the clause that makes it an offence to contravene a supervision order or an interim supervision order, such that:

> An offender who is subject to a supervision order or an interim supervision order must not, without reasonable excuse, contravene a condition of the order —

with a penalty of level 6 imprisonment — five years maximum. Subclause (2) contains conditions where it does not apply, and there is a note that section 10AB of the Sentencing Act 1991 requires that there be a term of imprisonment of not less than 12 months for an offence against this section unless a special reason exists.

The following clauses, 170 to 177, mention that the authority may inquire into an alleged contravention of an order and after conducting the inquiry it might do a number of things, including taking no action, referring the person to the police to be charged with an offence et cetera. So there is that. Then there is clause 174, which you have amendments to and which you completely changed following the psych report. I am just wondering, given that clauses 170 to 177 allow the Post Sentence Authority to actually look into an alleged breach and decide to take no action, change the conditions or get the police to charge the person, and then it goes to the courts et cetera, why there needs to be a clause 169 that is then referenced in all of these other clauses to say it is an offence when the Post Sentence Authority might find that it is not an offence. I find that clause a little bit contradictory.

Ms TIERNEY — What is contained here reflects the current SSODSA provisions, and these clauses essentially enable a range of responses from case management response to notifying the PSA, right through to being dealt with by the secretary and the DPP.

Ms PENNICUIK — I think I know all that. Perhaps if I just ask you to clarify that the term of imprisonment of not less than 12 months comes into play. However, I heard you say with regard to your amendments that it would not be possible to impose a sentence of more than two years. Is that correct?

Ms TIERNEY — Note 1 deals with the restrictive condition, so the court retains the discretion as to what term of imprisonment is appropriate. In terms of it going back up to a summary hearing, the maximum term imposed is two years.

Ms PENNICUIK — Thank you for that answer, Minister. But the maximum under clause 169 is five years.

Ms TIERNEY — When it is heard by a jury, it is five; if it is a judge, it is two years.

Ms PENNICUIK — Okay. So if it is heard summarily, it can be only two, and if it is indictable, it is five. In terms of the 12-month mandatory, that is just for the intentional or reckless contravention of a restrictive condition of a supervision order or an interim supervision order as opposed to unintentional or not reckless. Does that apply to any condition under the order or just to the restrictive conditions?

Ms TIERNEY — Yes, but the court has the discretion to order a lesser term. It is just restrictive.

Ms PENNICUIK — Doesn't the court only have the discretion if it is not a restrictive condition?

Ms TIERNEY — It is:

> … a term of imprisonment of not less than 12 months be imposed for an offence against this section unless the court finds under section 10A of that Act that a special reason exists.

The court usually finds special reasons, so it will not be the 12 months.

Ms PENNICUIK — Thank you, Minister. Just for my clarity here — it is one of the complicated areas of the bill, in my view — is that for a non-summary offence that that 12-month minimum would apply unless there is a special reason found by the court? Just for clarity there.

Ms TIERNEY — For either summary or indictable hearings of a restrictive condition 12 months applies. For further clarity, 12 months applies for either summary or indictable hearings of a restrictive condition.

Ms PENNICUIK — Thank you, Minister. Section 169 in particular but also the following sections apply to more than just restricted conditions, don't they — other conditions, not just a supervision order?

Ms TIERNEY — Yes.

Clause agreed to; clauses 170 to 173 agreed to.

Clause 174

Ms TIERNEY — I move:

1 Clause 174, lines 22 to 32, omit all words and expressions on these lines and insert—

> "(2) Sections 28 and 29 of the **Criminal Procedure Act 2009** apply as if a reference to the Magistrates' Court were a reference to the Supreme Court or the County Court.
>
> (3) If the Supreme Court or the County Court grants a summary hearing, the hearing and determination of the charge must be conducted in accordance with Part 3.3 of the **Criminal Procedure Act 2009** as far as practicable.
>
> (4) The court may impose any sentence in respect of an offence against section 169 that is heard and determined summarily that could be imposed by the Magistrates' Court.
>
> (5) This section applies despite anything to the contrary in any Act or rule of law (other than the **Charter of Human Rights and Responsibilities Act 2006**).".

Mr O'DONOHUE — Minister, perhaps you could, just for the clarity of the committee — I know you touched on this earlier — explain why these changes are needed.

Ms TIERNEY — As part of the rewrite of the SSODSA, provisions regarding prosecuting a contravention of a supervision order were updated to reflect modern drafting. I think I covered off on this a little in my second-reading debate summary. It was intended that the updated provisions retain the current procedures in relation to proceedings for contravention offences. However, in redrafting these provisions it has been identified that the clause as drafted may give rise to some ambiguity and may have implications for how these provisions will be interpreted by the courts. To avoid any doubt and to minimise the risk of legal challenge the government is proposing a house amendment to ensure there is no ambiguity.

This is a technical but nonetheless important amendment that will ensure it is clear that the rules, practice and procedures of the Magistrates Court continue to apply to proceedings for a contravention offence so that the offence of contravention of an order is an indictable offence that may be triable summarily. Where the charge is to be heard and determined summarily, the consent of the accused is required, and where the court grants a summary hearing for the charge, the maximum term of imprisonment that may be imposed is two years.

This amendment is, as I said, to provide clarity, and I take the opportunity to actually thank the members of the Scrutiny of Acts and Regulations Committee who raised this issue with us. We again thank them for the endeavours that they have undertaken to look at this bill and to indicate the possibility of confusion or lack of clarity in this area. This has prompted the government to provide this amendment to the house.

Amendment agreed to; amended clause agreed to; clauses 175 to 292 agreed to.

Clause 293

Mr O'DONOHUE — I move:

1. Clause 293, page 230, line 3, after "(a)" insert "is or".

Perhaps I will talk to my amendments in totality for the benefit of the committee. I did canvass these in part when I circulated these amendments during the second-reading debate. Just to recap, the adult parole board traditionally had a sitting Supreme Court judge as the chair. Mr Callinan recommended a retired Supreme Court judge, and the legislation actually changed that to a retired or sitting County Court or Supreme Court judge. That is the requirement for the adult parole board at the moment.

The Post Sentence Authority picks up the DSO division responsibilities of the adult parole board and inherits a significant part of the adult parole board's function. In the previous legislation that created the PSA, the government proposed that the chair and deputy chair of the authority have the requirement of five years as a lawyer. The house, with the support of the crossbench and the opposition, retained the higher threshold consistent with the adult parole board.

The bill before us lifts the five-year threshold previously proposed by the government to 10 years of legal qualification. It is the belief of the opposition that that is insufficient given the serious nature, using the ministers words, of having oversight of the worst of the worst. Ms Pennicuik has highlighted some of the extensive powers that this bill provides in the supervision of those offenders. It is the view of the opposition that it is important that people of eminence and seniority who are highly respected hold those senior positions giving oversight to these extensive powers that we are considering tonight as part of this bill.

I think just about everyone would acknowledge the outstanding contribution Judge Couzens has made as the chair of the adult parole board, with his ability to handle media — from Jon Faine to Neil Mitchell — and to participate in promoting the work of the adult parole board post the Callinan review recommendations. Similarly Judge Shelton in his role as the deputy chair and Judge Gray and Justice Harper are deeply respected by the community and within the legal fraternity. Their seniority and their deep knowledge demand respect. It is critical in my view that the chair of the Post Sentence Authority is someone who commands respect because of the seriousness of what they are dealing with.

I thank the minister and her adviser for facilitating a briefing with Judge Gray and Justice Harper, and I have also consulted with others. I appreciate the small pool that constitutes former — or in effect, retired — Supreme or County Court judges or their equivalents, and I think Judge Couzens was head of jurisdiction at the Children's Court. Judge Gray of course was a coroner.

In an effort to provide a compromise solution, what I am proposing with these amendments is that the chair retain that requirement to be a retired judge of the Supreme or County Court or equivalent; and I am proposing a new qualification requirement for the deputy chair that lifts the 10 years proposed by the government to be a Queen's counsel or senior counsel with significant experience in criminal law, a chief Crown prosecutor or a Crown prosecutor within the meaning of the Public Prosecutions Act 1994. As I said, it is an effort by the opposition to find a compromise position that helps to deal with the scarcity or the small pool of available retired judges while providing a much broader pool for the deputy's position.

The government's initial advice to me was that it would not be possible to have these two positions with different qualifications, but of course IBAC has these two positions of chair and deputy chair with different qualifications. IBAC requires someone with that level of experience and eminence whilst also having someone senior, but from a broader pool, for the deputy's position. I am in effect seeking not to replicate but to follow that general precedent.

The minister in her summation said that not enabling the deputy chair to become the chair would diminish the ability to have career progression. To the best of my knowledge, in the history of the adult parole board we have never had a situation where the deputy chair became the chair. People like Judge Couzens or Judge Gray often come from the court to become the chair. I do not think the deputy's position should be seen as a career advancement role with a view to the chair's job in the future. Both those roles are different and they should be seen for what they are. The other advice

received from the government was that the deputy could not sit as the chair without the same qualifications as the chair, but of course that is not correct. That is not what applies with the Independent Broad-based Anti-corruption Commission Act 2011, and there are other provisions that enable the deputy chair to assume the full role and function of the chair, notwithstanding the different qualification requirements. So in good faith I have sought to find a compromise position, retaining something of the experience, eminence and respect within the community when it comes to the chair's position, whilst having someone senior for the deputy's position but from a broader potential pool.

Ms TIERNEY — Thank you. I echo the very supportive words about the very special people that we are very fortunate to have in Victoria with respect to our judiciary, and particularly the adult parole board and those that have a very important role in our judiciary. Can I also thank those that have behind the scenes worked so incredibly hard leading up to the establishment of the Post Sentence Authority in terms of their leadership, their commitment and their unswerving dedication in wanting to have infrastructure in place that provides greater safety for our community.

Moving to the amendment that Mr O'Donohue has proposed, can I say firstly that I do appreciate the efforts that Mr O'Donohue has made in terms of trying to come up with what he considers to be a compromise position, and can I say that we do accept that he has come some way from the position that he originally adopted. The position that the government has is that we do not believe that what we have in this bill in any way diminishes the eminence, the leadership and the expertise that is required in relation to these two positions in particular. But can I say that in relation to the deputy president position we do as a government have a particular concern about succession planning, essentially, in an organisation that is quite small — very important but quite small — and such a highly specialised body as the Post Sentence Authority. Providing a broader pool of qualifications to attract a deputy chair who is not a current or former judge precludes such an appointed person from stepping into the shoes of an outgoing chair. That is our major difference at this point, Mr O'Donohue.

The bill provides that former judges, magistrates and Australian lawyers with 10 years experience can be appointed to the roles of chair and deputy chair of the authority. This will broaden the pool of candidates and avoid any potential conflict of interest that may arise for sitting judges. There is the inclusion of Australian lawyers with 10 years experience, similar to the pool of legal experts from which judicial appointments are made, although setting an even higher bar of experience — 10 years as opposed to five. Additionally, as a matter of course the government in making such appointments will satisfy itself that nominated persons have the appropriate skills and experience to perform the functions of the authority, such as a background in criminal justice and corrections practice, human rights law or dealing with serious violent or sex offenders. We believe that we have got the balance right in the bill, and that is why we will oppose Mr O'Donohue's proposed amendment.

Ms PENNICUIK — I will just ask a question first. I thank Mr O'Donohue for putting forward his amendments, and certainly we debated this issue in the previous bill last October — the governance bill. The question about conflict of interest is one that has made me think carefully about this issue. Mr O'Donohue has mentioned the adult parole board and that a sitting judge or a judge who has been a sitting judge is the chair of that, but I think the difference here is that the Supreme Court and the County Court are not involved in the workings of the adult parole board whereas I think the Supreme Court and the County Court are very involved in the workings of the Post Sentence Authority in that it is one of those courts that would give the order or agree to a detention or supervision order under this bill. Is that a reason why the government is limiting the pool to former judges of the High Court, the Supreme Court, the Federal Court, the Family Court, the County Court of Victoria or another state or territory and the Magistrates Court of Victoria or another state or territory?

Ms TIERNEY — The adult parole board has three times the membership of the authority. This provides a greater pool of members who make parole decisions with respect to offenders to help avoid any potential conflicts of interest. Given the smaller membership of the authority, it is more suitable that retired judicial officers be appointed to these roles to assist in avoiding any potential conflicts of interest.

Mr O'DONOHUE — Just for clarity on that point, Minister and Ms Pennicuik, from what the minister is saying the government sees no impediment from a conflict of interest perspective to retired judges being appointed to the Post Sentence Authority. That would be my contention as well.

Ms TIERNEY — Former judges.

Ms PENNICUIK — I just wanted to say that I have thought about this and the assurances that I have heard the minister make, and that is as a result of discussions I have had and points I made in the governance bill —

that while under the Constitution Act any person with five years legal experience could be appointed to the Supreme Court, of course the Supreme Court does not always deal with criminal matters. I think that with this particular Post Sentence Authority you do need people with some experience in dealing with the issues that are going to come before them, which are human rights issues, and some experience or understanding as a criminal barrister, for example, in dealing with cases involving serious violent offenders and serious sex offenders so that they have some experience in knowing what cohort of people they are dealing with, rather than just broadly five or 10 years experience as a legal practitioner.

I welcome the government saying that they are the sorts of things they will be taking into account with regard to appointments to the authority and with regard to general members of the authority. I do take on board the issue of the conflict of interest of a current judicial officer of a higher court — the Supreme Court or the County Court. So after much thought, the Greens will not be supporting Mr O'Donohue's amendment.

Committee divided on amendment:

Ayes, 16

Atkinson, Mr	Morris, Mr
Bath, Ms	O'Donohue, Mr
Crozier, Ms	Ondarchie, Mr
Dalla-Riva, Mr	O'Sullivan, Mr (*Teller*)
Davis, Mr	Peulich, Mrs
Finn, Mr	Ramsay, Mr (*Teller*)
Fitzherbert, Ms	Rich-Phillips, Mr
Lovell, Ms	Wooldridge, Ms

Noes, 24

Bourman, Mr	Patten, Ms
Carling-Jenkins, Dr	Pennicuik, Ms
Dalidakis, Mr	Pulford, Ms (*Teller*)
Dunn, Ms	Purcell, Mr
Eideh, Mr	Ratnam, Dr
Elasmar, Mr	Shing, Ms
Gepp, Mr	Somyurek, Mr
Jennings, Mr	Springle, Ms
Leane, Mr	Symes, Ms
Melhem, Mr	Tierney, Ms
Mikakos, Ms	Truong, Ms
Mulino, Mr (*Teller*)	Young, Mr

Amendment negatived.

Clause agreed to.

Clause 294

The ACTING PRESIDENT (**Mr Elasmar**) — I invite Mr O'Donohue to move his amendment 2, which is a test for his amendments 4 and 5.

Mr O'DONOHUE — I move:

2. Clause 294, lines 24 to 25, omit "293(2)(a), (b) or (c)" and insert "293(2)(a)".

Committee divided on amendment:

Ayes, 16

Atkinson, Mr	Morris, Mr (*Teller*)
Bath, Ms	O'Donohue, Mr
Crozier, Ms	Ondarchie, Mr
Dalla-Riva, Mr	O'Sullivan, Mr
Davis, Mr	Peulich, Mrs
Finn, Mr (*Teller*)	Ramsay, Mr
Fitzherbert, Ms	Rich-Phillips, Mr
Lovell, Ms	Wooldridge, Ms

Noes, 24

Bourman, Mr	Patten, Ms
Carling-Jenkins, Dr	Pennicuik, Ms
Dalidakis, Mr (*Teller*)	Pulford, Ms
Dunn, Ms	Purcell, Mr
Eideh, Mr	Ratnam, Dr
Elasmar, Mr	Shing, Ms
Gepp, Mr	Somyurek, Mr (*Teller*)
Jennings, Mr	Springle, Ms
Leane, Mr	Symes, Ms
Melhem, Mr	Tierney, Ms
Mikakos, Ms	Truong, Ms
Mulino, Mr	Young, Mr

Amendment negatived.

The ACTING PRESIDENT (**Mr Elasmar**) — I ask Mr O'Donohue to move his amendment 3 to the same clause, which is a test for his amendment 6.

Mr O'DONOHUE — I move:

3. Clause 294, lines 28 to 29, omit all words and expressions on these lines and insert—

"following to be deputy chairperson of the Authority—

(a) a member referred to in section 293(2)(a);

(b) a member referred to in section 293(2)(c) who—

(i) is a Queen's Counsel or Senior Counsel with significant experience in the criminal law; or

(ii) is or has been a Chief Crown Prosecutor or a Crown Prosecutor within the meaning of the **Public Prosecutions Act 1994**.".

Committee divided on amendment:

Ayes, 16

Atkinson, Mr	Morris, Mr
Bath, Ms (*Teller*)	O'Donohue, Mr
Crozier, Ms	Ondarchie, Mr
Dalla-Riva, Mr (*Teller*)	O'Sullivan, Mr
Davis, Mr	Peulich, Mrs
Finn, Mr	Ramsay, Mr
Fitzherbert, Ms	Rich-Phillips, Mr
Lovell, Ms	Wooldridge, Ms

Noes, 24

Bourman, Mr	Patten, Ms (*Teller*)
Carling-Jenkins, Dr	Pennicuik, Ms
Dalidakis, Mr	Pulford, Ms
Dunn, Ms	Purcell, Mr
Eideh, Mr	Ratnam, Dr
Elasmar, Mr	Shing, Ms
Gepp, Mr	Somyurek, Mr
Jennings, Mr	Springle, Ms (*Teller*)
Leane, Mr	Symes, Ms
Melhem, Mr	Tierney, Ms
Mikakos, Ms	Truong, Ms
Mulino, Mr	Young, Mr

Amendment negatived.

Clause agreed to; clauses 295 to 372 agreed to; schedules 1 to 3 agreed to.

Schedule 4

Ms TIERNEY — I move:

2. Schedule 4, page 306, line 29, omit "After section 129" and insert "At the end of Part 11".

There was a question from Mr O'Donohue earlier in the committee proceedings, and it was in relation to the number of sentences for breach of restrictive conditions attracting a 12-month imprisonment. I wish to place on record the response that since restrictive conditions commenced on 1 June 2016, one offender has received a 12-month sentence for a breach of a restrictive condition; a further five restrictive condition breaches have been prosecuted and found in breach, but due to the special reasons provisions a 12-month sentence has not been given. Intellectual disability, acquired brain injury and mental health often attract the special reasons discretion to sentence length.

Mr O'DONOHUE — Thank you, Minister, for that additional information.

Amendment agreed to; amended schedule agreed to.

Reported to house with amendments.

Report adopted.

Third reading

Motion agreed to.

Read third time.

MARINE AND COASTAL BILL 2017

Second reading

Debate resumed from 22 February; motion of Ms MIKAKOS (Minister for Families and Children).

Mr DAVIS (Southern Metropolitan) (21:27) — I am pleased to rise at about 9.30 on a Thursday night to comment on the Marine and Coastal Bill 2017, a bill that the opposition — the Liberals and The Nationals — will not oppose. It is a bill that does relatively little. It claims to be an election commitment to establish a new marine and coastal act, bringing together all management and protections under one system and developing new management and oversight for marine parks, coasts and bays. That was the election commitment, and in one respect I suppose it does deliver something; in another respect it changes in fact very little.

The bill seeks to repeal and partially re-enact the Coastal Management Act 1995, a Kennett government act that was truly foundational in changing the regulation of our coasts and the protection of our coasts. It was a Kennett government initiative. Mark Birrell at the time was the Minister for Conservation and Environment. This bill seeks to replace the Victorian Coastal Council with the Marine and Coastal Council, so it has a different name, and abolish the three existing Gippsland, central and western regional coastal boards.

Some of the changes include a claimed broadened scope of responsibility for coastal catchment management authorities; a new marine spatial planning framework to guide future planning and dispute resolution in Victoria's marine estate; regional and strategic partnerships — RASPs as they are called — to address significant regional and issue-based planning that crosses jurisdictional boundaries, and there is some sense, and I put on record the fact that we think there is some merit, in that proposal; the requirement for environmental management plans and coastal and marine management plans in marine areas and embayments; low-risk uses and developments on Crown lands will be exempt from the need for ministerial consent; and new reporting obligations of the baseline condition of marine and coastal environment.

My colleague in the other place, Nick Wakeling, the shadow minister for environment, has been very diligent in this process. He has certainly worked very hard on this bill to ensure that we have a full understanding of it. He has sought wide consultation

from a range of groups, including the Victorian Coastal Council, the various Victorian coastal boards, various national parks associations, various industry groups, Parks Victoria, the commissioner, Native Title Services Victoria and a range of traditional owners and council authorities. The various catchment management authorities have also been consulted, as have groups such as the Dolphin Research Institute and others.

There is an argument that the legislation does improve coordination among stakeholders and government on the health and management of the marine coastal environment. However, certain stakeholders have expressed some reservations that relate to the treatment of commercial and recreational fishers, and I will comment on those in a moment.

Let me just say at the start that our coastal areas in Victoria are quite important for the state. Victoria was of course settled by Europeans from a coastal perspective and our fisheries are important, and our creeks and rivers that come into the estuaries and marine environments are also important. We have a series of marine sanctuaries and parks that form an important network around the coast, and the challenge is, with a growing population and the growing pressures from that growing population, to preserve what is important about our marine environment and to preserve not only the flora and fauna on the coast but also the flora and fauna within the sea areas. That requires a focus on ensuring that there is proper management of our coastal areas. That is a planning focus; it is also a focus for the Department of Environment, Land, Water and Planning.

I pay tribute to the work that has been done before, particularly the Kennett government work in this area that actually set up the framework for coastal management across the state. It has been modified since, but nonetheless the essence of it is fundamentally from that period. I note that a number of key points were made in the contribution in the lower house by my colleague Mr Wakeling. He certainly paid tribute to that earlier work. The bill seeks to build on the work that was done by the former Kennett government with respect to coastal management, and he drew directly on the second-reading speech for the original bill, the Coastal Management Bill 1994. That bill put that first framework around our coastal management in a structured way.

When you think about the coastal areas of the state, they are becoming increasingly important. Our great assets in Port Phillip Bay, our great assets in Western Port and the whole coastal strip to the west and to the east of the state are a critical asset for tourism, for environmental activity and protection, but also for recreation, and we should not underestimate the importance of recreation and a number of key industries that play a significant role in the state's economy.

We need to think carefully about how we protect our coasts into the future. Once upon a time I worked briefly as an adviser for a shadow minister at the time in the lead-up to the 1996 federal election. At that time, the then federal coalition had a policy to sell one-third of Telstra and to devote $1.15 billion to environmental action. One of the key aspects of that policy was more than $100 million to devote to coastal action and the protection of our coasts. There are still a lot of policies that I look at in that area, and I see significant progress has been made since that time. We are more than 22 years down the track, but I still see significant challenges and work to be done. We looked at ocean outfalls, and you need look no further than down in the Gunnamatta region, where we still pump out significant lightly treated sewage from our metropolitan area. There is still a great deal of work to be done to make sure that the quality of what is put out into our environment is actually properly treated. Putting polluted material into our environment is in a sense a negative externality of the activities of our advanced industrial civilisation, and we need to focus increasingly on getting better outcomes.

Even at the most micro level in many parts of the coasts of our major cities or that abut our major cities there are stormwater outlets that have still not got the level of treatment that is required. We see this when there is a major rain event. The E. coli readings surge and key coastal waters become unsafe for swimming. I am drawing attention to this because I want to make the point that there is still a lot more work to do to ensure that our coastal environment is respected in the way it should be and able to deliver the recreational, tourism and economic opportunities that are so much a part of the future of our state.

My point here tonight is to say that this all becomes more important in the context of the growth of our population. The more people there are in our state and there are living in our major cities — particularly in Melbourne and the greater Melbourne region that surrounds Port Phillip Bay, that surrounds our rivers and surrounds parts of Western Port — the more the impact has got to be moderated and managed appropriately to ensure that there is not a negative impact on our environment. As the population surges — as it is now, growing at almost 150 000 per year in Victoria, with about 85 per cent of that growth in greater metropolitan Melbourne — the pressure on our environment will grow very significantly.

Many of our coastal areas are actually the target — or they are bearing the brunt is perhaps the best way to describe it — of that population growth, whether it be down on the Surf Coast, whether it be our very important Bellarine Peninsula, whether it be the Mornington Peninsula, whether it be down around Western Port, Phillip Island and the Bass Coast. All of those areas carry a huge and significant load with this population growth. That is one reason why in the recent Planning and Environment Amendment (Distinctive Areas and Landscapes) Bill 2017 I was very determined to move amendments that would see that key coastal areas, the Bellarine and the Mornington Peninsula, were automatically included through an act of this Parliament in those significant and distinctive landscape provisions.

I went further to seek that what we would do is ensure that the density provisions that the government had put into the metropolitan planning arrangements through *Plan Melbourne: Refresh* and in particular through VC110 were actually suppressed with respect to those coastal regions. That forced densification is so much a part of the agenda of Daniel Andrews and his government — the forced densification of our cities and areas that arguably ought not be treated as just an extension of the city. I particularly think here of the Bellarine Peninsula again and the Mornington Peninsula, but the same could be said of the Bass Coast. The idea that we would pass planning provisions that would give huge densification rights and automatic power for three-storey development of an intense nature on properties on the Mornington Peninsula and the Bellarine Peninsula is, I think, a major mistake of this government. I was disappointed that in this chamber I was not able to attract support from minor parties, in particular the Greens. It would have been an opportunity to protect those coastal hinterland areas that are going to be so important.

I do not want to see those areas that surround Melbourne developed in an intense way that would see that intensification that the government is seeking to apply to Melbourne. You can have an argument about how this is applied in Melbourne — that is one point — but the argument about that intense development being foisted upon small coastal towns on the Bellarine and being foisted upon small coastal towns on the Mornington Peninsula and other surrounding areas that have coastal linkages is, I think, a bridge too far. I think it is a misguided decision of the state government.

As I said, I was disappointed that we were unable to insert those protections to, firstly, declare areas distinctive areas up-front, not leaving it to ministerial whim, and, further, to suppress VC110, that terrible amendment that will seek to force intense three-storey development in many areas of the Mornington Peninsula and the Bellarine Peninsula and do so as of right, forcing that intense development into small townships that abut the coast. I think it is the wrong way to go. I think it is not appreciated by those communities. In fact I pay tribute to the work of Russell Joseph on the peninsula, who has been prepared to stand up and work with the various activist groups, and Christine Hayden and others on the Mornington Peninsula, who have been prepared to fight and say, 'No, we are not part of metropolitan Melbourne. We do not want to be treated as part of metropolitan Melbourne'.

In a planning sense the now opposition — the government from 2010 to 2014 — was prepared to put in those protections. Matthew Guy as planning minister was prepared to put in distinctive statements that gave the Mornington Peninsula additional protections. We are certainly determined to make sure those protections are maintained and enhanced on the Mornington Peninsula, that the green wedges are strong and that the density provisions are wound back. We are committed to winding back VC110 on the Mornington Peninsula. We are committed to winding it back more broadly than that. The same is true in key locations around the Bellarine and some of the other coastal areas.

It is completely and utterly inappropriate that automatic as-of-right, high-density, intense three-storey development ought to be allowed in small seaside towns that are zones where people have settled for a different lifestyle, a quieter lifestyle and a more countrified lifestyle. It is inappropriate in the context of this bill in terms of the impact of run-off and the impact of that dense development on our coastal areas. We actually want to see that in those coastal areas there is sufficient vegetation and sufficient areas of open space around property so that the run-off is not so intense. You cannot divorce the outcomes for coastal areas from what is happening on the surrounding land. You cannot imagine that you can concrete over huge parts of the Mornington Peninsula. You cannot imagine that you can concrete over and roof over huge parts of the Bellarine Peninsula and expect that there is no impact on the surrounding marine environment and the surrounding coastal environment.

So the state government have been prepared to support marine parks and marine sanctuaries, but they have not been prepared to support the protection of the areas on land that allow run-off straight into those areas. For that kind of intense run-off without proper mitigation, there is no sign that the state government as part of amendment VC110 and the intensification that has been

put in place was prepared to look at proper protections and run-offs that were relevant in those areas. There is no sign of that at all. They just brought it in willy-nilly. There was no consultation. It was just gazumped on metropolitan Melbourne and gazumped on seaside towns and gazumped on the Bellarine and gazumped on the Mornington Peninsula.

Then we wonder why and the government wonders why thousands of people are angry and agitated about what is occurring in their suburbs, in their areas and in their small towns, and they are prepared to fight back on this. I say 'Good on you' to the people who are prepared to say, 'No, enough is enough. We actually want to preserve the environment of our small settlements. We actually want to preserve the environment that surrounds the marine areas and we actually want to make something to protect the creeks and the small rivers that run into the sea in those areas', whether it is at Frankston and the Kananook Creek area — the state government has of course singled out Kananook Creek and Kananook as an area where it is going to build intense development through the stabling yards there — or whether it is further down the peninsula where the government is seeking to also allow intense development without any thought or any understanding of what it is doing to the run-off into those marine and coastal environments.

So I say that these new bodies that will be created under this act have actually got a responsibility to think about not just what they are going to do to protect not just the marine environment as it exists but the changes that are occurring on the land in immediate juxtaposition to the bay and in the marine environment more generally. I do not see a sign from the government that it has grappled with these planning issues that impact directly on the sea and the coastal environment. It is time the state government did. Give me a break from the lectures that we get from Labor on this. This is a government that went in willy-nilly without proper protections and did the dredging of the entrance to the bay. People have different views about whether that dredging was necessary or whether it was not necessary, and I am happy to enter into that debate. But what is clear is the government did not have proper protections in when it did that dredging. In this chamber before 2010, before the then Brumby government did the dredging, the Liberal Party and the National Party were prepared to actually put forward a bill to have greater scrutiny, to have greater control and to have greater protections put in place in terms of the way that dredging was conducted and in terms of monitoring the impact on our marine environment.

But where was Labor on that? Labor voted against it, and this was a very unfortunate outcome. It was actually carried in this chamber, and I pay tribute to the Greens on this. They actually supported us in that period in 2009–10 to actually put in that greater monitoring, but when it went to the lower house —

Ms Dunn interjected.

Mr DAVIS — No, Ms Dunn, you were not here at that time. You do not remember that. But you probably would have supported it if you were here. I would imagine you would want better monitoring and checking and better controls on major industrial processes occurring in our marine environment. I make the point that these are all a sign of the greater impact on our marine environment that occurs through the process of greater population growth and greater activity, and that requires close management. So to the extent that this bill contributes to that closer and more thoughtful management, that is a welcome development. I am not sure that the bill actually gets much further. I am not sure that the bill makes that much difference, but to the extent that it does I am happy to say something positive about where it goes.

The government has indicated that this bill seeks to meet eight objectives, and we agree with these objectives largely. The objectives are to protect and enhance the marine and coastal environment; to promote the resilience of marine and coastal ecosystems, communities and assets; to respect natural processes in planning for and managing current and future risks to people and assets from coastal hazards and — they say — climate change; to acknowledge traditional owner groups' knowledge; to promote a diversity of experiences in the marine and coastal environment; to promote the ecologically sustainable use and development of the marine and coastal environment and its resources in appropriate areas; and to improve community, user group and industry stewardship and understanding of the marine and coastal environment.

On the issue of industry, I again pay tribute to the Kennett government's foresight and forethought in being prepared to pay out and wind back industries — scallops and others — in Port Phillip Bay. These were difficult decisions, but they were done properly and there was proper compensation. They were about the long-term health of the bay, and we are getting dividends from that decades later. The last objective is to engage with specified Aboriginal parties, the community, user groups and industry in marine and coastal planning, management and protection. We largely support these objectives. It is about looking to

the future and having a proper process in place. These have to be practical boards — boards that are focused on actual outcomes in their local area — and not ideological boards. I am cautious about what the government will do in that context.

The bill also seeks to introduce regional and strategic partnerships or, as I describe them, RASPs, which will effectively coordinate management, and there is opportunity here. They will be able to deal with specific issues that relate to coastal and marine environments that apply to a specific region or apply across a broader front.

Victorians love their coastal environments. It is not a coincidence that so many Victorians are clustered in or close to our coastal regions. People retire to the coast; people holiday on the coast; people go fishing on the coast. People have a great fondness and affinity for our coastal regions, and that is reflected in many of our recreational industries and many of our tourism focuses. We need to be prepared to protect, foster and encourage them. I would not want this bill to act against those recreational pursuits of Victorians.

The access to marine environments should be managed but not prohibited. It should be managed but not blocked, in the sense that people ought to be able to enjoy nature and engage with our coastal environments in a proper way. There are obviously sensitive areas and there are areas that deserve a higher level of protection, but at the same time there is a balance to be struck. I would not want to see this bill misused to restrict or unnecessarily or unreasonably manage or control recreational fishing. I think there is some risk that this bill could be misused in that way. I am not suggesting that that is the government's immediate intent, but I put on record a caution and a concern that our recreational fishers should be protected and indeed fostered.

The seafood industry needs to be protected too. That is an important industry, and it is an industry that needs to be managed. Obviously the commons, as it were, in the case of the sea, is something that cannot be treated as an endless resource. It actually needs to be a resource that is managed, but that also means that it is a resource that can be tapped, and can be tapped sensibly and in a balanced and controlled way. I think it is important to put on record that the opposition — the Liberals and The Nationals — see a legitimate role for our seafood industry and that it has a part to play on our coasts.

In the same way, our tourism industry has a part to play on our coasts. The enormous affection for our coast is part of that. The enormous tourism input down in our coastal regions, particularly down the Great Ocean Road and down to the penguins on Phillip Island, are major economic generators for our state, so when these new bodies are set up, they need to balance those interests properly. We do not want ideologues or zealots running this process. We want practical people who are prepared to look at balancing the interests of the state and balancing the legitimate interests of tourists, the legitimate economic interests of the tourism industry and, on the other hand, the appropriate protections.

I know my colleagues around the coastal regions — Martin Dixon and Richard Riordan in the Assembly, and others — are very, very active in standing up for the coastal regions. They are very active in ensuring that there are proper protections. I pay tribute to the wisdom they bring to the equation here. I think that coastal management committees — and I will say something about them in a moment — and the committees that are set up under the structures of this bill need to be prepared to engage with the communities in the way that many of our members of Parliament do and actually understand what is important to communities in striking the balances that are inherent in this act.

I think the committees of management that run many of our coastal areas are absolutely critical. The volunteers, the people who take on those jobs and the friends of various areas of our coastal areas, our creeks and our estuaries deserve our support, our affection and our encouragement. They play a very significant role. Parks Victoria of course has significant responsibility, and that organisation has a great role in ensuring that there is proper protection of many of the areas around our coast, as do those committees of management and foreshore committees.

I place on record my caution about many of the government decisions that appear to be made at the moment, where government is winding back the support for any tourism or commercial enterprise near or around our coast. The Cape Otway lighthouse is one case in point, and this has been spoken about in the chamber in recent times. Also the caravan parks that are part of our coastal areas have been a point of fondness and affection for families, in many cases for generations. Some of those are, I think, under threat by this current government and its focus. It is clear that this government, and perhaps the minister herself, has taken a stance against the role of some of the committee-of-management-run caravan parks in our coastal areas.

Again, whilst there is obviously a balance to be struck in protecting those areas — protecting the vegetation, ensuring that the run-off is not excessive and ensuring that there is proper collection of rubbish and other waste — that is not incompatible with the continued enjoyment of those longstanding camping and caravan sites that are dotted around our coasts and are so much of the memories of our constituents and families. I think it would be of great concern if the apparent push that is underway now to wind back the access to those was to continue, and I put my concern on the record. I do not pretend for a moment that this bill is necessarily a part of that or that the bill would necessarily allow that to occur at any greater rate than what appears to be the focus at the moment by this government.

With those brief comments, I perhaps should make some comments about —

Mr Mulino — Brief?

Mr DAVIS — It is relatively brief; would you like more?

Business interrupted pursuant to standing orders.

Sitting extended pursuant to standing orders.

Mr DAVIS — Acting President, I make the point that having endured lectures and homilies from the now Deputy Leader of the Government when I was leader in this chamber about extensions at exactly 10 o'clock, those extensions are now routinely misused by the government. The misuse of those —

The ACTING PRESIDENT (**Mr Purcell**) — Mr Davis, is this a part of the debate?

Mr DAVIS — No, it is an addition to the debate, Acting President.

Ms Pulford — On a point of order, Acting President, in addition to the addition to the debate, the member is talking out of his hat. We have sat here and endured a ridiculous filibuster and extended the sitting in the hope that we might eventually complete this.

The ACTING PRESIDENT (**Mr Purcell**) — Do you have a point of order, Minister?

Ms Pulford — Mr Davis knows full well that the extension is in order, and I would encourage him —

The ACTING PRESIDENT (**Mr Purcell**) — Thank you, Minister. Mr Davis, you may continue.

Mr DAVIS — Acting President, it is important to note that it is after 10 o'clock at night. We have been sitting since 9.30 this morning. We have had a truncated dinner period. Members have not had the 1½ hours they would normally have had.

The ACTING PRESIDENT (**Mr Purcell**) — Thank you, Mr Davis. Return to the bill, please.

Ms Pulford — It's your rules, buddy.

Mr DAVIS — A misuse of the rule, I might say. I wanted to make some points about the feedback that we have had from a number of key groups. Johnathon Davey from Seafood Industry Victoria has made a number of points about the Coastal Management Act 1995. He claims that the new legislation removes the ability to plan and manage for commercial use, literally locking things up. He says that this is not acceptable and that it appears to be acting contrary to the Fisheries Act 1995.

The government, as I understand it, will face a committee on this bill. It is not a committee of our decision on this occasion. I think the Greens have a number of amendments that they want to move. I will say something about those amendments in a moment, but I understand the government will move four amendments which are a subset of the Greens amendments. In this context there will be an opportunity in committee to understand whether there is any intention to act contrary to the Fisheries Act 1995 through the changes that are in this bill.

Mr Davey says that there is no objective in the bill that allows specifically for the continuation, development and promotion of fishing opportunities in Victoria, which is a significant concern. He also argues that the objective to promote ecologically sustainable development and development of the marine and coastal environment and its resources in appropriate areas ought to be amended to promote and develop fisheries. We have a number of developing fisheries, some of which need access rights to beaches and other areas. Mr Davey says that without the right to develop, this could block future aspirations.

The act appears to simply be a foolproof method for implementing marine parks, but we know that there is no science that shows marine protected areas work. We have no evidence that they are necessary, and they must not be used as a measure for fisheries management. Mr Davey says that fisheries co-management and ensuring all resource interests are in any discussion is the best, most accepted way to manage fisheries resources. There is a belief that we need to conserve and lock up more of Victoria's coastline, but Mr Davey says that we know that is not necessary. All of our

fisheries are sustainable and are being managed in a way to bring them back to sustainability in a short period. I think largely our fisheries are being managed. I do not claim to be an expert on fisheries — Mr O'Sullivan may have more to say about that — but I note that by and large I think by world standards our fisheries are well-managed, and I think again this is about important balances that need to be struck.

Matt Ruchel, the Victorian National Parks Association (VNPA) executive director, has called previously for statutory authority to enhance the existing Victorian Coastal Council and for a stronger role for ecosystem-based spatial marine planning. These ideas have been largely rejected, it seems, in the bill, though there is mention of a spatial marine planning framework as part of the marine policy, although I suspect that the VNPA would like a stronger representation of that in the bill. But as I say, there is an opportunity in this bill for a good outcome, but it has got to be a focus that is balanced.

I note the work of the Scrutiny of Acts and Regulations Committee (SARC). They talked about issues of liability in a number of the offences that are created and the various strict or absolute liability offences that are created in clauses 65, 66 and 67:

> An offence is one of absolute liability if there is no requirement to prove that the accused actually intended to do the act for which they have been charged and the defence of 'honest and reasonable mistake of fact' is unavailable.

This is from SARC in its report at page 28:

> When legislation is silent on the question of mens rea, there is a presumption that it is required. However, that presumption may be rebutted depending on: the subject matter; the nature of the offence and the punishment; and whether the absence of mens rea would assist enforcement.

That is SARC commentating on the bill:

> The absence of a specific knowledge requirement in each of clauses 65, 66 and 67 may mean that it would be open to a court to interpret those clauses as either: requiring knowledge (mens rea offences); not requiring knowledge but allowing for a defence of honest and reasonable mistake of fact (strict liability); or not allowing for any defence (absolute liability).

The practice note of the committee states:

> … that it is a matter of concern to the committee where a bill provides insufficient or unhelpful explanatory material in respect to the creation of a strict or absolute liability offence. The committee notes that neither the explanatory memorandum nor the statement of compatibility address the question whether clauses 65, 66 or 67 should be construed as mens rea, strict liability or absolute liability offences.

This is in effect a point that SARC is making about sloppy drafting and a sloppy sharpness of focus. The minister, Lily D'Ambrosio, responded to SARC on 15 February, saying:

> I refer to your letter … seeking clarification as to whether clauses 65, 66 and 67 … should be construed as mens rea, strict liability or absolute liability offences.
>
> I confirm that it is intended that those three offences, relating to consents to use, develop or undertake works on marine and coastal Crown land, are to be construed as strict liability offences. I consider this is appropriate given the relatively low penalty for each of these offences, and the difficulty that would be faced by the prosecution in proving knowledge or intention on the part of an accused. Requiring proof of these fault elements would make these offences ineffective in protecting marine and coastal Crown land.

Well, that is the minister's assertion. The minister in the chamber may wish to make comment about those clauses at a later point, perhaps in her summing up, as to whether that is precisely what the government intends. I would rather hear it in the chamber than just in a letter from the minister to the committee. Although occasionally I am critical of SARC these days, at least on this they are actually chiselling away at their job, which is actually to look at the detail of legislation, whether the framework of that legislation is appropriate in terms of its impact on rights and privileges and whether the clarity of the legislation is such that people can reasonably or ought reasonably be able to make sense of what is meant or intended. Again I think the legislation is a bit sloppy. I welcome the statements from the minister to SARC, and I would welcome further statements by the minister in the chamber at a later point in these proceedings as to what is actually intended with respect to these offences in those clauses.

In conclusion I want to say that the coalition — the Liberals and The Nationals — are focused on protecting our coasts but understand that our coasts perform a very valuable social, economic and tourism function and that those interests need to be balanced appropriately too. We do have that significant growth in population. That significant and growing population means that there will be greater pressure on our coasts. I will return to where I began earlier on and say that unsophisticated development — development that is not properly managed — can have significant effects on our coastal areas, and that will be to the detriment of not just the coasts and the marine environments that are a part of them but ultimately our community. Those coasts, those clean seas and those marine areas are valued immensely by our community.

Mr MULINO (Eastern Victoria) (22:11) — I rise to speak in favour of the Marine and Coastal Bill 2017. This is a bill which delivers on the Andrews Labor government's election commitment to establish a new

marine and coastal act and to improve management and oversight arrangements for our wonderful marine and coastal environment. I foreshadow at the beginning of my contribution that we will be distributing some amendments to this bill. I would like those to be distributed now.

Government amendments circulated for Mr JENNINGS (South Eastern Metropolitan) by Mr Mulino pursuant to standing orders.

Mr MULINO — I just flag at this point, without going through the amendments in detail, that the amendments aim to clarify the approach in relation to coastal management and to clarify indeed that it will be mindful of ecological sustainability and related issues.

I briefly say at the outset that I certainly concur with the previous speaker insofar as he said we have a very special and important coastal environment in this state. Indeed we have more than 2000 kilometres of coastline with more than 10 000 square kilometres of marine waters. Many of us in this place will have parts of our electorate that are coastal, and indeed many, many people in this state live near the coast, holiday near the coast or have some attachment to the coast. In Eastern Victoria Region, for example, we have the Mornington Peninsula, Wilsons Promontory, Lakes Entrance and many, many other coastal areas. I have been actively engaged in the government's development of a very strong package for the Geelong and surrounding regions city deal over the last months, and that of course deals with significant investment in the Shipwreck Coast, which is another very important part of our coastal environment.

As I am sure all of us in this place would agree, the coast is important for reasons of economic value, for the tourism and commercial value, for the recreational fishing sector and on it goes. But of course above and beyond the economic and social value there is just an inherent value to the coastal areas. There is an inherent value to our environment. Our coastal areas are some of our most complex and vulnerable environmental areas. That is something which demands an appropriate response from our society and from the state. There is an important value in its own right of coastal areas, and that is one of the key rationales of this bill.

I might also just point out before getting onto the bill itself that four out of five Victorians visit the coast at least once a year, and that is reflected in a whole range of activities, such as fishing and lifesaving activities. Many lifesaving clubs have a catchment that is very wide, so we see that in many activities. Then of course it is also important that in Victoria, where since the 1870s most of the coast has been reserved for public use, to this day 96 per cent of our coastline is retained in public ownership. That is very important, and not all countries can say that.

In terms of this bill, the Coastal Management Act of 1995 was Victoria's first legislation dedicated to statewide coastal management, and it has guided the protection, conservation and sustainable use and development of the coast since that time. However, over the last 20 years there have been a number of changes, such as changes in our understanding of climate change, there are increasing population pressures and indeed there is ageing coastal infrastructure, so it is time for an update or a refresh of that act, and this bill is that refresh.

The Marine and Coastal Bill 2017 will build upon that previous regulatory regime in a number of ways and indeed will be combined with a number of complementary non-legislative reforms. The bill is going to establish a new coordinating framework that builds upon and then harnesses the strengths of the 1995 act. One thing I will say at the outset is that it is a whole-of-government approach that also recognises the value of a number of existing pieces of legislation and recognises their ongoing role, such as the Fisheries Act 1995 and the National Parks Act 1975.

I might just very briefly say before getting onto the specifics of the bill that there was a very exhaustive process in developing the bill. There was an expert advisory panel chaired by Associate Professor Geoff Westcott which was established in late 2015; then there was a stakeholder reference group, which was convened to inform the deliberations of the expert panel; and then in 2016 a public consultation paper was released. So it was a very exhaustive process which included extensive consultation with stakeholders.

In terms of some of the specifics of the bill, it includes a number of strong objectives and guiding principles. There are eight clear objectives:

(a) to protect and enhance the marine and coastal environment; and

(b) to promote the resilience of marine and coastal ecosystems, communities and assets …

(c) to respect natural processes in planning for and managing current and future risks …

(d) to acknowledge traditional owner groups' knowledge, rights and aspirations for land and sea …

(e) to promote a diversity of experiences in the marine and coastal environment; and

(f) to promote the ecologically sustainable use and development of the marine and coastal environment …

(g) to improve community, user group and industry stewardship and understanding of the … environment; and —

finally —

(h) to engage with specified Aboriginal parties, the community, user groups and industry in marine and coastal planning …

There are also a number of guiding principles. As the previous speaker mentioned in the part of his speech where he was not trawling over the past, when he talked about the bill, there are some important improvements to governance and institutional arrangements. We are going to establish a new statewide advisory body with an increased marine focus that will address gaps in advice on matters relating to coastal erosion, and we are going to simplify regional advisory arrangements.

In addition, we are going to really strengthen the planning arrangements, so we are going to provide for planning at the statewide, regional and local levels. For statewide marine and coastal planning, the 1995 act introduced Victoria's first long-term strategic statewide document. This is a key strength of the current system, so this bill recognises this strength and builds upon it. There are a number of things in this bill that are going to strengthen arrangements at the statewide level.

There is also going to be regional marine and coastal planning, so there is going to be integrated and coordinated planning and management at the regional scale, which will be delivered through a new and flexible regional partnership approach by strengthening the role of coastal catchment management authorities and by providing the development of environmental management plans. There will be regional and strategic partnerships, or RASPs, as the previous speaker indicated, that will support government departments and agencies, community organisations and industry to jointly address significant regional or issues-based planning.

There is also going to be strengthening of local marine and coastal planning. It is absolutely critical that there is feedback at that local level, so the bill provides for the preparation of coastal and marine management plans at that local level. There are also going to be improvements to the protections of public values and streamlining use and development.

Finally, there is going to be an improvement of our understanding of the marine and coastal environment through improvements in reporting and data. One of the significant gaps in Victoria's current governance arrangements is the absence of data on the condition of the marine and coastal environment, so this bill establishes an obligation to prepare a report on the baseline condition of the marine and coastal environment.

This bill is a big step forward. We have had a governance regime since 1995 that has been in place for over 20 years now. It is time for a refresh and an update of that. This bill provides an integrated, whole-of-government approach to marine and coastal planning. It also provides for coastal planning and management at the statewide, the regional and the local levels. This bill will position Victoria once again as a national leader in integrated coastal zone management.

Ms DUNN (Eastern Metropolitan) (22:21) — I rise to speak on the Marine and Coastal Bill 2017. Of course this is a bill that repeals and partially re-enacts the Coastal Management Act 1995 and provides for the integrated and coordinated planning and management of the marine and coastal environment of Victoria. This bill makes us all turn to thinking of the coast in Victoria because Victoria is of course a state that has an expansive coastline. For a small state —

Honourable members interjecting.

Ms DUNN — I make these reflections — to pick up the interjections to my left — because I am in fact one of the members who has a landlocked electorate, along with Mr Gepp. However, that does not mean that we do not enjoy the coast and understand the importance of the coastline of Victoria — the 2395 kilometres of coastline that we have in Victoria. If you turn your mind to the coast —

Mr Davis — Sea level rises will get the coast in there.

Ms DUNN — Thank you, Mr Davis. I will get to sea level rises in my next point at hand. I just want to turn now to the natural beauty of our coastline. As one of those landlocked members of Parliament, my mind turns initially to Wilsons Promontory, an extraordinary part of Victoria, one of great beauty and one that has an abundance of wildlife. Sadly an abundance of pest animals goes with it as well. But it has extraordinary coastlines — quite striking — and beautiful, pristine places.

The next place that strikes me and one that is a linchpin to the tourism economy of this state is the Twelve Apostles and the Great Ocean Road. That is an extraordinary part of Victoria. It has amazing natural beauty. It attracts a huge range of visitors, the Great

Ocean Road, as it should. It is an extraordinary legacy that we have in our state, and one that is taken advantage of by international visitors, local visitors and interstate visitors. It is an extraordinary part of Victoria.

I also want to just turn to one of the furthest points in this state — that is, Mallacoota. It is another amazing part of our coastline, with amazing natural attributes attached to it as well. There are wonderful coastal national parks in that neck of Victoria. These places are very important and need significant oversight in terms of their management.

In terms of coastal management I want to turn now to some threats to our coastline and its beauty, and not only that but the environmental sensitivities that come with our coastline and the ecological value our coastline provides this state as well. I want to turn to the risk of rising sea level, certainly if we continue to see delays in action on climate change. Firstly, I want to turn to international climate scientist Professor Will Steffen, who indicates that every five-year delay in cutting greenhouse gas pollution and tackling climate change will likely add another 20 centimetres to sea level rise. That is at risk of occurring, placing global coastlines, including Australia's, under increasing threat. Professor Steffen has said:

> The window of opportunity to tackle climate change is rapidly closing. This is yet another warning signal that Australia must urgently slash its rising greenhouse gas pollution levels now and over the coming decades.

This statement is in relation to a report that was released by the Climate Council that followed the release of observations from the University of Colorado showing that sea level rise is accelerating, putting us on track for a 65-centimetre increase in average sea level by 2100 compared to the 2005 level. Of course in Australia the implications are serious — they are enormous — because in terms of our nation and our state, much of our infrastructure in fact hugs our coastlines. The report that the Climate Council put out is called *Counting the Costs: Climate Change and Coastal Flooding*, and there is a range of key findings contained. The report indicates:

> Sea level has already risen and continues to rise due to climate change. Climate change exacerbates coastal flooding from a storm surge as the storm rides on higher sea levels.

The report goes on to point out how vulnerable Victoria is in relation to rising sea levels, with 80 per cent of the Victorian coastline at risk and at threat. As I have already indicated, Australia is highly vulnerable to increasing coastal flooding because our cities, our towns and our infrastructure are all mainly located on the coast, and that is certainly the case in Victoria as well. The reality is that much of this infrastructure was built in the 20th century and earlier, and it certainly was not under the lens of a rising sea level and so has not been built with that in mind. It is a sleeping giant. The threat of sea level rise is there, and if it is ignored, the economic damage and of course the environmental damage from it could be enormous.

Sea level rise poses risks for many of our iconic natural places. When we look at ecosystems along coastlines, we are talking about things like mangroves, saltmarshes and seagrass beds that become trapped in what is called a coastal squeeze between rising sea levels and fixed landward barriers such as seawalls and urban development. The damage in these ecosystems has a negative flow-on effect on water quality, carbon storage and fisheries, so it is a significant issue for our coastal areas and one that needs to be front of mind in terms of how we manage our coastlines into the future. The action that we take on climate change is very important in relation to that.

As I said earlier, Victoria has 2395 kilometres of open coastline. The report undertaken by the Climate Council suggests that 80 per cent of our coastline is vulnerable to sea level change, which is a sum total of 1915 kilometres of coastline. That is significant and disastrous for this state whether we look at it from an environmental point of view, a cultural point of view or an economic point of view. When we look at the importance of coastal areas, whether that is around the coast or further out into habitats for many species, and whether we are talking about commercial or recreational fishing or shellfish, the reality is that these ecosystems provide many additional services, including protection from erosion and storms, filtration of water and stabilisation of sediment. These sediments also play an important role in carbon sequestration, which is known as blue carbon as opposed to green carbon, which is trees.

However, this particular bill is all about the marine environment, not the land, tree and forest environment. The reality is that in our coastal areas many of those habitats are in serious decline due to human impacts, and climate change poses multiple new threats. As sea levels rise, low-lying habitats will become increasingly inundated. In some cases species and habitats will be able to adjust by moving landwards. However, that is not possible in every case, particularly if the terrain is steep or if the barrier is one of human development — hence the coastal squeeze, as I talked about earlier.

In the context of Victoria and our economy, tourism is of course one of our most important earners. We have a spectacular coastline. I have talked only a little bit about

some of the spectacular coastlines that we have here and how significant they are in attracting domestic and international visitors. The reality is that rising sea levels and increased coastal flooding pose great risks to the maintenance of our beaches and to the attractiveness of and access to many of our tourist attractions. Members, I am not sure if you have been to any regions that have suffered storm surges where beaches have been completely wiped out, but you can see drops of 1 to 2 metres or a beach that has disappeared altogether. It is a really critical issue when that happens in a community that is reliant on tourism as part of its local economy.

I think what we need to keep front of mind when we look at coastal management is that scientists have modelled a half-metre sea level rise. Flood events that might have been expected to occur every 100 years in Melbourne would happen more than every month. That is an extraordinarily complex issue to deal with, and if we do not do something about the rising greenhouse gas emissions, we stand to lose so much of our coastline along with so many other things as well.

In terms of the bill we have before us, the Greens feel that this is a missed opportunity for the government and does not go anywhere near what we had hoped for or what many in the community hoped for as well. There are two sets of issues that particularly concern the Greens. One is around not creating a statutory authority, and the other is around the lack of detail or a clear mechanism on marine spatial planning and a marine spatial planning framework.

The other concerns in terms of the changes proposed in this bill are that they will reduce opportunities for community participation in coastal and marine planning. The bill also removes coastal boards and reduces the power of the Victorian Coastal Council. The new council proposed in the bill — the Marine and Coastal Council — will no longer produce a coastal strategy and will have a role of advising, not endorsing or recommending.

The Greens are concerned about how community and expert representation will be considered as part of this bill and how input in relation to those two sectors will be maintained into the future.

I want to turn now to some commentary provided by the Victorian National Parks Association (VNPA), which has done a lot of work in this area. They most recently put out a piece in their *Park Watch* publication in March 2018. The VNPA said in that particular publication that the Marine and Coastal Bill is 'a missed opportunity' to reform marine and coastal planning in Victoria. In the article they talk to their disappointment in relation to the bill and what it does not have in it. Some of the amendments that I will talk to shortly go a way towards addressing some of the missed opportunity that has not been taken as part of this bill. In terms of their commentary they talk about the negative features in the bill, including the gutting of the Victorian Coastal Council by turning it into an advisory body only and, as I mentioned earlier, the fact that it no longer prepares marine and coastal strategy. That will now be done by the Department of Environment, Land, Water and Planning (DELWP).

They go on to say that over the past 20 years the strategies have been forward-looking and innovative documents that have greatly influenced coastal planning, and they are concerned that under the department's guidance that is not likely to be achieved. They outline their concerns in relation to abolishing the regional coastal boards and transferring their role to existing catchment management authorities with coastal boundaries. It is worth noting that those coastal boards were starved of resources, but they played an incredibly significant role in developing local community engagement in coastal planning and management. What we have not seen in many of the catchment management authorities is an interest in marine and coastal environments. Certainly their focus is agricultural and land-based, and we have not seen expertise, in the main, in marine and coastal areas.

The VNPA goes on to talk about the lack of a pathway to develop proactive and long-term integrated regional marine and coastal planning. That is the cornerstone of marine spatial planning frameworks and the implementation of new marine and coastal policies and strategies. They also have concerns about the lack of a clear public process for public comment on changes to the use of coastal and marine areas, which is quite different when you compare it with land-based planning frameworks which are covered under the Planning and Environment Act 1987. In terms of the Marine and Coastal Bill they highlighted some missed opportunities to reform marine and coastal planning and the fact that the bill substantially reduces any meaningful community engagement.

In relation to the feedback that we received the Greens have prepared a significant number of amendments to address some of those concerns, and I would ask if those amendments could be circulated now.

Greens amendments circulated by Ms DUNN (Eastern Metropolitan) pursuant to standing orders.

Ms DUNN — In relation to the amendments, they have a range of purposes. They are significant in

number. There are 47 amendments proposed. I note that in Mr Mulino's contribution he circulated amendments as well. Six of those in fact mirror the Greens' amendments, and of course we accept those government amendments because they are an exact replica of our amendments in relation to this particular bill.

In terms of the balance of amendments that we have, the purpose of those is to include marine spatial planning as the central objective of marine management in Victoria. Marine spatial planning allows for informed and coordinated decisions about our marine environment, the assessment of the cumulative effect of maritime industries and the proactive minimisation of conflicts between different uses and values. The amendments ensure that public consultation, community engagement and public education are implemented to develop shared ownership of marine planning and management outcomes. They build Victoria's scientific understanding of marine and coastal environments. They use the marine spatial planning process to emphasise the maintenance of ecological processes, including water and nutrient flows, community structures and food webs, and ecosystem links. They look beyond simply harnessing marine resources and aim to maintain or restore species diversity, habitat diversity, the heterogeneity of populations of key species and connectivity to enhance ecological sustainability while seeking to balance ecological, social, economic and governance objectives.

They provide for greater transparency in the advice given to the minister by the Marine and Coastal Council and ensure greater pertinence of the advice with respect to improving the state of marine and coastal environments. They provide for greater transparency around applications to use, develop or undertake works on marine or coastal Crown land, and they provide the opportunity for stakeholders and members of the public to make submissions on such applications, as is the case in planning processes generally. When I say that, I mean land-based planning processes. Then a group of those amendments, should an instruction motion be successful, speak to ensuring that the boards of the catchment management authorities have members with relevant expertise in marine and coastal science and/or management.

It is worth, in contemplating this bill, turning to the Victorian Auditor-General's Office report entitled *Protecting Victoria's Coastal Assets*, which was produced in March this year. In terms of what the Auditor-General's office looked at, they looked at Victoria and the 96 per cent of the coast that is public land overseen by the Department of Environment, Land, Water and Planning. Parks Victoria manages approximately 70 per cent of that land, the majority of which requires a high level of conservation protection. Councils, local port managers and committees of management manage a further 20 per cent, which is reserved for recreation or conservation purposes, and the department directly manages the remaining 6 per cent, which is not reserved for any particular purpose.

I think what is of concern when you read the Auditor-General's report is the findings in relation to that. In terms of their review of those departments, the Auditor-General's office focused on how the range of agencies were managing and safeguarding coastal assets. Those agencies include the department, Parks Victoria, two local government authorities, Gippsland Ports, the Great Ocean Road Coast Committee and VicRoads. They looked at assets such as coastal protection structures, natural and built; maritime assets, including jetties, piers, wharves and boat ramps; access assets, including stairs and boardwalks; and natural assets, including beaches, biodiversity, cliffs, coastal parks, sand dunes, coastal plants and animals.

The Auditor-General highlighted that there is a real risk of losing valued assets and infrastructure along the coast partly because not all agencies have a complete knowledge of all the assets they are accountable for or the assets' age and condition. Targeting of scarce funding also does not properly consider risks, and significantly underfunded maintenance backlogs remain unaddressed.

When you look at this — and of course the department was one of those agencies that was audited — it is of concern where the Auditor-General has highlighted that:

> The limited knowledge about existing coastal processes, such as wave behaviour and sand movement, and uncertainty about the likely impact of future climate change reduce agencies' ability and confidence to act.

In terms of barriers at the state level, the Auditor-General pointed out that the issues affecting the management and protection of coastal assets include:

> poor oversight by DELWP across all public coastal areas contributing to overly complex planning and management arrangements;
>
> the skills and capacities of coastal managers not aligning with what is needed to manage and protect assets;
>
> constraints on funding, how revenue is generated, and where and when it can be spent;

the lack of a statewide perspective on what areas are at greatest risk from coastal hazards, as well as on what assets are currently being protected or need to be protected;

the lack of effective guidance and support provided by DELWP to its coastal managers to be effective risk-based asset managers.

In relation to that, it is important because a lot of the functions of this bill are handed to the department. It is a really significant set of assets that the department will be responsible for. That is why there are a range of amendments that the Greens are putting forward in order to make the bill a stronger bill should those amendments be successful. We are concerned with the findings of the Auditor-General's report *Protecting Victoria's Coastal Assets*.

We think there needs to be a significant amount of strengthening of this bill. I will certainly talk to those amendments as part of the committee-of-the-whole process. I thank the government for taking up six of our amendments. However, there are still many to go, so we will just see how they go in the committee of the whole. In saying all of those things, the Greens do support this bill as a step forward for marine and coastal management.

Motion agreed to.

Read second time.

Instruction to committee

The ACTING PRESIDENT (**Mr Purcell**) — I have considered the amendments circulated by Ms Dunn, and in my view amendment 44 is not within the scope of the bill. Therefore an instruction motion pursuant to standing order 15.07 is required. I remind the house that an instruction to committee is a procedural debate.

Ms DUNN (Eastern Metropolitan) (22:47) — I move:

That it be an instruction to the committee that they have the power to consider an amendment to amend the Catchment and Land Protection Act 1994 to require the composition of catchment management authority boards to include at least two members with expertise in marine and coastal science or management.

Mr DAVIS (Southern Metropolitan) (22:48) — I would indicate that the opposition on this occasion will support this. In general we would support a widening motion that enables a party or an individual in the chamber to move an amendment — the clerks are sometimes overly strict — and have it tested by the chamber. I just want to put on record my disappointment in a recent case where this was not reciprocated by the Greens. I am putting that on record here but indicating we will support this motion.

Mr JENNINGS (Special Minister of State) (22:49) — I just want to put on the record, given that Mr Davis has, that the government is happy to accept this, and I appreciate the high moral ground that Mr Davis has found himself on.

Motion agreed to.

Ordered to be committed next day.

ADJOURNMENT

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

That the house do now adjourn.

Anglesea land use

Mr RAMSAY (Western Victoria) (22:50) — My adjournment matter is for the Minister for Planning, and the action I seek is for him to investigate when the Department of Environment, Land, Water and Planning (DELWP) will make public the *Anglesea Futures: Land Use Plan*. A recent meeting I had with my parliamentary colleagues and directors from Alcoa foreshadowed an exciting vision for their freehold and leased Crown land site, given the closure of the mine and the power station at Anglesea. Their vision proposes a tourist mecca, with a large water body, ecolodge accommodation, nature trails, restaurants and camp sites; and active recreation, which would include a relocated larger bike trail, preserved native vegetation and an information centre.

These projects are all part of the *Alcoa Freehold Concept Master Plan Anglesea*, which has had broad community consultation. This concept plan has been submitted to the Department of Environment, Land, Water and Planning as part of the *Anglesea Futures: Land Use Plan*. The local community has raised concerns as to the future of the current peppercorn lease Alcoa provides to the local Surf Coast Shire Council for the current bike track and is looking to the government for a decision on possible relocation to a more superior site on Crown land.

Given the area surrounding the Anglesea power station is a mix of freehold and leased Crown land, with the Great Otway National Park abutting the precinct, there are a number of stakeholders that have planning responsibilities for the future use of the site. The rehabilitation and closure of the mine site is guided by the Anglesea mine rehabilitation and closure plan and

the demolition of the power station has been regulated by WorkSafe and the Environment Protection Authority Victoria, which monitors air and material contamination.

There are a range of interest groups and individuals calling for all sorts of land use options, for which the largely private freehold land owned by Alcoa would be subject to a number of planning provisions, both from the state and local governments. Some planning zones on Alcoa land include special use zone, rural conservation zone, bushfire management overlay, vegetable protection overlay, land subject to inundation overlay, flood overlay and areas of Aboriginal cultural heritage. To give some comfort and confidence to the Anglesea community, what the final conceptual plans for the area will look like is extremely important for the close-knit community that has high visitations in the summer months. I seek the minister's support in requesting DELWP to make public the final *Anglesea Futures: Land Use Plan* as soon as possible to allow the community some rational debate on the merits of the plan, rather than the fairly loose and wild observations that are getting media attention.

Yarra Hills Secondary College

Mr LEANE (Eastern Metropolitan) (22:52) — My matter is directed to James Merlino in his role as Minister for Education, and the action I seek from the minister concerns the Mooroolbark campus of Yarra Hills Secondary College. This campus is relatively new, as it was established in the last five years. Being new there are some things this school could use as far as improvements. One of those improvements, as I understand, is that there be more shade in the outdoor areas for students. The action I seek from the minister is that he do whatever he can within his powers to obtain funding for a shade sail or some sort of infrastructure that would facilitate this particularly important element before summer comes so that the students will have some shade in their outdoor area.

Murray-Darling Basin plan

Mr O'SULLIVAN (Northern Victoria) (22:53) — My adjournment matter tonight is for the Minister for Water, and the action I am seeking from the minister is to lobby the South Australian water minister to ensure that the South Australian irrigators are adhering to the same regulations as Victorian irrigators. In this week's *Weekly Times* an article by Peter Hunt outlined that South Australian irrigators are exploiting a loophole and overusing water allocations, which are destined for the environment in South Australia. This practice has been banned in Victoria. The water that South Australian irrigators have been taking, which is not theirs, is effectively taking water from the environment, which is destined for the lower lakes in South Australia. South Australian politicians, particularly Sarah Hanson-Young, were very quick to criticise New South Wales irrigators for overusing their entitlements and using water that was not theirs, while all along the very same thing has been happening in her own electorate.

In terms of South Australia, they have been very critical of others in the basin about the way water is used and are insisting that more water be allocated to go down to South Australia for them to deal with some of the environmental issues that they see in terms of flushing out the Lower Lakes. What is really of concern particularly to Victorians and, I would say, many irrigators and people in the northern basin as well, is that South Australian irrigators have actually been exploiting the rules, which has resulted in the overuse of the entitlements that they have. In terms of having an over-allocation and overusing water, they have been taking it from the environment this whole time, which is not fair and is not right.

The action that I seek is for the Minister for Water in Victoria to lobby tomorrow at the ministerial council meeting up in Canberra, where all the water ministers will be together. If the South Australian minister could hear from the Victorian water minister that South Australian irrigators need to adhere to the same regulations as Victorian irrigators, that would certainly make the whole Murray-Darling Basin plan much more equitable in terms of the way it operates.

The PRESIDENT — Can you come up with an alternative to asking the minister to lobby? From my point of view, in an adjournment debate getting one of this government's ministers to lobby another government, whether it is federal or one of the other states, is just not sufficient action. Can you come up with a different terminology to 'lobbying'?

Mr O'SULLIVAN — I will ask that the Victorian minister certainly advocate on behalf of Victoria and insist that the irrigators in South Australia adhere to the same regulations as the irrigators in Victoria.

East–west link

Mr ONDARCHIE (Northern Metropolitan) (22:56) — My adjournment matter this evening is for the Minister for Roads and Road Safety in the other place, and the action I seek is that the minister take action and build the east–west link. This is a very important issue for residents in the northern suburbs of Melbourne and particularly for residents in my region

who use Alexandra Parade, Clifton Hill. The RACV conducted a study to find Melbourne's 10 most congested roads. Two of the 10 roads named were in my region of Northern Metropolitan: High Street, Epping, and Alexandra Parade, Clifton Hill. These hotspots are driving Melburnians mad, especially the meeting of the Eastern Freeway, Alexandra Parade and Hoddle Street. It is extremely clear to residents in my community that it is a project that needs to go ahead.

The government have had so many different positions on this project of the east–west link. They once supported the project. In fact it was a previous Labor government that commissioned a report by Rod Eddington that identified that the number one road project was the east–west link. Due to a fear of the Greens they decided to backflip and waste $1.3 billion not to build this much-needed, important piece of infrastructure. The east–west link is now more important than before, given the population boom in Melbourne and a commitment from the state government to plan the building of the north-east link with no money in the budget to actually build it.

The east–west link needs to be built before the north-east link, otherwise Alexandra Parade, Clifton Hill, will be an even bigger car park, frustrating motorists trying to get home to their families or on their way to work even more. To build the north-east link first the government will funnel more than 100 000 traffic movements each day onto the Eastern Freeway, which, thanks to Daniel Andrews, still ends in a set of traffic lights at Hoddle Street. It is ludicrous to build the north-east link and not build the east–west link. The action I am seeking from the roads minister is to advise me when the government will build the east–west link.

V/Line services

Mr DAVIS (Southern Metropolitan) (22:58) — My adjournment matter tonight is for the attention of the Minister for Public Transport. This week we have seen an absolute meltdown of V/Line services at Southern Cross Station. We have seen Ballarat, Bendigo, Gippsland and Geelong services and beyond affected. Every regional city has had the full impact of the state government's mismanagement of V/Line. We have seen scores of services cancelled in one evening. Yesterday evening was an absolute disaster.

The state government claims that this is due to winter — winter! I have got news for the minister: winter is at the same time every year. It starts in June, it is very predictable and it has been at the same time for some long period of time. And do you know what? Winter comes along and there are needs to plan for the start and to make sure that there are sufficient resources that the trains can still run. Winter is not an excuse for not running country trains, and our V/Line services have got a very important role in getting our country commuters and indeed those on the edge of the city, for example, out to Wyndham Vale, Tarneit and Melton. Those commuters face very significant impacts from the state government's hopeless management of V/Line services. Everybody knows this is a scandal. It is as an absolute disgrace. People ought to be able to rely on punctual and reliable services.

There is a rumour around that there are industrial matters that are involved here, and if there are industrial matters, the action I am seeking from the minister is that she intervene and ensure that this does not continue, that this is put to bed and that this is settled in such a way that commuters are not made to bear the brunt of her mismanagement and the state government's mismanagement of our V/Line services. If indeed, as she says and her government says, it is the fact that it is winter and she has not been prepared to plan properly for winter, she ought to intervene on that.

In any case, whatever the cause of the disastrous performance of V/Line in recent days, whether it is the winter or whether it is industrial action — industrial sickness, as somebody called it in the newspaper in the last 24 hours — or whatever the cause is, the minister needs to intervene. This incompetent performance, this absolute shambles, needs to stop. People must be able to rely on getting home in a punctual and reliable way. The minister ought to come out from under her desk in the city and she ought to go down to Southern Cross and confront the people who she has let down. My action is, if it is an industrial matter, that she intervene immediately to deal with this.

The PRESIDENT — It was an amazing speech, and I am enlightened about when winter falls. However, the action simply called on the minister to intervene. You ranged over a number of things. You actually asked the minister to intervene on her mismanagement. You asked her, I think, to intervene on winter. You have got a couple of seconds to actually put a proper —

Mr Dalidakis — He's been in Parliament since 1996.

The PRESIDENT — Actually that thought did occur to me, and I nearly did rule it out exactly on that basis. I will give you just a couple of moments to be specific about what the minister should do.

Mr DAVIS — President, I ask that the minister investigate immediately the cause of these delays and disruptions and act to prevent them.

The PRESIDENT — You have been here since 1996.

St Kilda police resources

Ms FITZHERBERT (Southern Metropolitan) (23:03) — My adjournment matter is to the Minister for Police in the other place, and it is from a resident of St Kilda, who I will not name. I will say that his name is Jason, and it is in relation to crime. He sent an email last weekend to a number of people in local government and also to local police and others who have an interest in the area. I am going to use a number of his words, because I think he explains it far more eloquently than I could. He says:

> The issue of drug-related crime has again become a crisis within this precinct (Carlisle/Barkly streets) over the past two weeks.

And he says that his property in Barkly Street has had what he calls a huge intrusion of drug users shooting up inside:

> The tenant is at a loss as to what to do. We renovated the shop last week to deter the drug users but it's had no impact as they continue to use as a shooting gallery at all hours.
>
> Police have been patrolling but they are under-resourced. We need immediate action from government and council.
>
> It's not fair that we pay rates on our properties and our tenant pays rent on a shop that's constantly having customers turned away when they witness the drug use taking place.

And he directs a comment towards Katherine Copsey, who is a City of Port Phillip counsellor, and says:

> Katherine Copsey, I am beyond disappointed at the lack of care you show to any of this or anything to do with residents safety. You are playing with our lives while you play your political games.

He notes that Tim Baxter has at least taken his calls. He says:

> Andrew Bond has shown a genuine duty of care and promised a major safety upgrade should Liberal take power at the upcoming election.

He notes that Martin Foley has shown interest and a duty of care, but he looks forward to hearing his response as to how we can put a stop to this criminal behaviour as soon as possible. The writer of this email gives credit to Jason Kelly, a local police inspector, and says he:

> … has been amazing for this community with everything he and his team have done. It's a shame that council and government won't give St Kilda police the resources required to further protect our community.

He attaches photos of the drug use that has happened in the previous two days in and around his property. He says:

> I'm sure there were many more incidents during this time, but these were just those that we've witnessed.
>
> These issues as a result have overtaken my life in trying to stop the crime that is destroying this community and my family's right to feel safe.

He concludes the email by pleading — and that is his word, 'I plead with you' — for assistance. Local police have trouble in a number of local hotspots, and I have indicated them over time in this place. In every instance — with the Neptune Street park, with Little Grey Street, with the Gatwick and with riots on the beach — the only thing that gets attention from the Andrews government and Martin Foley is media and residents campaigning. The action that I am seeking is the allocation of additional police resources to protect residents and traders in the Carlisle Street/Barkly Street precinct.

Responses

Mr DALIDAKIS (Minister for Trade and Investment) (23:06) — We have had adjournment matters this evening from Mr Ramsay to the Minister for Planning asking about the release of an overlay for Anglesea; from Mr Leane to the Minister for Education to fund shade sails or an equivalency at Yarra Hills Secondary College's Mooroolbark campus; from Mr O'Sullivan to the Minister for Water asking the minister to intervene in the South Australian water irrigators stealing our water —

An honourable member — Not even close.

Mr DALIDAKIS — *Hansard* will be my friend in the house. I have an adjournment matter from Mr Ondarchie to the Minister for Roads and Road Safety in relation to a request to build the east–west link. Can I discharge that adjournment now: the minister for roads —

Honourable members interjecting.

Mr DALIDAKIS — I am entitled to do so. The minister for roads has made very clear the government position will not be to build the east–west link, so I have discharged that adjournment matter right now. There were also adjournment matters from Mr Davis to the Minister for Public Transport requesting that she

investigate the reasons for the delays of recent V/Line trains and Ms Fitzherbert to the Minister for Police seeking additional police resources for drug-related crime in the Barkly Street/Carlisle Street precinct.

I have, further to that, three written responses to adjournment debate matters raised by Ms Bath on 8 May this year, Mr Finn on 8 May this year and Ms Bath again on 23 May this year.

Mrs Peulich — On a point of order, President, with Mr Dalidakis wanting to discharge a matter that had been raised for the attention of another minister, I was present for this debate when Labor was in office prior to 2010, and it was a strategy used by his former boss, Mr Lenders. Could I ask that you revisit that debate and indeed remind the chamber, and the ministers in particular, that they do not have the authority to discharge matters that fall outside their portfolios.

The PRESIDENT — On the point of order, a minister is entitled to discharge a matter. I always think that a minister who is discharging a matter that has been directed to another minister is in a position that could well be fraught; there could well be a situation that exposes the government. It is a situation of minister beware if you are discharging a matter on behalf of another minister. In this case Mr Dalidakis is no doubt entitled to discharge this matter on the basis that he is enunciating a fairly clear government position, and members may take that as they wish on this occasion. There are some precedents in *Rulings by the Chair* in regard to this matter. If I had thought that discharging a matter in a frivolous way or a way where it was perhaps dismissive of the member who had put that question, I might well have had a different view, but in regard to this matter, which is a matter of substance where the government does have a clear position, I think all members of cabinet would understand that position and actually be in a position to discharge the matter as Mr Dalidakis has done tonight. On this occasion I accept that position.

Mrs Peulich — On a further point of order, President, I do believe that it is a dangerous precedent and one that is a slippery slope — and I am not reflecting on your ruling. But I would perhaps suggest that when the Procedure Committee meets next that this matter be considered. Just because something has received a ruling in the past does not mean that it is a good ruling or one that ought be adopted as practice, and I would urge you to consider that carefully because it is certainly a matter that could easily be abused and progressively encroach upon members to raise matters for the attention of certain ministers who have responsibilities for the administration of a portfolio.

The PRESIDENT — The Procedure Committee can consider it. The house stands adjourned.

House adjourned 11.11 p.m.