PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT

FIRST SESSION

Tuesday, 18 September 2018

(Extract from book 14)

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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*): Dr Carling-Jenkins and Mr Gepp. (*Assembly*): Mr Dixon, Mr Howard, Ms Suleyman, Mr Thompson and Mr Tilley.

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

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

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Mr P. Lochert

MEMBERS OF THE LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT — FIRST SESSION

President:
The Hon. B. N. ATKINSON

Deputy President:
Mr N. ELASMAR

Acting Presidents:
Ms Dunn, Mr Gepp, 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	Ind	O'Donohue, Mr Edward John	Eastern Victoria	LP
Crozier, Ms Georgina Mary	Southern Metropolitan	LP	Ondarchie, Mr Craig Philip	Northern Metropolitan	LP
Dalidakis, Mr Philip	Southern Metropolitan	ALP	O'Sullivan, Mr Luke Bartholomew[9]	Northern Victoria	Nats
Dalla-Riva, Mr Richard Alex Gordon	Eastern Metropolitan	LP	Patten, Ms Fiona[10]	Northern Metropolitan	FPRP
Davis, Mr David McLean	Southern Metropolitan	LP	Pennicuik, Ms Susan Margaret	Southern Metropolitan	Greens
Drum, Mr Damian Kevin[4]	Northern Victoria	Nats	Peulich, Mrs Inga	South Eastern Metropolitan	LP
Dunn, Ms Samantha	Eastern Metropolitan	Greens	Pulford, Ms Jaala Lee	Western Victoria	ALP
Eideh, Mr Khalil M.	Western Metropolitan	ALP	Purcell, Mr James	Western Victoria	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[6]	Western Metropolitan	Greens	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Herbert, Mr Steven Ralph[7]	Northern Victoria	ALP	Springle, Ms Nina	South Eastern Metropolitan	Greens
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Symes, Ms Jaclyn	Northern Victoria	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Lovell, Ms Wendy Ann	Northern Victoria	LP	Truong, Ms Huong[12]	Western Metropolitan	Greens
Melhem, Mr Cesar	Western Metropolitan	ALP	Wooldridge, Ms Mary Louise Newling	Eastern Metropolitan	LP
			Young, Mr Daniel	Northern Victoria	SFFP

[1] Resigned 28 September 2017
[2] Appointed 15 April 2015
[3] DLP until 26 June 2017;
AC until 3 August 2018
[4] Resigned 27 May 2016
[5] Appointed 7 June 2017
[6] Resigned 9 February 2018
[7] Resigned 6 April 2017
[8] Resigned 25 February 2015
[9] Appointed 12 October 2016
[10] ASP until 16 January 2018;
RV until 14 August 2018
[11] Appointed 18 October 2017
[12] Appointed 21 February 2018

PARTY ABBREVIATIONS

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

CONTENTS

TUESDAY, 18 SEPTEMBER 2018

Tuesday, 18 September 2018

The PRESIDENT (Hon. B. N. Atkinson) took the chair at 12.04 p.m. and read the prayer.

ACKNOWLEDGEMENT OF COUNTRY

The PRESIDENT (12:05) — On behalf of the Victorian state Parliament I acknowledge the Aboriginal peoples, the traditional custodians of this land which has served as a significant meeting place of the first people of Victoria. I acknowledge and pay respect to the elders of the Aboriginal nations in Victoria past and present and welcome any elders and members of the Aboriginal communities who may visit or participate in the events or proceedings of the Parliament this week.

ROYAL ASSENT

Messages read advising royal assent to:

11 September

Prevention of Family Violence Act 2018

Victims and Other Legislation Amendment Act 2018.

18 September

Electricity Safety Amendment (Electrical Equipment Safety Scheme) Act 2018

Long Service Benefits Portability Act 2018

Residential Tenancies Amendment Act 2018.

PETITIONS

Following petitions presented to house:

Belgrave South Community House

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council the plan of Daniel Andrews and James Merlino to demolish the much-loved Belgrave South Community House. Destroying this building and leaving local scouts, the community house, occasional care and other community users without an alternative home shows a complete disregard for grassroots community organisations and the work they do.

The petitioners respectively request that the Legislative Council calls on the Andrews Labor government to save the Belgrave South Community House so that long-time community groups can continue to use this facility now and into the future.

By Mr O'DONOHUE (Eastern Victoria) (135 signatures).

Laid on table.

Mickleham and Somerton roads, Greenvale

Legislative Council electronic petition:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council the inadequate arterial road infrastructure, increased traffic volumes and ongoing safety issues on Mickleham Road and Somerton Road in Greenvale.

The petitioners therefore request that Legislative Council call on the government to prioritise the duplication upgrades of Mickleham Road and Somerton Road in Greenvale.

By Mr ONDARCHIE (Northern Metropolitan) (729 signatures).

Laid on table.

Medical research animal rehoming

Legislative Council electronic petition:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council that companion animals such as cats and dogs have a very strong intrinsic value for the majority of Australians. Roughly 2800 of these animals are reported as used in medical research in Victoria. Many of these animals are euthanised at the completion of research with an intravenous barbiturate overdose. In Victoria there is a deficiency in law as no standard or policy exists within the act that covers this area of research animal welfare. While the Australian code for the care and use of animals for scientific purposes encourages rehoming, and despite support and approval for rehoming, such practices are not always taking place, presumably because the practice is not mandated. As a result, hundreds of healthy dogs and cats are being killed for no reason when a solution exists.

The petitioners therefore request that the Legislative Council call on the government to instate a bill that ensures a state-wide system take the place of the current voluntary practice which is failing to provide rehoming opportunities for all of these animals. Such a bill would open up the lines of communication between research facilities and rescue and rehoming centres to give cats and dogs used in research the potential opportunity to be rehomed. If surrender cannot be arranged with any rescue organisations due to space or other concerns, the research facility can choose to either rehome privately or put the animal to sleep.

By Ms SHING (Eastern Victoria) (787 signatures).

Laid on table.

Winton Wetlands

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council that:

the Victorian government established Winton Wetlands after the decommission of Lake Mokoan, once a popular destination for bird watchers and waterfowl hunters;

the Winton Wetlands committee of management is responsible for deciding what activities will be permissible at the wetlands by stakeholders;

as part of the community consultation process for designing a 'Future Land Use Strategy', the continuation of shooting activities at Winton Wetlands was supported in the document framework; and

the Winton Wetlands committee of management has permitted bird watching to continue but has, without explanation, removed recreational hunting activities recommended in the stage 1 Future Land Use Strategy and currently prohibit recreational hunting at the wetlands.

The petitioners therefore request that the Victorian government develop with the Winton Wetlands committee of management a plan to provide for recreational hunting activities, as initially recommended in the Future Land Use Strategy and long enjoyed by stakeholders prior to the decommission of Lake Mokoan.

By Mr YOUNG (Northern Victoria) (513 signatures).

Laid on table.

The PRESIDENT — Can I just bring to the attention of the house that August was a particularly strong month for birthdays, but between our sitting weeks there was another one that occurred. It was a milestone birthday. Congratulations, Andrew Young, on your birthday. He is now eligible to vote.

INTERNATIONAL DAY OF DEMOCRACY

The PRESIDENT (12:09) — Could I also bring to the attention of the house that early last week and over the weekend we celebrated the International Day of Democracy here in the Victorian Parliament, which is an activity that takes place worldwide. It was introduced by a United Nations resolution in 2007. It was adopted by the United Nations to promote democracy around the world.

I guess the observation would be we have got a long way to go globally, but here the merits of our system of government are, in particular, that we change governments without bloodshed, that ideas are contested vigorously and that, I think for the most part, everyone who comes into this place or the other place has a view that they are trying to make things better for Victorians. I do not think anyone since Guy Fawkes has come into a Parliament with an intention of destroying the whole foundation of democracy. I am paraphrasing, but as Winston Churchill said and as most of you would be familiar with, democracy is not a particularly good form of government, but it is certainly better than all the rest.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

End-of-term report

Ms PENNICUIK (Southern Metropolitan), by leave, presented report, including appendices.

Laid on table.

Ordered that report be published.

Ms PENNICUIK (Southern Metropolitan) (12:11) — I move:

That the Council take note of the report.

I hope to generate some interest in this report, which is a rather slim volume but, I would have to say, packed with information and statistics as to the performance of the Public Accounts and Estimates Committee over this term of Parliament. For example, if you go to page ix, you will see under 'Committee performance at a glance' that the committee has published 16 reports; made 268 recommendations to the government, a bit over half of which have been either supported or supported in principle; held 73 committee meetings, 23 subcommittee meetings and 201 public hearings; and saw 982 witnesses at the public hearings — and of course that includes the budget estimates hearings every year and the hearings into the financial outcomes, also held every year.

It has been a very busy committee with the introduction of those financial outcomes hearings in this term of Parliament, which did not occur before. I think I presented a couple of those reports to the chamber and recommended them to members for the amount of information they contain on how the budget has been acquitted following the previous estimates of how the budget should be spent. The committee was also very busy with the appointment of a new Auditor-General and the appointment of the Parliamentary Budget Officer, which also took up a lot of time, particularly of those who were on the subcommittees working on those issues.

I would like to draw the chamber's attention to page 11, which talks about the Demystifying the Budget Papers seminars that have been run by the Department of Parliamentary Services — an idea that I came up with after discussions with electorate officers and others who found the budget papers a little bit impenetrable and very difficult to find their way around. There have been a couple of seminars, which have included the Department of Treasury and Finance, journalist Josh Gordon, who has followed Victorian politics for a long time and knows his way around the budget papers, and others who have helped electorate officers, MPs and

other interested people to understand how to navigate the budget papers and find what they are looking for. I hope that will continue into the next Parliament. This report is also very transparent in that it shows how many meetings, hearings, subcommittee meetings et cetera the various members of the Public Accounts and Estimates Committee attended, so we are very open and transparent in that regard.

I would like to thank the other members of the committee. That includes, of course, earlier in the session Dr Carling-Jenkins, who was later replaced by Fiona Patten as crossbench representation. I think generally we have worked in a very collaborative fashion on the committee. That has been facilitated by the chair, Danny Pearson, and the deputy chair, David Morris, who have also worked very collaboratively and in a very consultative manner.

I would also like to thank very much the staff — the secretariat of the committee — for their assistance and all the work they do in supporting us on what is a very busy workload. Their workload is very high too, so I thank the current staff and some of the staff that are no longer with the committee secretariat for the work they have done. In particular I thank Melanie Hondros, who was a stalwart for us in letting us know what was going on et cetera and alerting us to what was coming up.

Having said that, prior to this Parliament the government did say they were going to reform the process of the Public Accounts and Estimates Committee and the public accounts and budget estimates process. That has not happened. There has been some reform of how the actual hearings are held, so it is much fairer than it has been in the past, I think, having been a member of a previous Public Accounts and Estimates Committee. I think that has been a step forward, but I do think the actual process with regard to what this committee does as opposed to what those around the rest of the country do, where they basically just look at public accounts and have a separate budget estimates process, is something that we should be looking at in the next Parliament — to carry out that budget estimates process more in the way that it is done in other parliaments. I commend the report to the house.

Ms SHING (Eastern Victoria) (12:16) — A few words, if I may, in relation to the end-of-term report from the Public Accounts and Estimates Committee. At the outset I would like to thank first and foremost the secretariat and support staff, who have been integral to producing this final report, in addition to these same staff and former staff who have been behind the scenes in supporting the committee to do its work not just in relation to the estimates and financial outcomes periods of reporting inquiry and investigation but also as it relates to the matters concerning the Auditor-General and also the Parliamentary Budget Officer position — its recruitment and selection and the transparent components that sat alongside that.

This committee has in the main operated in a good faith, collegiate and constructive fashion. It has been one which has been geared toward achieving reforms. Whilst I note Ms Pennicuik's views that we have not achieved the reforms which she would like to see, I would indicate very clearly to the house and to the community at large that reforms have been achieved which do incrementally improve access to information about budgets and expenditure — that level of scrutiny that is so central to an effective system of parliamentary democracy and broader participation by the community.

To members of the committee — the chair, the deputy chair, present and past members — it may be putting it too highly to say it has been a wild ride, but it has been a very constructive environment in the main. To former members — including Louise Staley, who briefly filled in for Danny O'Brien in the other place, and Dr Carling-Jenkins, who was then replaced by Ms Patten — thank you for the work that you put in. It has been a process of integrity of structure, of rigour and of a great deal of discipline in making sure that the work that we undertook was, to the best extent that we could possibly make it, beyond reproach. I would commend this report to the house.

Ms PATTEN (Northern Metropolitan) (12:18) — I too would like to commend this report and also again thank all of the staff from the Public Accounts and Estimates Committee, both present and past. I have to say that I think this report is an incredibly good, concise report. It very well depicts the work of the Public Accounts and Estimates Committee. I kind of wish that this report had been available to me when I came onto that committee. I would have had a much clearer understanding of how the committee operated.

But having said that, I learned an awful lot about the overall running of government and the overall running of this Parliament via this committee process. I certainly would encourage members to put their hands up to be on the Public Accounts and Estimates Committee, despite the hundreds of public hearings that we have held, the near on 1000 witnesses that we have met with and the 16 reports that the committee has published. It is a very hardworking committee, but it is also a committee that is very important. I found it very illuminating and one of the most rewarding committees that I have been on in this house.

Motion agreed to.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 14

Mr DALLA-RIVA (Eastern Metropolitan) presented *Alert Digest* No. 14 of 2018, including appendices.

Laid on table.

Ordered to be published.

LAW REFORM, ROAD AND COMMUNITY SAFETY COMMITTEE

Crimes Amendment (Unlicensed Drivers) Bill 2018

Mr GEPP (Northern Victoria) presented report, including appendices, together with transcripts of evidence.

Laid on table.

Ordered that report be published.

Mr GEPP (Northern Victoria) (12:21) — I move:

That the Council take not of the report.

At the outset I thank the members of the committee, led by the chair, the member for Buninyong in the other place, Mr Howard; the deputy chair, Mr Tilley, the member for Benambra in the other place; other members from the other place, including the Honourable Martin Dixon, Natalie Suleyman and Murray Thompson, the member for Sandringham; and Dr Carling-Jenkins from this place. Can I also thank the great work of the secretariat, led by Yuki Simmonds, the executive officer; Raylene D'Cruz, the research officer; and Christianne Andonovski, the administrative officer, who, certainly since I have been a member of the committee, have done some fantastic work to keep us all running along at a very rapid pace.

The Council referred this bill to the committee back on 20 June 2018, and the bill itself proposed to amend the Crimes Act 1958 to introduce new offences for causing serious injury or death while driving unlicensed in certain circumstances. It was drafted by Dr Carling-Jenkins, and it was tragically in response to the death of 13-year-old Jalal Yassine-Naja on 14 March 2017 in a collision with an unlicensed driver. The committee wishes to express its very deep sympathies to the friends and family of Jalal for their heartbreaking loss, and it really was heartbreaking. We want to acknowledge and express our respects particularly to Olivia Yassine, who has worked tirelessly since Jalal's tragic death on a campaign for justice, called the Justice for Jalal campaign, in the face of this unthinkable tragedy. Unfortunately I was not there on the particular date, but I have been told — and I am sure Dr Carling-Jenkins, if she is going to speak on this report, will reference it — of the courage that Olivia demonstrated to the committee in giving the evidence.

Unfortunately, because of the time frames available, we did not call for submissions. There was one day of public hearings, and we heard from certain stakeholders during the course of that one day. It is a very tragic set of circumstances, as the people who are familiar with the death of Jalal know, and I think it is important to reflect on the purpose of this particularly inquiry. It was to examine the contents of the bill separate from the particular set of circumstances that prompted the drafting of the bill that was put forward by Dr Carling-Jenkins. A key consideration of the committee during its deliberations was the broader implications of the bill if implemented and any unintended consequences. The committee raised a number of issues regarding the bill, particularly with regard to the lack of clarity around the issue of causation, the lack of a fault element and the reverse legal onus of proof in the defence provisions. The committee also heard that reform in this area could potentially be achieved within existing legislative frameworks.

A majority of the committee decided to recommend that the government refer the report to the Department of Justice and Regulation to ensure that the very, very important issues that have been raised as part of this brief inquiry are considered as part of its investigations into the need for an offence of unlicensed driving that involves the death or serious injury of another person. Again I thank all the committee members, and I thank all the witnesses who came before the committee to give their expert opinion, particularly Olivia Yassine. I commend the report to the house.

Dr CARLING-JENKINS (Western Metropolitan) (12:26) — I rise also to take note of the report of the Law Reform, Road and Community Safety inquiry into the Crimes Amendment (Unlicensed Drivers) Bill 2018, and I thank Mr Gepp for his response as well. As I explained in my second-reading speech when introducing this bill, I was motivated to do so because of my belief in the profound value of every human life. I brought this bill to the house because I was motivated by the value of the life of Jalal Yassine-Naja and inspired by the courageous efforts of his mother, Olivia Yassine, who does not want her son's death to go unnoticed and

who has been working tirelessly, as Mr Gepp noted, through the Justice for Jalal campaign to ensure that this does not happen again. I acknowledge the evidence that Olivia gave to the inquiry. She gave it with such clarity and great dignity as well as of course the passion of a mother who has lost a precious son due to the recklessness of an unlicensed driver who was unlawfully driving on our roads.

I acknowledge that as an Independent member I used the resources available to me to craft a bill seeking to remedy a deficiency in existing law which leaves unlicensed drivers who cause serious injury or death seemingly immune from an appropriate penalty. This was then sent to the committee for scrutiny, and I welcome the scrutiny that was given to the bill and accept the findings of the report on the defects of the bill, the best remedies for the problems and the recommendation that the government and the Department of Justice and Regulation look into this closely.

I note in particular that finding 4 of the report states that acknowledging the seriousness of unlicensed driving that results in serious injury or death may be better achieved with alternative legislative reform within the current framework of driving offences. I particularly note that the evidence from Professor Jeremy Gans was particularly valuable, well-informed and well-articulated. I will talk more about this later today, as I will be moving an amendment to this bill.

I wish to thank all committee members for sticking it out, even when they thought the committee was finished. I acknowledge the chair, Geoff Howard, and the deputy chair, Bill Tilley, both members from the other place; Mark Gepp in this chamber; Martin Dixon, Natalie Suleyman and Murray Thompson from the other place; and the staff, especially Yuki Simmonds, the executive officer, who organised and wrote this report largely on her own with her staff on well-deserved breaks.

Motion agreed to.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Budget estimates 2018–19

Ms SHING (Eastern Victoria) presented report, including appendix and minority report, together with transcripts of evidence.

Laid on table.

Ordered that report be published.

Ms SHING (Eastern Victoria) (12:29) — I would like to take this opportunity to speak briefly to this particular report of the Public Accounts and Estimates Committee (PAEC). Before doing so, I move:

That the Council take note of the report.

In relation to the Public Accounts and Estimates Committee report, I note at the outset that this has been the culmination of four years of hard work in relation to the estimates process. I note at the outset that the chair and deputy chair, Mr Pearson and Mr Morris from the other place, have worked to be as constructive as possible in the way in which the estimates process has been conducted. They have been assisted most ably by the committee secretariat throughout the 2018–19 period. I would like to acknowledge the work of Dr Caroline Williams, Dr Kathleen Hurley, Mr Igor Dosen, Ms Jessica Strout, Ms Alanna Symons, Ms Marissa Black, Ms Amber Candy and Mr Steven Vlahos, who have all been an integral part of the way in which the process has been conducted.

I would also like to thank the staff of Hansard, who have at times had to contend with some very challenging environments within which to take the official record of transcript for the purposes of the multiple hearings that have taken place, and also the indefatigable Mr Patrick Boribon, the attendant who has made sure every single time the committee has had hearings that the facilities were open, available and had the necessary levels of oxygen in them to enable committee members to do what they needed to do over extensive periods of committee hearings.

The recommendations from the report are the culmination of numerous pieces of work around transparency in the way in which funding allocations around major projects, around schools, around diversity within the public service and around the timely spending of the funds allocated to programs for the homeless are delivered. Again, the recommendations suggest a number of changes which are set out comprehensively in the report in relation to measuring the performance of child protection services, Myki ticketing and projects such as the north-east link.

This process is only as good as the people who appear before the committee and the people who facilitate the considerations and deliberations. In this regard the chair quite rightly points out that those witnesses who have attended PAEC hearings and provided answers to questions and the departments who have assisted them in compiling responses to questionnaires have been invaluable in the way in which different parties have been able to raise issues, ventilate concerns and propose

reforms throughout the course of that process. We do have a number of people who have served on the committee at the great cost that is associated with coming from regional areas to attend regular meetings as well as hearings, and this has been a considerable effort for them.

The work that PAEC has undertaken has been largely — I should say, overwhelmingly — an unglamorous task, one associated with a fine toothcomb approach to understanding the estimates process and public expenditure. The work does go on, but in this context this particular report, being PAEC report number 15 of the 58th Parliament, stands as a strong further step in the movement towards greater transparency and accountability as well as the information set out in this year's budget papers.

Ms PENNICUIK (Southern Metropolitan) (12:33) — I would also like to make some remarks on the report of the 2018–19 budget estimates and echo the thanks that Ms Shing gave to the secretariat as named in the report and also to Patrick Boribon, who assists us at every hearing with all of our needs et cetera, particularly in the Legislative Council committee room. I would also like to thank the ministers and the departmental staff who make themselves available and are very well prepared for the budget estimates hearings.

Of course, this year the hearings went over three weeks, which was pretty gruelling for the members of the committee. I have had a quick look at the minority report put forward by the opposition members with regard to time limits and questions on notice, and they do make some valid points with regard to those areas of the budget estimates process.

I mentioned earlier in tabling the report of the committee's work over this session and I state again that I think we do need to look at reform of the whole budget estimates process, because even though we went over three weeks there was a lot more that could have been asked, a lot more time that could have been spent with some ministers and more questions that could have been asked of them. That is why I think we need to look at reforming the process so it is more like what happens in other parliaments, where other standing committees run the budget estimates processes over a longer period of time — over some months — where they will have hearings et cetera with the various ministers about the budget. Nevertheless, the report does contain, as usual, a lot of very important information that should assist all members of Parliament and indeed members of the community.

Motion agreed to.

OMBUDSMAN

Protected disclosure complaints regarding Bendigo South East College

The Clerk, pursuant to section 25AA(4)(c) of the Ombudsman Act 1973, presented report.

Laid on table.

PAPERS

Laid on table by Clerk:

Interpretation of Legislation Act 1984 — Notices pursuant to —

Section 32 in relation to Statutory Rule No. 103.

Section 32(3) in relation to the —

Livestock Disease Control Amendment Regulations 2018.

Waste Management Policy (Combustible Recyclable and Waste Materials).

Statutory Rules under the following Acts of Parliament —

Child Wellbeing and Safety Act 2005 — No. 119.

Livestock Disease Control Act 1994 — No. 118.

Road Safety Act 1986 — No. 120.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 116, 118, 120, 121 and 131 to 133.

Legislative instrument and related documents under section 16B in respect of a specification of railway stations for the purposes of the definition of "compulsory ticket area" under the Transport (Compliance and Miscellaneous) (Ticketing) Regulations 2017, dated 6 September 2018.

Proclamations of the Governor in Council fixing operative dates in respect of the following acts:

Children Legislation Amendment (Information Sharing) Act 2018 — Part 2 (other than sections 10, 13 and 14), Part 3 (other than section 16) and Division 3 of Part 5 — 27 September 2018 *(Gazette No. S405, 4 September 2018).*

Parks Victoria Act 2018 — 12 September 2018 *(Gazette No. S386, 21 August 2018).*

Racing Amendment (Integrity and Disciplinary Structures) Act 2018 — Whole Act (other than section 6 and Parts 3, 5 and 6) — 1 September 2018 *(Gazette No. S400, 28 August 2018).*

BUSINESS OF THE HOUSE

General business

Ms WOOLDRIDGE (Eastern Metropolitan) (12:37) — By leave, I move:

That precedence be given to the following general business on Wednesday, 19 September 2018:

(1) order of the day 23 standing in the name of Ms Wooldridge in relation to the performance of the Andrews government over the past four years;

(2) notice of motion 613 standing in the name of Mr Young in relation to the creation of national parks;

(3) notice of motion 602 standing in the name of Mr O'Donohue in relation to sworn police and protective services officer numbers;

(4) notice of motion 611 standing in the name of Ms Wooldridge in relation to outstanding and incomplete responses to existing document orders;

(5) order of the day 1, resumption of debate on the Corrections Amendment (Adult Parole Board) Bill 2018; and

(6) order of the day 2, resumption of debate on the Crimes and Sentencing Amendment (Bus Drivers) Bill 2018.

Motion agreed to.

MINISTERS STATEMENTS

Kindergarten funding

Ms MIKAKOS (Minister for Early Childhood Education) (12:38) — I rise to update the house on the Andrews Labor government's Australian-first school readiness funding. Last week I visited the Carinya Early Learning Centre in Morwell to announce all the funding allocations to more than 580 kindergarten services in tranche 1 of the rollout from next year, and I was pleased to be joined by Mark Richards, the Labor candidate for Morwell, for this visit.

Just this kindergarten itself will receive a $55 000 boost to its services and share in more than $1.1 million across 34 services in the Latrobe local government area. The announcement will see more than 580 kindergartens right across Victoria benefit from the $58.1 million worth of school readiness funding. I was also pleased to be able to announce the preliminary menu of evidence-based programs and supports that kindergartens will begin to use from next year. The menu includes a number of items, including literacy and numeracy programs as well as the ability to engage experts, including speech pathologists, occupational therapists and child psychologists, to support better outcomes for children.

Later that week I was also pleased to visit the Central Kindergarten in Warrnambool to announce that it will be one of 19 services in the Warrnambool area to share in more than $433 000 in funding, and I was pleased to be joined by Cr Kylie Gaston, Labor's candidate for South-West Coast, at this visit. This will represent a 28 per cent increase in base funding for kindergartens in the Warrnambool area — in fact in the federal education minister's electorate of Wannon.

At a time when the state Labor government is investing heavily in our kindergartens we are seeing the federal Liberal government cutting $120 million from kindergarten funding here in Victoria, with their own federal budget papers banking this funding as a saving. This was an issue that I and other state and territory colleagues raised with Dan Tehan last Friday at the education council meeting in Adelaide. Despite having a new Prime Minister and a new education minister, the same federal cuts to early childhood funding remain. I will continue to urge the federal minister to listen to kindergartens in his own community —

The PRESIDENT — Thank you, Minister.

South-East Asia trade

Mr DALIDAKIS (Minister for Trade and Investment) (12:41) — I rise to update the house in relation to the Victorian government's focus on South-East Asia. Last week I was pleased to launch *Globally Connected: Victoria's Southeast Asia Trade and Investment Strategy*, which will enable more Victorian businesses to access this vibrant region. The opportunities from South-East Asia are indeed enormous. For Victoria, South-East Asia is a region where two-way trade is now worth more than $15.3 billion. By 2030 the region is forecast to have the fourth-largest economy in the world, behind only Japan, China and the United States. That is why, first and foremost, *Globally Connected* is an economic document.

Our government's vision for Victoria's relationship with markets across South-East Asia is as tangible as it is direct. Firstly, we are going to connect the right industries to South-East Asia, meeting the growing and emerging demand for premium goods and services. Secondly, we are going to strengthen Trade Victoria's programs and build on our already existing network of trade and investment offices throughout the region. Finally, and perhaps most importantly, we are reaffirming our commitment to building skills and

making global connections with the region. To achieve this, the strategy tasks the government with meeting clear performance targets. We aim to grow our professional service exports to the region by 50 per cent; we expect to double the number of South-East Asian students in Victoria, increasing visitor expenditure by 50 per cent; and we will work to double the value of inward-bound investment from South-East Asia to Victoria.

The Andrews Labor government is constantly championing this state in South-East Asia, focusing on building relationships and creating new connections, but we can only do so much. As we saw in the Keating era, the federal government has a role to play when it comes to our closest neighbours. I hope the establishment of the Morrison government marks a shift where engagement with South-East Asia is treated as an investment, not an expense.

To that end, I want to express my support for Indonesia's 73rd anniversary of independence. President, you along with Mrs Peulich and I were in attendance, representing the government, the opposition and the Parliament. Whilst their 73rd anniversary was in fact last month, last night was the effective anniversary of Indonesia.

Men's sheds

Ms MIKAKOS (Minister for Families and Children) (12:43) — I rise to update the house on how the Andrews Labor government is creating more positive, safe and practical spaces for men to work together and contribute to their local community. Men's sheds are an important way for men to build new friendships and skills and to participate in exciting new activities, and the Andrews Labor government is proud to back them.

Recently I visited the Linton and District Men's Shed with the Assembly member for Buninyong, Geoff Howard, and the Labor candidate for Buninyong, Michaela Settle, to announce it had been successful in applying for a men's shed grant of $60 000 from the Andrews Labor government to move from its current site — a private twin garage — to a new site where a brand-new, purpose-built facility will be constructed. This is one of 29 sheds to share in a $903 000 2018–19 men's shed funding round. The Linton shedders plan to build a community garden alongside their shed, which will provide food for the Linton community kitchen and a gathering place for local people to come together and promote healthy interaction. This is just another terrific example of the positive role that local men's sheds play in communities right across Victoria.

The Linton and District Men's Shed is one of nine brand-new sheds being constructed across the state through this latest funding round, along with sheds in Rutherglen, Rowville, Penshurst, Trentham, Leongatha, Mount Martha, Mildura and Heathcote. A further 20 sheds have received funding for refurbishment or extension work — sheds like the Pines Men's Shed in Frankston, which I travelled to the following day and where I met up with the hardworking local Assembly member, Paul Edbrooke, to announce that their shed would receive $30 000 to install heating, cooling and insulation, which will make a big difference on those freezing cold winter days and summer scorchers.

I am pleased that the Pines Men's Shed was actually the 99th men's shed to receive funding from our government. Over the last four years we have provided almost $4 million in grants to help construct 38 new men's sheds and refurbish or extend 61 existing sheds right across Victoria. We have also strengthened our support for the Victorian Men's Shed Association, providing a record $725 000 over the last four years to support their work. I take this opportunity to thank them for the incredible work they do in supporting more than 360 men's sheds across Victoria. The Andrews Labor government is proud to support men's sheds. We understand that they are more than just buildings; they are enablers of stronger and more resilient communities.

Aboriginal entrepreneur funding

Mr DALIDAKIS (Minister for Innovation and the Digital Economy) (12:45) — As the Minister for Innovation and the Digital Economy I rise to update the house on the latest investment of the Andrews Labor government to support Aboriginal entrepreneurs. With Victoria growing as a start-up and entrepreneurial hub across Australia and the region, it is vital to ensure that all Victorians have the chance to be part of that growth. That is why yesterday I was so pleased to announce the recipients of $1.37 million in funding to assist more Aboriginal Victorians to scale up their innovation and start-up activity.

As part of LaunchVic's seventh funding round, four organisations will deliver tailored programs to support more Aboriginal entrepreneurs to take their business and innovation ideas to the next level. The four organisations that will share in the funding are Barayamal, Australia's first Indigenous-focused start-up accelerator, which will deliver Victoria's Indigenous business accelerator program; Global Sisters, which will deliver workshops on start-up thinking and incubation for regional Victorian Aboriginal women; Ngarrimili, which will run a series

of workshops in rural Victoria and an incubator program; and last but not least, Ngamai Moorroop Wilin, the RMIT organisation that will run regular Ngamai meet-ups to build a community of Aboriginal entrepreneurs.

Our industries and our companies will only reach their full potential when they are rich in diversity and represent a true cross-section of our community, and while the rate of entrepreneurship for non-Aboriginal Australians is approximately three times more than that of Aboriginal Australians, soon-to-be-released data from LaunchVic's annual mapping shows an increasing representation of our first peoples across the start-up sector. That is why yesterday's announcement is so important: it will enable more Aboriginal entrepreneurs to tell their story and grow their businesses with support, experience and mentorship from their own people, and that becomes a very powerful part of their success.

Wakakirri Secondary School Challenge

Ms MIKAKOS (Minister for Youth Affairs) (12:47) — I rise to update the house on the Andrews Labor government's continued commitment to our young people, and particularly for the Wakakirri Secondary School Challenge. Our government is a proud supporter of the challenge, which has engaged more than 4564 students during our term of government. I was pleased that the Minister for Education, James Merlino, was able to attend the state finals on my behalf to announce a further $600 000 over three years at the awards ceremony recently held at the Palais Theatre. We are continuing to keep this exciting and unique program running, providing more opportunities for young Victorians to gain skills in performing and creative arts, design and events management.

Each year students participating in the challenge put in hours of hard work and dedication to develop a short performance to tell a story, with a focus on developing career pathways for those interested in performing, creative arts and management. Each school has the chance to take home a number of performance awards and be filmed for Wakakirri TV as part of the search for the story of the year.

I take this opportunity to congratulate every young person who got involved in their school's performance, particularly those from Bendigo South East College, Braybrook College, Hoppers Crossing Secondary College, Traralgon College, Belmont High School, Dromana College, Holy Trinity Lutheran College, Coburg High School and Mount Erin College. I wish the best of luck to Hoppers Crossing Secondary College, Dromana College and Mount Erin College, which are our Victorian finalists and will go on to compete for the national story of the year in October.

Each and every young person should have the opportunity and support they need to reach their full potential. Wakakirri is just one of the ways of helping them to reach for the stars. Through our *Youth Policy: Building Stronger Youth Engagement in Victoria* and the delivery of both core and new programs, investment in youth affairs has almost doubled since we were elected in late 2014. The Andrews Labor government remains committed to continuing our support for young people and youth agencies across Victoria, recognising that young people are the future of our state.

RULINGS BY THE CHAIR

Questions on notice

The PRESIDENT (12:48) — Just before we move to members statements, I might indicate to the house that I have received a letter from Ms Wooldridge requesting reinstatement of a number of questions on notice to do with public dental appointment wait times. In my view the answers provided are not adequate responses to the questions asked, and I therefore seek to reinstate those questions. They are for the Minister for Health in another place. The question numbers are: 10 989, 10 990, 10 991, 10 992 and 11 056.

MEMBERS STATEMENTS

South Eastern Metropolitan Region

Ms SPRINGLE (South Eastern Metropolitan) (12:49) — I rise today to acknowledge the privilege it has been to represent the people of South Eastern Metropolitan Region over the last four years and to be the conduit of their access to the democratic processes that govern our state.

I offer my profound thanks to all the staff here in Parliament: the clerks, the committee staff and all the staff that keep the Parliament going each and every day. It is a vital and often thankless task to enable our democracy in the way that you do, and for that I salute you. To my electorate office staff: you are amazing and I could not have done this without you. You serve the people of South Eastern Metropolitan Region and the people of Victoria more broadly in a tireless fashion, and for that I cannot commend you highly enough.

Over the last four years I have learned many things, not least the massive responsibility that rests on our

shoulders as community leaders to manage the societal challenges of Victorians in a mindful and planned way that accounts for all, not just a privileged few. Our Parliament should reflect the people that live in the community that it serves. Our Parliament would be best served by having more people from various socio-economic backgrounds, with cultural and religious diversity and experiences and with greater ethnicity.

Bendigo GovHub

Mr O'SULLIVAN (Northern Victoria) (12:51) — My statement this morning is in relation to the Bendigo government hub, which the government announced as a part of the budget this year. There are many questions starting to emerge in relation to the GovHub in Bendigo, and I would like to put some of those on record. The government claims that up to 1000 staff will be involved in the GovHub, but very few of these are actually new jobs. It is just an amalgamation of current jobs in Bendigo from the council itself, VicRoads and a couple of other government departments and divisions. There are other government divisions that have declined the opportunity to be a part of it.

I think there are many questions in relation to where the GovHub would be located and the cost involved in doing so. The government has provided just $16 million in the budget, but the project could cost up to $100 million. That money will have to be paid for, potentially, by local taxpayers through their rates and other costs in terms of that scenario. I would like to also address the parking issue. If up to 1000 people are going to be in the one location, potentially in Lyttleton Terrace, there will not be enough parking in the local area, and that will be a problem. Also, I think there is a real problem, particularly in terms of Epsom, where the current Department of Environment, Land, Water and Planning offices are. If that were to close, what would happen to the surrounding businesses which rely on those staff being there for their business?

Social enterprise sector

Mr MULINO (Eastern Victoria) (12:52) — I rise to acknowledge the work of Roads Australia in organising and hosting a social inclusion event last week which I was very pleased to be able to attend. Roads Australia organised over 100 attendees, including representatives of major constructors, engineering firms and social enterprises and their major sectoral leaders. Congratulations on an event that brought together a thriving ecosystem. It also made me reflect upon this as an area of policy development over the last four years. It was around four years ago when Social Traders arranged for one of the thought leaders in this space to visit from the UK. There were a number of ministerial advisers at that meeting, and Mr Leane and I also had the pleasure of being at that meeting, and since then there has been a very long journey.

The social enterprise sector was already thriving by that point, but since then the government has taken a number of actions to try to help the sector. Ministers have played a key role. Jacinta Allan was the first, and Wade Noonan and now Ben Carroll have taken leading roles in trying to promote the social enterprise sector. I think the single most important person on the government benches over the last four years has been Mr Leane himself; he has played a role in ensuring that major contractors do what they say they will do in providing opportunities for social enterprises. There are many reforms that are worth considering in this space: the regulatory framework; capacity building; and procurement, which has turned out to be, I believe, the single most important lever. There are many examples of people having had opportunities for employment that would not have otherwise occurred were it not for procurement opportunities through government and the private sector.

Ballan Recreation Reserve

Mr MORRIS (Western Victoria) (12:54) — I was very pleased to join Andrew Kilmartin, the very hardworking candidate for Buninyong, at the Ballan Recreation Reserve, where Andrew made the announcement that a Matthew Guy-led government would invest $1 million into the Ballan Recreation Reserve. I was very pleased to be there with Billy Smith, the chairman of the committee of management for the Ballan Recreation Reserve, along with Joshua Mullane, who is the president of the Ballan Football Club.

The Ballan community has been advocating for investment into its recreation reserve for a significant period of time now. It is not just the Ballan community but also the mayor of the rural shire, Paul Tatchell. Cr Tatchell has been a strong voice advocating for this investment in the Ballan Recreation Reserve. So we are very pleased to be able to make the commitment that $1 million will be invested in the Ballan Recreational Reserve. Ballan is a growing, well-connected and positive community, but it certainly needs investment in its sporting facilities. It is a shame that Labor has ignored the Ballan community for so long, but I am very pleased that this commitment has been made, and I look forward to that $1 million being invested in the Ballan Recreation Reserve post-November, when Matthew Guy is the Premier of our great state.

Eastern Metropolitan Region

Ms DUNN (Eastern Metropolitan) (12:55) — It has been an honour to be the first Greens representative for eastern metropolitan Melbourne over the last four years. Growing up in Boronia and as an alumni of Ferntree Gully High School, eastern metro has played a pivotal role in shaping the person I am today. I thank the many community groups and volunteers across the region working in a myriad of ways. I thank the groups working to improve the lives of the disadvantaged, vulnerable people in need. I thank the environment groups who work tirelessly to enhance and enrich our environment and the local historical societies who play an important role in documenting the rich history of Eastern Metropolitan Region. We are lucky to have an active community working hard to make eastern metro a better place for all of us.

It has been a privilege to speak up for better public transport in our region — for improving the decrepit bus services in Manningham, for the urgent need for Doncaster rail, for improving cycling safety — and to speak out against the mega toll road, the north-east link, which will destroy green spaces, divide communities and only encourage even more traffic congestion.

I have spoken up for protecting open green spaces and precious remnant vegetation scattered throughout the eastern metropolitan area and been a strong voice for more certainty in planning controls to protect what is special about Eastern Metropolitan Region. I am a voice in the Parliament for the voiceless, those in precarious housing situations who have nowhere else to turn.

I look forward to the next term of Parliament and to continuing to support the great region that is Eastern Metropolitan Region. On my last note, I thank the parliamentary staff and clerks and my electorate office staff. You rock.

Ballet Under the Stars

Ms SHING (Eastern Victoria) (12:57) — It was so wonderful to have the Minister for Tourism and Major Events, John Eren, come to Warragul last week to confirm that the Australian Ballet will be hosting its *Ballet Under the Stars* event next year. Having 77 dancers from the Australian Ballet come to Warragul, which has previously seen in excess of 6000 people come along to a free event, showcasing some of the great dancers and some of the great ballets in an open environment for the first time in our region, will be absolutely magical. Well done to everyone involved in putting this together. We cannot wait.

Law Enforcement Torch Run for Special Olympics

Ms SHING — It was such a privilege yesterday to welcome the Law Enforcement Torch Run and the Special Olympians who gathered on the steps of Parliament before setting off on their run to promote the Special Olympics and all of the work associated with bringing better access, equity and opportunity to people living with intellectual disabilities and making sure that they thrive, participate and are included. What a wonderful thing to hand over the torch and to work alongside law enforcement buddies and the people who they are mentoring. Go well in all that you do in the Special Olympics. We are with you and we are so proud of you.

Omeo justice precinct

Ms SHING — It was wonderful last week to visit Omeo to present a historical grant to the Omeo courthouse precinct for the old and new courthouses to be upgraded to facilitate better storage and reparation works stabilisation. The historical society has a lot to commend its tireless work in this regard. Well done to everyone in the Omeo community.

Autism funding

Mr FINN (Western Metropolitan) (12:59) — It has been one of the great honours of my life to be appointed by Liberal leader Matthew Guy as Victoria's first shadow assistant minister for autism spectrum disorder. For three and a half years it has been a joy to travel from one end of this state to the other, meeting with groups, families and individuals all impacted by autism in some way. I have met some truly amazing people. Some days I cried with them; other days I was so exhilarated by what I saw and heard that I felt I could fly. By any measure it has been an emotional roller-coaster ride.

Yesterday was the culmination of those meetings, with Mr Guy releasing the Liberal-Nationals policy on autism. The policy contains some very worthwhile proposals, and I look forward to being in a position by year's end to put these much-needed changes into action. A $50 million package is certainly nothing to sneeze at. I was particularly pleased by the endorsement of some very prominent Victorians who spend most of their lives working to improve the lives of families with autism. I was delighted that the CEO of Amaze, Fiona Sharkey; the founder and director of Spectrum Journeys, Kate Johnson; and Doug Scobie, the manager of the Olga Tennison Autism Research Centre at La Trobe University, not only supported the policy but

actually took the time to be at the launch to show that support.

Families with autism deserve a fair go. They have been ignored for far too long. I am hopeful that yesterday was the beginning of a revolution for these families, and I very much look forward to being in the vanguard of the revolution for many years to come.

Sister Salam Mouawad

Mr ELASMAR (Northern Metropolitan) (13:00) — On 14 September I attended a surprise celebration held in honour of Sister Salam Mouawad, who is a nun in the Antonine Sisters congregation. Sister Salam has served the order from 1968 to the present day. This is an amazing 50 years in the service of God and the community in my electorate. She is a well-loved and highly respected person who has cared compassionately and professionally for the elderly residents of St Paul's Hostel. I warmly congratulate Sister Salam for her dedication and commitment to God, her community and her fellow sisters. A mass was performed prior to the celebration at St Paul's Hostel in Thornbury.

Egyptian Jazz Projekt

Mr ELASMAR — On Saturday, 15 September, I was delighted to attend the Egyptian Jazz Projekt — and you were there, President — which was a live performance by the HarfousH Jazz Band. The performance took place during a reception at the premises of the Consul General of the Arab Republic of Egypt in Melbourne. His Excellency Mohamed Fakhry, Consul General of the Arab Republic of Egypt, officiated at this great get-together, which featured a jazz selection of nostalgic Egyptian and American songs. It was a cultural event that was extremely enjoyable.

Hampton Park Men's Shed

Ms CROZIER (Southern Metropolitan) (13:02) — Men's sheds throughout Victoria provide a vital contribution to the community, provide connection with friends and maintain an active body and mind for participants in an atmosphere of old-fashioned mateship. Early last week it was a pleasure to join the Liberal candidate for Narre Warren South, Susan Serey, to announce that an elected Liberal-Nationals government will provide an equipment grant for the new-look Hampton Park Men's Shed. The men's shed recently moved into the old Hampton Park primary schoolhouse. I remarked to Peter Hanson and other members of the shed in attendance that for me it was like stepping back in time to be back at the primary school I attended at Wando Vale, the same old-style schoolhouse where 22 or so of us attended what was a wonderful school from prep to grade 6.

The old Hampton Park schoolhouse was identified to be demolished by the Andrews Labor government in 2016 before a community campaign from the Hampton Park community and primary school alumni saved and relocated the historic building in 2017. Daniel Andrews, James Merlino and Jenny Mikakos sat around the cabinet table and were more than happy to demolish this historic Hampton Park building without any regard for community groups and volunteer meeting places. Currently the Hampton Park Men's Shed volunteers are scouring local garage sales to buy second-hand tools. This grant will go towards much-needed equipment upgrades for projects that benefit the Hampton Park community.

While those opposite within the Labor Party wanted to smash this building into more pieces than a youth justice centre, we on this side of the house are looking forward to seeing what Hampton Park volunteers can create for local children with this equipment grant for the men's shed in future years to come. Victorians know only a Liberal-National government will support the valuable contributions our local volunteer community organisations make.

Victorian Automotive Transition Taskforce

Mr MELHEM (Western Metropolitan) (13:03) — As the chair of the western Melbourne local automotive transition task force, which was set up by the Andrews Labor government to assist automotive workers to transition to future employment, I had the pleasure of dealing with some wonderful and terrific public servants. They work for the Department of Education and Training, and that particular department funds 33 skills and job centres across Victoria. These centres provide a one-stop shop for workers looking to train and reskill, create links between job seekers and employers and assist in providing vital support services. The staff at all of the skills and jobs centres are doing an incredible job and have assisted over 60 000 people seeking training and employment across the state. They have also played a pivotal role in assisting retrenched automotive workers through five specialist automotive centres, one located in my electorate of Sunshine.

Over 3000 automotive workers have registered with skills and jobs centres, including 800 people in Western Metropolitan Region. Furthermore, the majority of retrenched automotive workers have now secured employment, mostly in skilled manufacturing. Many of those who have not are instead seeking education and

training services, mainly in transport, postal and warehousing industries.

This government is committed to making Victoria's education system the best in the country and assisting workers in transition. I am confident that the skills and jobs centres will continue to provide high-quality support and advice to workers and their families impacted by closing businesses and the changing nature of jobs. I want to acknowledge Nanette Fitzgerald, who is in charge of the centres, and her team for doing a wonderful job. I also congratulate Minister Ben Carroll for his good stewardship in this area.

Detective Senior Sergeant Victor Kostiuk

Mr O'DONOHUE (Eastern Victoria) (13:05) — I rise to speak today on behalf of the opposition, but I am sure also on behalf of all members of the Legislative Council, to honour and give our respect to Detective Senior Sergeant Victor Kostiuk, who was tragically killed last Friday afternoon, 14 September. Detective Senior Sergeant Vic Kostiuk had been participating in the Wall to Wall Ride to the national police memorial in Canberra with around 300 other riders to remember fallen officers when a car allegedly veered across the road and struck his motorcycle near Orbost at Cabbage Tree Creek along the Princes Highway in Mount Raymond Regional Park.

Detective Senior Sergeant Kostiuk and his son, Victoria Police detective Senior Constable Felix Kostiuk, had reportedly been riding together out ahead of the main group of riders when it is alleged that a driver veered onto the other side of the road at about 2.20 p.m., striking him. The loss of a highly respected member of Victoria Police is tragic at any time, but this loss is even more tragic because he was participating in an event to remember fallen police members who had been killed in the line of duty.

The acting chief commissioner, Shane Patton, said on the weekend that the loss of Detective Senior Sergeant Vic Kostiuk, who served the community for almost 40 years, had struck at the heart of Victoria Police. In my many conversations with members of Victoria Police since last Friday, every member has raised this tragedy. On behalf of all of us, our deepest sympathies go to Detective Senior Sergeant Vic Kostiuk's family and loved ones, particularly his wife Pauline, his son Felix, his friends and his Victoria Police colleagues, at this very sad time.

Detective Senior Sergeant Victor Kostiuk

Ms SYMES (Northern Victoria) (13:07) — On that note, I thank Mr O'Donohue for his members statement, and I am sure all members of this chamber express their deep sympathy to the force and to Victor Kostiuk's family.

Marie Williams Kindergarten

Ms SYMES — I would encourage every member of Parliament to start Mondays by visiting a kinder. It is a very nice start to the week. I was at Marie Williams Kindergarten in Kilmore yesterday morning. This is one of the kindergartens that participated in the Premiers' Reading Challenge. Of course this year there was a focus on encouraging children who have not yet started school to experience 40 books with the help of family, friends and kinders. Marie Williams certainly embraced that challenge. I asked the three, four and five-year-olds that were present yesterday who loved reading, and we had 99 per cent of the kids put up their hands. That was a great show of support for books, learning and knowledge. Marie Williams went into the draw with all of the other early learning centres who participated, and they were the winners of 100 new books. It was very exciting to hand out those 100 new books to the little kids at Marie Williams kinder, and they were very ecstatic with their prize. I think it is just going to push their love of reading even further.

Victorian Farmers Federation

Ms BATH (Eastern Victoria) (13:08) — This morning I attended the Victorian Farmers Federation (VFF) policy breakfast. It is worth sharing with the house some of the key messages that president David Jochinke delivered to us, and it relates to our rural and regional areas. Firstly, Victoria's prosperity is still dependent on a thriving agricultural sector. Agriculture in Victoria is responsible for $13 billion worth of food and fibre production each year and employs around 87 000 people, largely in our rural and regional areas. To quote David:

> For farmers to continue doing their job of growing fibre and food for Victoria, Australia and the world, they need decent roads, energy security, infrastructure and a fair rates system.

What we have seen under this city-centric Daniel Andrews government is a neglect of country roads and country infrastructure. We have seen energy prices skyrocket. In fact one Gippsland farmer this morning stated that his on-farm energy costs have risen by an unsustainable 57 per cent. The VFF highlighted the unsustainability of current on-farm rate increases,

explaining that they are somewhere between 20 per cent and 40 per cent. To quote David:

> Our rates system is completely broken. It needs to be demolished and rebuilt from the ground up.

Under current drought conditions many of our farmers are doing it tough. Bottom-line increases are chronically challenging to absorb. What we will do when we come to government is solve many of these problems. The Liberals and Nationals are committed to giving country people and farmers a better deal.

Valedictory statement

Mr DALLA-RIVA (Eastern Metropolitan) (13:10) — In my final week in Parliament I just wish to thank a few people: firstly, the Liberal Party branch members for their loyalty and their support, and both the constituents and the community groups in the former East Yarra Province — and a former colleague from that province is next to me — and the people of Eastern Metropolitan Region for their vote and for allowing me to represent them. To my staff, many of whom have served in my electorate office and when I was a minister, a big thankyou for tirelessly working away. I thank the red coats — the attendants — Hansard, the table office, the clerks, catering, kitchen staff, security and the protective services officers for all you do. To the staff on the various committees on which I have served over the last 16 years — the Public Accounts and Estimates Committee, the Law Reform Committee, the Scrutiny of Acts and Regulations Committee and the various standing and select committees — thank you. Finally, a big thankyou to my wife, Sadie, and to our three boys, who are now men, Dmitri, Giordan and Alexander, for sharing my very smooth and calm political life!

That is it: 14 years in the cops, 16 years in Parliament — 30 years of public service. It is now time for RDR to enjoy retirement. Thank you.

The ACTING PRESIDENT (**Ms Patten**) — Hear, hear!

Pat Dooley

Mrs PEULICH (South Eastern Metropolitan) (13:12) — How does one trump — and I use that word advisedly — that ? Very rarely do I use opportunities to send a cheerio, but I would like to send a special cheerio from the Parliament of Victoria, the Liberal Party and my family to a very special person currently — and ironically — in John Curtin Aged Care in Creswick, Mrs Pat Dooley. She has been predeceased by her loving husband, Kevin, and is surrounded by loving and devoted family, including adult children Colleen and Russell, daughter-in-law Sue and grandchildren and great-grandchildren, including one who is a local publican, Amber. Pat is very much loved by all. Pat is a lovely person inside and out; she looked like Judy Garland in her heyday and continues to be beautiful regardless of her failing body. Pat is a fervent, lifelong Liberal voter — she has never been a member — and a devoted and passionate Demons supporter. She is finding peace, enjoying the love and support of her family and staff and hoping to see the Demons win and a change of state government. Pat, you are a wonderful person and a wonderful soul.

Victorian Multicultural Commission awards

Mrs PEULICH — I had the privilege of attending the Victorian Multicultural Commission awards for excellence the other night with the President. Those people who received awards deserved to be honoured. It was marred by the fact that Hong Lim, a serving member of Parliament, received an award from his former staffer, the current Minister for Multicultural Affairs. The rules will change if I have the opportunity of serving as minister.

BUSINESS OF THE HOUSE

Standing orders

Mr ELASMAR (Northern Metropolitan) (13:14) — I move:

> That the following standing orders take effect from the 59th Parliament —
>
> (1) After standing order 4.13(1), insert the following new subsection:
>
> '(2) A Minister may only dispose of the matter by giving a response at the time if they are the Minister to whom the matter was directed.'.
>
> (2) In standing order 5.03, ***Government Business (Standing Order 5.06)***, after 'Main Government' omit the word 'party'.
>
> (3) In standing order 5.03, ***Government Business (Standing Order 5.06)***, after 'Main Opposition' omit the word 'party'.
>
> (4) In standing order 5.03, insert:
>
> '***General Business (Standing Order 5.07)***
>
Mover/Sponsor	60 minutes
Main Government lead speaker	60 minutes
Other lead speakers	45 minutes
Remaining speakers	15 minutes'
>
> (5) In standing order 5.03, ***Government Bills — second reading debate***, after 'Main Government' omit the word 'party'.

(6) In standing order 5.03, ***Government Bills — second reading debate***, after 'Main Opposition' omit the word 'party'.

(7) After standing order 6.13(b), insert the following new subsection:

'(c) a motion for the postponement of notices of motion pursuant to Standing Order 6.03;'.

(8) After standing order 8.06, insert the following new standing order:

'8.07 Content of answers

(1) All answers to questions without notice must be direct, factual, succinct and relevant.

(2) The President may determine that an answer to an oral question without notice or supplementary question is not responsive to the question, and may accordingly direct the Minister to provide a written response to the question and lodge it with the Clerk.

(3) Written responses to questions directed to a Council Minister's portfolio will be required to be lodged at least 15 minutes prior to the time scheduled for Questions on the next sitting day.

(4) Written responses to questions directed to a Minister representing a Minister from the Assembly will be required to be lodged at least 15 minutes prior to the time scheduled for Questions in two sitting days.

(5) A copy of any response provided under this Standing Order must be given to the Member who asked the question and printed in *Hansard*.'.

(9) In standing order 15.02(2), omit the words 'three minutes' and insert in their place 'four minutes'.

(10) In standing order 16.02(1), omit the words 'three minutes' and insert in their place 'four minutes'.

(11) In standing order 16.02(2), omit the words 'three minutes' and insert in their place 'four minutes'.

(12) After standing order 20.02, insert the following new standing order:

'20.03 Video on demand

(1) Council Members, authorised Members' staff and Parliamentary Officers (authorised by the Clerk or the Secretary of the Department of Parliamentary Services) may republish audio-visual proceedings of the Council that are provided by the *Hansard* broadcast archive.

(2) Audio-visual proceedings republished under this Standing Order are subject to the following conditions:

(a) the material must only be used for the purposes of fair and accurate reports of proceedings and must not in any circumstances be used for —

(i) satire or ridicule; or

(ii) commercial sponsorship or commercial advertising;

(b) broadcast material must not be digitally manipulated;

(c) excerpts of proceedings are to be placed in context so as to avoid any misrepresentation; and

(d) remarks withdrawn are not to be rebroadcast unless the withdrawal is also rebroadcast,".

(13) Omit standing order 23.03(1), and substitute:

'(1) Each legislation and reference committee will consist of eight Members and will have regard to the proportionality of parties and independents in the Council. Members from the Government will be nominated by the Leader of the Government in the Council, Members from the Opposition will be nominated by the Leader of the Opposition in the Council, Greens Members will be nominated by the Leader of the Australian Greens in the Council and any Members from among the remaining Members in the Council will be nominated jointly by minority groups and independent Members.'.

(14) Omit standing orders 23.07(1) to (3), and substitute:

'(1) Each standing committee shall elect one of its members to be chair and one of its members to be deputy chair.

(2) If a committee cannot resolve the election of its chair and/or deputy chair, either position may be determined by the Council.'.

(15) After standing order 23.09(3), insert the following new subsection:

'(4) The Chair of the Committee has a deliberative vote only.'.

(16) The Clerk is empowered to renumber the standing orders and correct any internal references as a consequence of these amendments.

I spoke on this topic last sitting week when I tabled the report, but allow me to say a few other things about it, Acting President. First of all, these proposed changes to standing orders are as recommended by the Procedure Committee in its report tabled in the last sitting week. The main changes to standing orders relate to the video-on-demand service, 4-minute division bells,

general business time limits and the President's ability to order written responses to answers to questions without notice. The motion also seeks some further minor changes to standing orders relating to motions to postpone notices of motion and the ability of a minister to dispose of an adjournment matter in the house and provides further clarity about speaking time limits. As I said, I spoke on this when I tabled the report. I urge the house to support this motion.

Ms WOOLDRIDGE (Eastern Metropolitan) (13:15) — I am pleased to be able to speak to the motion today in relation to the Procedure Committee's report on the review of standing orders and the recommended changes to our standing orders.

I think it is a four-yearly event in this Parliament that there is a flurry of activity leading up to the last sitting week to get the sessional orders and other changes enshrined in the standing orders prior to the conclusion of the Parliament, and this year has been no different, although I think the fact that we were able to table the Procedure Committee report last sitting week was probably an advance on the previous experience.

It is fair to say that the Procedure Committee has had a challenging journey over the last four years. It has probably reflected the environment and the challenges of this chamber. I think the efforts and activities of the Procedure Committee have ebbed and flowed in unison with the activities in this chamber. Regardless of that, I think we have been able to make some significant progress on a number of issues. The sessional orders that we have had have stood us in good stead for this Parliament. The debate that we had early on in relation to putting these sessional orders in place were in the spirit that no party has a majority in this house, which enabled this chamber to make a decision about how it wished to operate. The sessional orders that were put in place reflected a combination of election commitments by the government and also the will of this house in relation to operations on a number of fronts. I think they have held us in good stead in relation to activities around the functioning of the committees, around question time and around constituency questions, which is a combination of those origins in relation to where they have come from.

The amendments that we have today reflect what the Procedure Committee was able to agree that we should take forward. There are some very sensible amendments — I will touch on a couple of them briefly — but there are also other aspects that we, as an opposition, felt needed to reflect the will of the house in terms of the composition of the next Parliament. We do not know what that will look like. We expect that it will be different, as it always is, so we have not supported a number of elements that reflect the activities of this Parliament going forward into the next given that we believe they need to reflect the will of that Parliament rather than going to the standing orders now. I know there are some amendments from Ms Pennicuik in relation to further suggestions about what we put into the standing orders, some of which we will not support, once again on the basis that they need to reflect the next Parliament rather than this Parliament and should be in the sessional orders accordingly.

In relation to this motion, the changes that we have today range from some matters that have been brought up from the experience, for example, of adjournments at the end of the night, including the fact that a minister in this place may be the only one who disposes of a matter. That reflects, I suppose, some experience from time to time where a minister has sought to speak on behalf of another minister in disposing of a matter, and the strong feeling that it should be only the minister to whom the adjournment matter is directed who is able to discharge that matter.

I think the change that we made after some time of this Parliament in relation to time limits in general business has been a positive step forward. There is no doubt that we saw on multiple occasions some government members speak for over 2 hours in relation to some of the general business motions. We know that the impact of that was to significantly extend the debate, and it often meant that a motion could not be dealt with in that week's general business. Of course, there is only one day of general business each sitting week. I think the bringing in of time limits has enabled us to move through those motions and to address those motions while still allowing every member to speak on those motions and while still allowing matters to be dealt with, even after very extensive debate. That was a positive move forward, and I think that reflects the time limits in government business, so there is a congruency in relation to what happens in government business versus general business.

On the position in relation to the postponement of the notices of motion and that being a procedural debate rather than a regular broader debate, that is probably something the government would have liked earlier in this Parliament. We sometimes have extensive debate from our side of the chamber in relation to the delaying of notices of motion. The fact that that will become a procedural item will in future limit that debate to 30 minutes. There has obviously been an oversight in previous consideration of the standing orders.

I think it is very positive that we have agreed that the content of answers should be direct, factual, succinct and relevant so as to give more clarity to the President in making rulings in relation to responses from ministers and also some clarity in relation to the written responses.

On written responses, I have to give credit to the government. I think the government has worked very hard to be responsive on those requirements by the President for written responses to questions without notice. Responses have very regularly come in within 24 hours or two sitting days, if required, from the other place. I have got no doubt that required a significant amount of work from the Leader of the Government in relation to delivering that outcome, because certainly the other place does not have that same level of requirement in relation to written responses to questions without notice. I think putting that into the standing orders will be of benefit across the board to this Parliament.

Obviously there are some changes in relation to 3 minutes versus 4. A very significant change in this Parliament is the move into the buildings at the back. On the amount of time that it takes to get from the new building to this building, I know that many members of Parliament are getting many more steps up in relation to walking back and forth across the way. Obviously extra time is needed to be able to do that.

I have got to say that I think it is a credit to this chamber that we took the lead on video on demand — getting it into place and bringing this chamber into the 21st century in relation to being able to have video on demand. It took a significant amount of work on the part of the clerks, the technology team and others to make that happen. I think the fact that we determined to do it in this place meant that the other place took that on board and — of course, as you do when you have got the numbers — made it happen in response to our efforts in this chamber. We see members — through Facebook and other means — publishing that information for the benefit of their constituents and the broader community. I often get commentary in relation to members statements, constituency questions or adjournment matters that I put up. Through the use of video on demand, people in the community are able to respond to issues we have raised on their behalf in this place.

Further, there is the fact we are supporting in an ongoing way that the legislation and reference committees will have eight members, the new mix. That will reflect the proportionality of this house. I think once again that has meant that neither of the major parties has a majority on any of the committees given the make-up of this chamber. I think it works well. I do not think anyone has ever gotten what they want all the time, and that is probably part of the rigorous nature of the debate and of this Parliament.

It is fair to say our committees have done very significant work. I think the Council committees have been exemplary in relation to their consideration of legislation, and they have had an impact on some very significant pieces of legislation, including, I have got to say, the select committee in terms of the port of Melbourne sale. The committees have been the catalyst for a number of bills we have considered, and then there are the references that have been looked at, which have both raised very significant issues and also contributed to legislation as being the research basis on which legislation is currently being introduced. I think the make-up of the committees has been a positive development. There are further considerations in relation to the powers of those committees, but once again we are of the view that once committees are constituted, the make-up of the new house should be able to have the say in relation to how those committees then operate.

Of course there are the issues in relation to, for example, the challenge we had with the Privileges Committee. That the chair of the committee only gets a deliberative vote is a decision we made after research in relation to the work of the committee. Enshrining that in the standing orders will make that easier if we are lucky enough that the Privileges Committee needs to meet again in the future at some stage. I think we are probably all optimistic that, given it has met once in many decades, it might be a while again before it needs to meet again. Hopefully circumstances will not arise that require it. So there are very positive things — enshrining some of the process issues of the 4 minutes, the video on demand and some further changes that reflect the experience in relation to this Parliament and the work that has been done — that, if this motion is to pass today, and hopefully it will with unanimous support, we will put into place for the next Parliament.

I will not comment particularly on Ms Pennicuik's amendments, because we can comment as the debate progresses in relation to them. There are some outstanding matters, and as I think we have acknowledged in this place before, the production of documents is an issue that requires further work. It requires commitment from all in relation to getting that resolved. There was significant work put in over a significant period of time to try and get to that point. The amendments in relation to an arbiter were put into the standing orders at the end of the last Parliament and

have not been used, because there was a view that they needed a more detailed context to operationalise.

That work needs to be concluded and put in place, because we have had significant challenges for the production of documents. There have been some significant efforts from the government in regard to it, but there have also been very significant exclusions or non-compliance in relation to the motions that are questionable in relation to the application of executive privilege and other arguments for exclusion. That needs to be nutted out, and hopefully that is something that can be resolved in the next Parliament, which will make the production of documents process much fairer and give it greater transparency in relation to what is redacted or excluded, which will be better in terms of the transparency for the Victorian community in relation to those documents that are called for. So there is an opportunity there.

I do want to take the opportunity also to thank the membership of the committee — Ms Pennicuik, Mr Atkinson, Mr Elasmar, Dr Carling-Jenkins, Mr Davis, Mr Jennings and Ms Pulford — in relation to seeking to work through the issues that we have grappled with in relation to the committee. I do particularly want to thank the secretariat. There is no doubt —

An honourable member — Gordon?

Ms WOOLDRIDGE — He wasn't on the committee. I do particularly want to thank the secretariat in relation to their work. There is no doubt that it had its challenges and may have felt like herding cats at some points, but thanks particularly to Richard Willis, Annemarie Burt, Andrew Young and Natalie Tyler in relation to their work to keep the committee's operations underway, to keep us focused when we needed to be to make progress on issues and to ultimately be able to conclude with some positive resolutions today in relation to these matters which we are seeking to enshrine into the standing orders, while understanding there were of course some areas that we were unable to agree on. I commend this resolution to the house and look forward to the continuing discussion we will have in the next Parliament in relation to how we continue to seek to improve the operation, the transparency and the effectiveness of this chamber.

Ms PENNICUIK (Southern Metropolitan) (13:31) — It is a pleasure to speak on the motion moved by Mr Elasmar with regard to the standing orders to take effect in the next Parliament. Basically the translation is that some of the sessional orders that we introduced in this session of Parliament are to become full standing orders to apply from the commencement of the next Parliament. As is outlined in the report of the Procedure Committee that was tabled last week, the committee proposed 10 changes to the standing orders. Basically they are that answers to questions without notice must be direct, factual, succinct and relevant — it was an initiative of the government prior to this Parliament that they would put that forward — and that the President may direct that a written response is required where the President is of the opinion that the answer to a question without notice or supplementary question is not responsive to the question.

I echo what Ms Wooldridge said — that the ministers have been very responsive in that regard in terms of providing written responses to questions as well.

Another amendment being put forward is that the membership of standing committees will have regard to the proportionality of parties and Independents in the Council. Committees having eight members have had representation from the Greens and the crossbench, as well as government and non-government members, and that does reflect the current proportionality. I am not sure what the future proportionality will be, but at least it will be enshrined in the standing orders that the membership of the committees will be in proportion to whatever the make-up of the Council is. The standing committees will also elect one member to be the chair and one member to be the deputy chair.

Significantly time limits put in place in the sessional orders of this Parliament for general business will now be transferred to the standing orders, and they will be the same time limits which exist for government business. For those who have been here in previous sessions of Parliament when we did not have time limits for general business, in some cases it was okay and in some cases it was very problematic and people did speak for very long periods of time. I will not mention any names, including my own, in that regard. I think that is generally agreed to be a good thing to do, and it has worked well in this session of Parliament.

Video on demand will be accessible for Council members, authorised members' staff and parliamentary officers. Of course that has been a breakthrough development in this session of Parliament to, as Ms Wooldridge said, bring us into the 21st century. Going back, when I was first elected there was not even audio of debates; people could only read *Hansard* the next day. I think I have said before that when the audio came in people could listen to the audio and see a static picture of the member.

Ms Mikakos interjected.

Ms PENNICUIK — Indeed. That was a huge step forward. But it has been, I think, a welcome step forward. I do thank the clerks for their work on that and the IT and Hansard staff, who worked very hard to bring that to fruition.

The division bells and the time to form a quorum in committee of the whole will be extended from 3 minutes to 4 minutes, because I think we have all realised that while it is physically possible to get here in 3 minutes, if you happen to be held up in some way, perhaps that may not be the case. So it is best to allow 4 minutes to come across from the new building.

The chair of the Privileges Committee will be permitted a deliberative vote only. A motion for the postponement of notices of motion will be included as a procedural motion, which I think is basically just something that probably should have been done a while ago and is being done now. Only a minister to whom an adjournment matter is directed — if that is the minister on duty — can dispose of the adjournment matter and not another minister. There are changes regarding wording and time limits for government business and second-reading debates of government bills. This clarifies the speaking times allowed with regard to parties and other lead speakers, which again has worked well in this Parliament.

The Greens are supporting the motion put forward by Mr Elasmar as being a good change to the standing orders. However, we believe that some of the other aspects that were included in the sessional orders after the Procedure Committee met several times at the beginning of this session of Parliament to put in place new sessional orders should also be put into the new standing orders. To that effect, I have some amendments to put forward, and I am happy to have those circulated.

During the deliberations of the Procedure Committee — without divulging the workings of the committee — I did indicate that I was supportive of the amendments that are being proposed to the standing orders, but I still thought others should be included. Those amendments are being circulated in the chamber now. I did also circulate them yesterday to all parties so that they had at least some time to consider them, and I have spoken to some members about them as well.

I am happy to just briefly go through what they are. The first amendment seeks to change the time in which a response to an adjournment matter must be provided to the member who raised the matter from 30 days, which has been the longstanding time, to 14 days. Whilst that was not necessarily raised in the debate of the Procedure Committee, I and my colleagues feel that in this day and age 30 days is a very long time to wait for a response to an adjournment matter raised. We are in the age of the internet et cetera, and 30 days is a long time. It is a whole month, and things can move on with regard to a particular matter.

Of course adjournment matters are, by and large, raised by members as a result of issues that have been brought to their attention by their constituents. I know this is what has occurred in my case, and I am sure it has occurred in most of the cases that I have listened to during the adjournment debate: matters raised by constituents are brought to the MPs — that is, government and non-government members, so government members are able to raise adjournment matters for ministers as well. Just to have to wait 30 days — I think we should be, as Ms Wooldridge says, moving into the 21st century and getting the responses to those a little bit earlier. Fourteen days of course is halfway between no days and 30 days. It could be seven days, it could be 21 days. I thought 14 days was a reasonable time limit to put on that.

The second amendment is in regard to questions without notice. In the lead-up to the last election, the ALP promised to remove Dorothy Dixers — that there would be no more questions from government members during question time. In fact they described these as, and I quote:

> … a stage-managed practice whereby ministers preprepare questions and rehearse answers for the purposes of grandstanding.

The media report by Jacinta Allan described how they would get rid of the charade of Dorothy Dixers. Of course that did happen in this Parliament by way of the sessional orders, and we have operated with nine questions from non-government members proportioned between the coalition, the Greens and the crossbench according to the proportion of membership of the Council. I think it has worked really well. It has been much better received by the media and by the community, who look on Dorothy Dixers with disdain and do see them as time wasting and think they should be done away with.

I would presume that when the people of Victoria heard that promise, which was put into effect over the last four years, they thought they were going to be gone forever. But no, apparently on this motion put forward by Mr Elasmar, they will return, because the motion does not include getting rid of the Dorothy Dixers. We would revert to five questions from the government and

five questions from the opposition. I think that is a big step backwards. We have taken the step forward of not having government questions, and we should continue into future Parliaments without questions from government members. I think that is what the community wants. It is certainly what we would like to see. The government was right to promise not to have government questions and to agree to the sessional orders not having them. It is very regrettable that this was not included in the standing orders, so it is possible that we will go back to five government questions from government members every day.

The third and fourth amendments are more technical amendments and regard written responses to questions directed to ministers in the Council or ministers in the Assembly. At the moment written answers from Council ministers, as directed by the President, are to be lodged within one day. That is currently read as a sitting day, so the answer may take several weeks to come back — for example, if a question is asked in June and then we go into the winter break, we might not actually get the answer to that until August. It is almost a technical amendment. It is to make a change so that the answers would come back within one business day, and if the question was directed to a minister in the Assembly, the answer would come back within two business days.

I agree with Ms Wooldridge that the government has been really good in coming back with those answers. I have had many answers from both ministers in the Council and ministers in the Assembly within that time frame — comprehensive answers. This is basically a technical amendment to put what is actually occurring into practice, rather than having the anomaly where a question is put at the end of the week and the answer does not appear for some time hence.

Amendment 5 is to reinstate constituency questions. That also was a promise by the government or an initiative by the government prior to the last election, that it would introduce constituency questions. I think constituency questions have been very popular with members, both government members and non-government members. Currently the sessional orders that have expired allow for 10 constituency questions every day. We usually have more people wanting to put a constituency question than there are spots for constituency questions. My amendment would put that there would be 15 constituency questions, and that mirrors the number of members statements every day. Every day up to 15 members can make a members statement. This would say up to 15 members can ask a constituency question. Of course that allows government members to raise constituency questions with regard to issues in their constituency. It is an avenue for a continuation of government members being able to raise constituency questions with a minister either in this chamber or in the other chamber.

I have also added that the answer to constituency questions be ‘in writing within 14 days’. That is even a little bit different from an adjournment matter, because a constituency question is actually a short contribution. It is one question and you get 1 minute to ask it. There seems to be no reason to me why that could not be answered within 14 days. It is not as if ministers are going to be inundated with constituency questions, because the number of them would be capped. Unlike, for example, questions on notice, where a member can lodge any number of questions on notice, constituency questions and adjournments are capped by number.

The last amendment that I am putting forward is that the standing committees be able to self-reference inquiries. I think that is a really important development that was put in the sessional orders this time and has allowed committees to initiate inquiries of their own. That is a feature of other parliaments. What we would revert to would be that the only matters that a committee could consider would be those referred by the house. It is fine for committees to consider matters that are referred by the house, but not just those. In particular, if there was a situation where one party had control or the majority in a house, then it would be that only government matters or matters that the government considered the committee should look at would be considered, and that would be regrettable. Apart from the 14 days, which was not in the sessional orders of this Parliament, I think these issues were all good steps forward in modernising our Parliament, which is still in need of more modernisation, and I would not like to see us go backwards with regard to those particular issues.

As Ms Wooldridge mentioned, there are some outstanding issues which the next Parliament and the next Procedure Committee will have to continue to look at, which include the issue of the production of documents. Certainly this Procedure Committee looked at it, and there were some discussions about, for example, the independent arbiter. There were discussions in the previous Parliament about this issue as well, and there was even advice provided to the Council from a senior legal person with regard to executive privilege, commercial in confidence et cetera that have been claimed by successive governments as reasons why they do not produce documents ordered by the Council, so that certainly is unfinished business.

The other issue that I think is unfinished business is the issue of the daily prayer, and I did move a motion earlier in this Parliament that the Procedure Committee have a look at it. Even though that motion was not carried, there was quite a lot of goodwill from all sides about that needing to be looked at. We have the situation now where virtually a quarter of the chamber is not present for the reading of the prayer, and I think that is a significant sign that the daily prayer as it stands at the moment is not reflective of the community of Victoria. It is something that I think Parliament again should have a look at.

As I mentioned in my motion with regard to that, many other parliaments have changed what they do at the start of each day. Some have multifaith prayers, some have a minute's silence and others have different words that they read out. So there are many options that this Parliament could look at to better reflect the community that this Parliament represents. With those comments, we will support the motion but will also be moving amendments to it.

Mr JENNINGS (Special Minister of State) (13:50) — I move:

That this matter be postponed until the next day of meeting.

I do so because of the outrageous behaviour of the Greens and the opposition. They have indicated in the last few minutes, across the chamber, that they are colluding yet again to change matters that had been agreed to and make up decisions that will affect standing orders going into the next Parliament in a way that they had not foreshadowed to the government right up until this debate commenced this morning. I think that is an extreme act of bad faith by the Greens and the Liberal Party yet again, a recurring element of the way in which they have tried to run this Parliament for their own benefit on many occasions during the course of this term, setting a precedent for appalling behaviour that they are continuing today by moving amendments to some matters that were agreed at the Procedure Committee, which is the basis by which this report was tabled and moved by my colleague, Mr Elasmar, in good faith about undertakings and understandings that were made in the Procedure Committee.

If this was going to be a matter that was actually the behaviour of the Greens and the Liberal Party today, then I can assure you there would not have been an agreed report from the Procedure Committee that came to this Parliament and was moved in good faith by my colleague, the Deputy President, in relation to this matter. We would not have been considering this report; we would not have been considering these amendments to the standing orders. It is disgraceful behaviour by Ms Pennicuik in moving these matters and is in fact totally against the spirit by which this matter came to the Parliament and again replicates the reprehensible collusion that has occurred between the Liberal Party and the Greens during the course of this term, setting a low benchmark for the way in which the procedures of this Parliament are dealt with. It is an appalling affront to the goodwill that, had it been —

Mr Morris — This is a bit rich coming from you.

Mr JENNINGS — Look, Mr Morris, you novice, you have got through four years. You reflect on how much you have learned in this term, Mr Morris — not much. Your leadership has learned not much during the course of this.

I do not care for any comments that are made by the Leader of the Opposition that indicate that there was some goodwill and generosity demonstrated by the government in relation to responding to questions on notice. Yes, we did set an expectation that questions would be answered with accuracy and honesty and we would acquit questions that were demanded of us within the following day.

Good on you for the graciousness of recognising the initiative taken by the government and the amount of work that has been undertaken to try to achieve that. Good on you for recognising at every turn when we introduced proportionality into committees that that was a goodwill gesture that was demonstrated at the beginning of this term, when the precedent for every Parliament beforehand had been every government of the day seizing the chair of every committee that it could.

For the first time we actually opened up the potential for there to be a broader cross-section of representation of chairs of committees and the representation of committees. Good on you for recognising that, something that has actually been used against the government throughout the duration of this term, time and time again, to work our members into exhaustion for working through a program that suits yourselves.

In fact it was an extraordinary contribution by the Leader of the Opposition, who said there is only one day of general business in a parliamentary week. Well, this Parliament, in my understanding, going back to first principles, is meant to make laws. It is meant to make the government account. It is actually to make opportunities for constituents to be represented. Well, according to those who want to live in opposition, they actually want to maximise the Parliament's time that

contributes to everything but the legislative program. They will obstruct the legislative program and they will stop the primary function of government occurring time and time again so they can waste time on the adjournment, on constituency matters and in committees — asking questions 10 times, and 10 times getting the same answer, at great length in committees of this Parliament — and in this last week they still cannot understand forming a level of agreement.

After the outrageous behaviour of Good Friday, the government granted a pair last week for the right reasons. We did it for the right reasons — we did it not because of any goodwill but because we should have.

Ms Crozier — You are a disgrace.

Mr JENNINGS — No, I am not. I gave you a pair because it was the honourable thing to do. Your leader today has come into this place and she has trashed the understandings that we had made in relation to why we are here considering this matter today. It is again goodwill —

Honourable members interjecting.

The ACTING PRESIDENT (**Ms Patten**) — Order! Minister!

Ms WOOLDRIDGE (Eastern Metropolitan) (13:56) — We came to this debate in calm consideration in relation to —

Honourable members interjecting.

The ACTING PRESIDENT (**Ms Patten**) — Order! Ms Wooldridge, please continue.

Ms WOOLDRIDGE — We did come to this debate with calm consideration in relation to these matters. I have to say in relation to the entire Procedure Committee we have been very calm and have tried to be constructive in relation to consideration of all the matters before us. There are some significant and important matters in front of us today that we support and that we think need to be taken forward, and we understood we had agreement in relation to taking those forward. We will not be supporting the motion to postpone this important debate in relation to the standing orders.

I do need to put on the record that Ms Pennicuik raised yesterday with the opposition and with the crossbench some further amendments that she had. My reading of what happened in the debate on the Procedure Committee report in the last Parliament was that exactly that same thing happened. There were house amendments put and there were amendments from others put after the Procedure Committee actually tabled their report. It is not unusual in relation to this. In fact one of those amendments was the extension by right of 2 hours, and I think the government has used that extension by right of 2 hours most days of most weeks of most months of four years in this house.

That was an amendment that was made separate to the Procedure Committee in relation to the operation of this house. So it is not unusual to have further amendments to a Procedure Committee document, and that is what we were considering —

Honourable members interjecting.

The ACTING PRESIDENT (**Ms Patten**) — Order! Mr Ondarchie, please allow Ms Wooldridge to complete.

Ms WOOLDRIDGE — So given that there are amendments put in relation to this motion, the opposition are happy to consider them on their merits, and that is exactly what we did. We showed the courtesy of providing to the Government Whip our view in relation to those amendments and that there are a small number that we will support. We will not support them all, but we do believe that constituency questions have been a good benefit. That was a recommendation by the government — it was their amendments that they brought forward, and we have supported them. I think people have used constituency questions very actively. We support the suggested amendment by Ms Pennicuik in relation to constituency questions to enable us all to be effective representatives of our constituencies.

We do not support this motion being postponed. We support its continuation and the consideration of both the document of the Procedure Committee and the amendments proposed by Ms Pennicuik.

Business interrupted pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

Production of documents

Ms WOOLDRIDGE (Eastern Metropolitan) (13:59) — My question is to the Leader of the Government. Last sitting week you stated that the tabling of personal financial, medical and legal information of innocent Victorians by the Premier was to comply with an order of the Legislative Assembly. However, the Victorian solicitor-general has said that neither she nor her office has produced the documents in response to the order and, I quote, 'I did, however,

produce documents in response to the direction from the Premier'. Given that, Minister, how has the government satisfied itself that the Premier has not breached section 2.7 of the ministerial code of conduct, which states:

> Ministers and parliamentary secretaries are to regard the skills and abilities of public servants as a public resource, and are expected to ensure that public servants are deployed only for appropriate public purposes.

Mr JENNINGS (Special Minister of State) (14:00) — I thank Ms Wooldridge for her question. I stand by the answers that I gave last sitting week.

Supplementary question

Ms WOOLDRIDGE (Eastern Metropolitan) (14:01) — It is very disappointing that the minister will not engage in a direct question asked of him in relation to some great specificity. In fact last week he said I had not quoted a section of the code of conduct. This week I have, and he still chooses not to respond to it. However, I will ask a supplementary.

The Department of Premier and Cabinet warned the Premier against the action that he chose to undertake. The Victorian Government Solicitor's Office was ordered by the Premier to hand over reams of documents, and some of the 80 000 pages detailed personal financial, medical and legal information of innocent Victorians. Will you now admit that the Premier's crusade, which saw this personal financial, medical and legal information of innocent Victorians tabled in the state Parliament, was a wasteful and extravagant use of public resources and that due economy was not observed?

The PRESIDENT — I do have some concerns about whether or not the supplementary question is actually apposite to the substantive question. It goes to a totally new area, I would have thought. But I call Mr Jennings.

Mr JENNINGS (Special Minister of State) (14:02) — The member has invited me to make a commentary and join her in a commentary. In relation to any matter of substance in relation to her supplementary question, I believe that I covered this content material last sitting week.

Transdev bus contract

Mr DAVIS (Southern Metropolitan) (14:02) — My question is to the Minister for Agriculture, representing the Minister for Public Transport. Minister, given that the Transdev bus contract is due for replacement in two years time and contains a trigger clause to provide an extension, is it the government's intention to extend their contract by one year or more to reward them for the poor performance they have exhibited?

Ms PULFORD (Minister for Agriculture) (14:03) — I thank the member for his question. I will seek a response from the responsible minister who, as all members would be aware, is a member in the other place. I would also perhaps remind Mr Davis that an opportunity is available for his colleagues to seek a response to such questions from Minister Allan in the Legislative Assembly as well.

Supplementary question

Mr DAVIS (Southern Metropolitan) (14:03) — Thank you for that elucidation. Minister, given Transport Safety Victoria ordered an emergency safety inspection at bus contractor Transdev's depot in September last year after routine tests by VicRoads found safety breaches with 33 buses, wouldn't any extension or renewal of the Transdev contract be in fact rewarding unacceptable or poor performance?

Ms PULFORD (Minister for Agriculture) (14:04) — I will seek a written response from the responsible minister.

Prison capacity

Mr O'DONOHUE (Eastern Victoria) (14:04) — My question is to the Minister for Corrections. Minister, in March this year the Governor in Council, on your recommendation, gazetted the maximum number of prisoners that can be held at certain police jails. Minister, since the order in council came into force, on how many occasions have those maximum prisoner numbers at these certain police jails been exceeded?

Ms TIERNEY (Minister for Corrections) (14:04) — I thank the member for his question. The matter of police cells has been an issue for all governments, including the government that he belonged to. Indeed the management of those cells and the coordination of individuals in those cells does require a fair bit of work. But can I say that in relation to the number of prisoners in police cells they reached the highest they ever have in the history of this state under his watch, at the point of 372. The fact of the matter is that in terms of the actual specific question he is asking me I do not have that level of detail available to me at this point, but I can honestly say that the number of people in prison cells has not got anywhere near the capacity it reached under his watch.

Supplementary question

Mr O'DONOHUE (Eastern Victoria) (14:06) — Thank you, Minister, for that answer. Minister, the same gazettal that you recommended stipulates the maximum number of days that a prisoner may be held at those certain police jails. Minister, on how many occasions has there been a breach of that order, where the maximum number of days that a prisoner can be held at police jails has been exceeded?

Ms TIERNEY (Minister for Corrections) (14:06) — Again, President, the member asked me a quite detailed question that requires specific information, and I do not have that available to me at this point in time. But again what I can say is that in terms of police cell management under this government it has been managed much better than it was by the previous government, and I —

Honourable members interjecting.

Ms TIERNEY — It has. We never came close to 372. You were at absolute capacity. I am heartened to see the good cooperation and the coordination between VicPol, the courts, the Department of Justice and Regulation and Corrections Victoria on this matter.

Police resources

Mr O'DONOHUE (Eastern Victoria) (14:07) — My question is again to the Minister for Corrections. Minister, with overflowing police cells Victoria Police members are continually having to transport prisoners from one police station to another to find a spare vacant police cell, diverting them from catching criminals to babysitting criminals. Minister, in August and September so far how many police hours have been utilised transporting prisoners from one police station to another to search for vacant cells, or is this measure not tracked?

Ms TIERNEY (Minister for Corrections) (14:07) — Again, Mr O'Donohue knows full well that the management of police cells is a management issue for VicPol. He knows that. The fact of the matter is that we have brought in over 400 police custody officers: 400 have been rolled out to assist in the management of people in police cells across this state. That was not seen under the previous government. We take our responsibility seriously in relation to the management of the justice system, but it is VicPol that manages police cells.

Supplementary question

Mr O'DONOHUE (Eastern Victoria) (14:08) — Minister, the Andrews Labor government has failed to plan for the significant rise in violent crime that we have seen over the past four years and has failed to plan for the increase in remand prisoners. We have a police cell crisis across the state at this very moment, so I ask: what immediate short-term measures will you implement between now and the election to ensure Victoria Police members do not have to transport prisoners from one police station to another because of this constant overcrowding?

Ms Tierney — On a point of order, President, and I will seek direction from you, but I think that that is probably more of a question for the Minister for Police.

The PRESIDENT — My intention actually is to refer the substantive question to the Minister for Police for response in any event because I agree with you that the operational aspects that Mr O'Donohue referred to in his question are to do with VicPol rather than your own jurisdiction. So I am already doing that for the substantive question, and I am okay about doing it for the supplementary.

Mr O'DONOHUE — On a point of order, President, the reason why police cells are crowded is the mismanagement of the corrections system itself. They are often full of sentenced prisoners who should be in the corrections system, but because of the bungling of the government they are forced into the police cell system. I would say there is a direct relationship, a direct responsibility, for which this minister should answer.

Ms Tierney — On the point of order, President, the fact of the matter is that it was a direct question about the management that relates to the transportation of prisoners between different locations. That is not an issue for Corrections Victoria. And in terms of the so-called mismanagement of the system, I would suggest that —

The PRESIDENT — No, no debating. Minister, do you wish to address the supplementary question at this point?

Mr O'DONOHUE — On a point of order, President, the supplementary question actually goes to what measures the government take to address the overcrowding in the police cells, which is a direct result of the overcrowding in the corrections system.

Honourable members interjecting.

The PRESIDENT — Order! Minister, I think that this question does go broader than just the police involvement in the imprisonment of people over what I expect are relatively brief periods. I ask Mr O'Donohue to re-read the question so that the Minister actually has an understanding of what the question actually is — just the supplementary.

Mr O'DONOHUE — Minister, the Andrews Labor government has failed to plan for the significant rise in violent crime we have seen over the past four years and has failed to plan for the increase in remand prisoners. We have a police cell crisis across the state at this very moment, so I ask: what immediate short-term measures will you implement over the next two to three months to ensure Victoria Police members do not have to transport prisoners from one police station to another because of overcrowding in the corrections system?

Ms TIERNEY (Minister for Corrections) (14:12) — In terms of the assertion that there is mismanagement, can I suggest that the member opposite actually listen to a fairly comprehensive interview that took place last Friday between Neil Mitchell and the corrections commissioner, Dr Emma Cassar? It was an extensive interview that went to a number of issues in the system. Indeed I believe that it would prove to be quite instructive to Mr O'Donohue to get an update in terms of the reality of what occurs in the corrections system in this state.

The fact of the matter is that we are doing a number of things and that we do have a plan for the expansion of prison beds in this state. We have already brought just over 70 beds online at the Metropolitan Remand Centre in recent weeks. Next month we are bringing on 70 extra beds at the Dame Phyllis Frost Centre. We also are bringing on a further 300 beds at the Ravenhall Correctional Centre before the end of this year.

Parkville youth justice centre

Ms CROZIER (Southern Metropolitan) (14:13) — My question is to the Minister for Families and Children. Minister, there have been at least 38 violent assaults against youth justice workers in the Parkville youth justice centre in this calendar year. I ask: is the Parkville youth justice centre now the most dangerous workplace in Victoria?

Ms MIKAKOS (Minister for Families and Children) (14:14) — President, what I have seen over the course of time from Ms Crozier is that she comes into the house and makes assertions about assaults in custody, despite the fact that we have actually published category 1 incident report numbers on a quarterly basis for the first time — something that did not actually occur under the previous government. What we have seen is an increase in the number of young people who are either sentenced or remanded into custody. In fact the most recent Children's Court annual report shows a 54 per cent increase in the number of detention orders made by the Children's Court since 2014–15.

Despite all the rhetoric from those opposite that somehow there are no consequences for youth offending, the facts show quite the contrary. As well, the budget papers show that we are projecting more young people coming into custody. Of course when we have more young people in custody, including more young people on remand in custody, we do actually have quite an unsettled population. There is a zero tolerance approach by management and staff in our youth justice centres, and when these matters do happen they are in fact reported to Victoria Police and action is taken.

What we saw during the time of the previous government was a change to the reporting system so that these figures were actually covered up. We heard evidence in the parliamentary inquiry, which you had the numbers on, that showed that was in fact the case. Staff numbers were cut, positions were not filled and there was no investment in strengthening infrastructure. By contrast, we have put in place more staff, created more positions and made investments in infrastructure and in supporting staff in many ways, giving them the support that they need and that they certainly did not have from those opposite.

With respect to the question that the member has asked, I would just point out that the youth justice WorkCover claims speak for themselves very strongly. During 2011–14, $8 351 246 was paid in youth justice WorkCover claims. During 2015–18 there has been $3 931 317 in youth justice WorkCover claim payments. So there has been a 53 per cent decrease in WorkCover payments to youth justice staff during our time of government, because we have supported staff. We have put more safety and emergency response team (SERT) staff in in our response to the Armytage-Ogloff report — our initial $50 million response to that. We have funded 21 additional SERT staff. We have given staff capsicum spray and other tools that they need to be able to respond to issues. We put Corrections Victoria's security and emergency services group staff into our youth justice facilities. We have given them the ability to respond to these issues. An intelligence function has been funded that never existed before. It has existed in corrections, and it is now in the youth justice system.

We are giving our youth justice staff the support they need. They never got it under the Liberal government —

Honourable members interjecting.

Ms MIKAKOS — You cut staff. You actually cut staff from the youth justice system. You did not invest in Parkville. You put the master plan in the bottom drawer; we know that, Ms Wooldridge. You defunded and you cut things and you covered up the assault numbers.

The PRESIDENT — Thank you, Minister.

Supplementary question

Ms CROZIER (Southern Metropolitan) (14:18) — I thank the minister for providing the figures in relation to the WorkCover claims. Actually those payments were made when Lisa Neville was the minister about incidents when Lisa Neville was the minister, and you know it. But my supplementary goes to —

Honourable members interjecting.

Ms CROZIER — Yes, well, that is when it happened. Minister, the supplementary is —

Honourable members interjecting.

The PRESIDENT — Order! Minister, thank you!

Ms CROZIER — Minister, so I ask: how many youth justice officers are currently on WorkCover leave or have outstanding claims?

Ms MIKAKOS (Minister for Families and Children) (14:18) — Clearly the member has not been listening at all to my response to her substantive question, because I have made the point that in relation to WorkCover claims, the payments that have been made have actually significantly decreased during our time in government. They have significantly decreased. Ms Wooldridge knows very well that we had some very, very serious injuries of staff during her time as minister. What she did in her first year as minister was change the reporting system. We have got greater coverage, greater transparency. Not only is the data published more regularly but more types of incidents are actually captured —

Honourable members interjecting.

The PRESIDENT — Thank you!

Ms MIKAKOS — in the category 1 data. These matters are now reported to the Commission for Children and Young People for the first time as well. We have put in place a range of transparency and a range of measures to support our youth justice staff —

Ms Crozier — On a point of order, President, the minister has gone nowhere near answering this question. It is pretty simple to ask what those figures are. She provided the figures from a previous government, which were the WorkCover claims from the previous Brumby government. I ask you to direct the minister in relation to the current WorkCover figures that she would have.

The PRESIDENT — Order! One of the problems that I have is that the minister was subject to a barrage of interjections, which actually gave her, in my view, an entitlement to really respond to those interjections rather than to the question that had been put to her. Members might consider that when they are seeking an answer to a question. The minister to complete her answer.

Ms MIKAKOS — Thank you, President. The member would know full well that this information is published in the department's annual report, and she will be able to read it in the Department of Justice and Regulation annual report shortly.

Ice Action Plan grants

Mr RAMSAY (Western Victoria) (14:20) — My question is to the Minister for Families and Children, representing the Minister for Mental Health. Minister, can you confirm that earlier this year *Ice Action Plan* funds, which were supposed to be used to tackle the scourge of ice in Aboriginal communities, were in fact used to purchase entry tickets to Funfields theme park in Whittlesea?

Ms MIKAKOS (Minister for Families and Children) (14:21) — I thank the departing member for his belated interest in mental health issues and drug issues. This is a matter that relates to Minister Foley's portfolio, but what I can say to the member is that our government has a very proud record of investing in drug services and dealing with the scourge that is ice in our community. The government has invested a record $259.8 million in drug services, representing an increase in investment of 43 per cent over the last four budgets. Our $184 million *Ice Action Plan* has already been rolled out across the state. We had the minister announce just recently additional investments — $87 million for our *Drug Rehabilitation Plan*. This is a key component of the *Ice Action Plan* stage 3. Nearly $35 million is to address demand in alcohol and drug treatment.

The minister is in fact doing a number of things to address the scourge that is ice in our community. We know it touches on so many communities and so many people right across the state, and that is why our government has done a range of things and put a range of investments in place around harm reduction activities, as well as making sure that young people and people right across the community can access drug rehabilitation support when they need it.

In terms of the specific matter that the member has asserted, obviously I do not have that level of information, and I am happy to seek some further advice from the responsible minister in relation to this issue. But what I can say to the member is that our record speaks for itself. We have a very strong track record of investing in drug rehabilitation services. What we saw from the previous government was a recommissioning process that just caused havoc in our drug services, in our mental health services. Wherever Mary Wooldridge laid her hands, there was havoc.

The PRESIDENT — Minister! You saw my guidance by a wave. You know that debating is not permitted in the answer to a question. You have already indicated that you cannot specifically address the question today. That is not a reason to then supplement debate. I take it that is the completion on that? No?

Ms MIKAKOS — I might add a bit more, President, with your encouragement. I think it is important just to put on the record that we have a very strong record — an increase of 57 per cent since 2014–15. Our record on supporting those who are affected by ice in the community speaks for itself.

Supplementary question

Mr RAMSAY (Western Victoria) (14:24) — I thank the minister for her response; departing, yes, but not forgotten. Minister, can you detail for the house how much in taxpayer funds or grant funds were spent on the Funfields day and if departmental officials or even Minister Foley's staff attended with grant recipients?

Ms MIKAKOS (Minister for Families and Children) (14:24) — Certainly the member is making a number of assertions there in relation to this matter. I am not in a position to be able to respond to the assertions that he has made in respect to this matter. I will certainly seek some further advice from the responsible minister in relation to this.

Prison capacity

Dr CARLING-JENKINS (Western Metropolitan) (14:25) — My question is for the Minister for Corrections, Minister Tierney. Minister, is it the case that the government has been assessing suitable locations for a further prison facility that has not yet been officially announced, as suggested in media reports yesterday?

Ms TIERNEY (Minister for Corrections) (14:25) — I do thank Dr Carling-Jenkins for her question. The fact of the matter is that like any good government we undertake a range of activities to plan for and meet future demand. The government has planned for, funded and announced one new prison, Dr Carling-Jenkins, which will be maximum security. It is a men's facility, and it will be built near Lara, which I know you are familiar with. We have not funded a new prison beyond that and we have not announced a new prison beyond that. Cabinet has not endorsed the building of a new prison other than the plans we have for Lara.

Supplementary question

Dr CARLING-JENKINS (Western Metropolitan) (14:26) — Thank you, Minister. I appreciate that clarification. I acknowledge the demand that you are talking about, with an overloaded system. The announcement that was made, which now you have confirmed is just a rumour, did cause some consternation in the Werribee community. I just ask for some assurance for that community. Given there are already four prisons with a joint capacity of over 3700 prisoners within 23 kilometres of Werribee, will you give an assurance to the community that any new prison to be announced in the future will not be built in this area?

Honourable members interjecting.

The PRESIDENT — I will allow the minister to respond, but I do not see how the minister can actually make commitments or give assurances in respect of future governments. We are not just talking about this government; we are talking about future governments, and they might have very different views. So the assurance that might be given by this minister is really not of much value to anyone. The context in which I made that remark was not reflecting on the current government or the current minister. As I said, the question calls for an opinion. I will let the minister answer, but I do indicate that I have a caveat on that answer.

Ms TIERNEY (Minister for Corrections) (14:27) — Thank you, President. Again I thank Dr Carling-Jenkins for her question. What I can say to Dr Carling-Jenkins is that the plan that this government has is for the prison that has already been announced at Lara. Further to that, we have had the 71 beds that have come onstream at the Metropolitan Remand Centre. I also mentioned earlier today that there is a 70-bed facility that will come online next month at the Dame Phyllis Frost Centre. There are also the 300 beds at Ravenhall that have already been announced. There is also work that is being done in terms of 102 beds at Fulham, which is nowhere near where you are talking about. That is the plan of the government.

West Footscray factory fire

Ms TRUONG (Western Metropolitan) (14:28) — My question is to the minister representing the Minister for Health. It has become clear that the Department of Health and Human Services (DHHS) has not been proactive in giving a full picture to our community of the health impacts of the factory fire in West Footscray on 30 August 2018. DHHS have advised via a council Facebook page that their emergency data system has not recorded any emergency room (ER) spikes since the fire started, and they are encouraging people to go to their GPs but are leaving it to the GPs to alert them to any increases in patient presentations. Meanwhile, the results from our community survey conducted in my office almost immediately after the fire have over 60 per cent of 433 respondents reporting symptoms, including children with week-long blood noses. The most common symptoms reported were headaches and dizziness. Given this and that PM2.5 reached over 90, how can the government maintain that there has been no risk to human health?

Ms MIKAKOS (Minister for Families and Children) (14:30) — That was a very comprehensive preamble to the member's question. Obviously I am not in a position to be able to respond to all of the assertions that the member has made in her question, but what I can say to the member is that it is important that there is clear communication to the community about health advice around these issues. There was a process that was put in place in relation to this fire. The chief health officer's role was to give general smoke health advice, which occurred through the Metropolitan Fire Brigade (MFB) around issues such as health protection advice during the course of that fire.

What I can say to the member further is that for those who suffer asthma or are otherwise at risk of course we would encourage them to take precautions whenever there is a smoke event. Certainly the public advice that was offered at the time was to shelter indoors, avoid the area and avoid using air conditioning and heaters to try to minimise smoke inhalation by those particularly at risk. The advice that I have is that there was not an increase in respiratory presentations at nearby hospitals. That is the advice that has been received. Neither Ambulance Victoria nor nearby hospitals saw any increase in respiratory presentations. But I will seek some further advice for the member from the responsible minister, being the Minister for Health, in relation to the specifics that the member has asserted. Certainly I would encourage any member of the community that continues to have any ongoing health issues following this fire to seek professional advice and professional assistance through our health system.

Supplementary question

Ms TRUONG (Western Metropolitan) (14:32) — Thank you for your response. We appreciate that the emergency processes were rolled out, but it is clear that the communication from the authorities was inadequate and not proactive. Since releasing our survey data even more families have come forward at community meetings, at town hall events and via social media to tell us that they too had symptoms and are only now presenting to ER as the symptoms have persisted.

People are still clearing ash from the fire from their yards and vegie patches, and we must remember that this is in the context of the environmental protection agency finding volatile industrial solvent compounds called BTEX — benzene, toluene, ethylbenzene and xylene — PFAS and fire combustion products in Stony Creek, which is now dead. In the interests of public safety, public health and maintaining public confidence in our authorities to look after us after such incidents, could the minister please advise if there is any dedicated effort to proactively seek and collate all health data and monitor the health impacts of the fire over the long term?

Ms MIKAKOS (Minister for Families and Children) (14:33) — I thank the member for her further question in relation to this matter. The point that I was making to the member is that in responding to any emergency we need to ensure there is clear, accurate and consistent messaging to the community. In this case the MFB was in charge as the incident controller for the fire. This included providing health advice about smoke to the public, and the MFB did that from early on in the morning when the fire broke out. I have already explained to the member the advice that we have received, or the department has provided, in relation to presentations. Again I reiterate that I would encourage anyone having ongoing health issues to seek

assistance in relation to these matters, but if there is anything further that I can provide to the member and the local community from the health minister as the responsible minister I will be happy to do that.

Climate change

Dr RATNAM (Northern Metropolitan) (14:34) — My question is to the minister representing the Minister for Energy, Environment and Climate Change. Climate change is already wreaking havoc around the world and here in Australia. Drought and bushfires in winter are our most recent experiences of the climate changing due to greenhouse gas emissions. Soon we will be facing the heat of summer and people's lives will be at risk from extreme heat. Yesterday the Greens announced our plans to transition Victoria to 100 per cent renewable energy and away from burning coal and gas. What plans does the government have to phase out Victoria's coal-fired power stations and give Victorians a clean, green future after coal?

Mr JENNINGS (Special Minister of State) (14:35) — I thank Dr Ratnam for her question, which of course I will refer to my colleague the Minister for Energy, Environment and Climate Change. The government does many things in relation to recognising the climate change challenge and the obligation that we have to drive a sustainable future and to address our national and international obligations in relation to greenhouse gas abatement, and our commitment to the renewable energy sector is one demonstration of that.

This is a government that actually not only puts out words, texts, social media commentary and petitions but takes action to drive that investment and actually support that investment. In fact in the last two weeks between the parliamentary sitting weeks we announced a significant investment that is going to be facilitated by the government — supported by the government — in relation to the best part of 1000 megawatts of renewable generation capacity across the state. When we make commitments in relation to driving 25 per cent renewable power generation by 2020 and then 40 per cent by 2025, we have actions in place, investments in place, market mechanisms in place, industry facilitation in place and planning in place to actually make that happen. We see the connection with driving that investment. Industry is gravitating to Victoria in relation to a national dearth of policy settings that has actually meant that industry is crying out for policy settings that enable that transition to the renewable energy sector to occur.

That is what the government is doing. That is what the government is committed to doing, because in fact if there is a policy objective, the policy objective needs to be enacted, implemented and facilitated by government action that actually incorporates all of those things — not just words. Words are very easy to say. Words, in terms of the policy commitments that you are asking us about today, actually ignore the rate of transition, the investment that is required and the existing latent capacity in distributed energy that the coal sector does provide now and will for quite some time into the future. In fact the opposition would go into hyperdrive if I gave you any encouragement in relation to the facilitation or driving of that transformation beyond where national marketplaces may lead.

Honourable members interjecting.

Mr JENNINGS — In fact here they go now, jumping up and down, talking about the decision that Engie made in France to reduce their asset base and laying blame at the feet of the Victorian government because it suits their political purpose to put their heads in the sand and make no contribution to greenhouse gas abatement, no commitment to the renewable energy sector and no policy settings that actually address the environmental and energy needs of this state and this nation. Indeed when paltry efforts were made by the federal government it led to the demise of a Prime Minister and it led, ironically, to the promotion of the person who led the failed policy settings in the federal jurisdiction, who was making no contribution to greenhouse gas abatement. The failure of that system led to his now becoming the most senior Liberal in Victoria within the federal jurisdiction.

The PRESIDENT — Minister, I think that is debating, and I think you will agree.

Mr JENNINGS — Well, it might be debating, President, and it might be the truth, though. The truth actually may be that the failed policy settings at the national level mean that there needs to be intervention by the state of Victoria, and the Victorian government is putting its actions where its commitments are.

Supplementary question

Dr RATNAM (Northern Metropolitan) (14:39) — I thank the minister for his indication that he will ask the minister to provide a substantive answer, and I thank him for the preliminary answer, but it sounds like, from those words, the government does not have a plan. I remind the minister and everyone here that words about climate change do not mean much if you do not tackle coal, so given the fact that we need to phase out coal if, as a global community, we are to address climate change, and that more and more renewable energy

means less need for coal-fired power, does that mean the government is just leaving the workers and communities in coal areas to the whims of the private multinational corporations —

Honourable members interjecting.

The PRESIDENT — Order! Thank you. From the top, Dr Ratnam.

Dr RATNAM — As I said, I thank the minister for his commitment to getting a substantive answer from the minister in the other place and for his preliminary response, but it sounds like, from his response, the government does not have a plan. Given the fact that we need to phase out coal if, as a global community, we are to address climate change, and that more and more renewable energy means less need for coal-fired power, does that mean the government is just leaving the workers and communities in coal areas to the whims of the private multinational corporations that own the power stations?

Mr JENNINGS (Special Minister of State) (14:41) — Dr Ratnam should take some time to go down to Latrobe Valley to actually have a look at the support of the Latrobe Valley Authority, which was created to deal with that transition at the time when in fact Engie made a decision in France to close its asset based upon its determination that it wanted to relinquish its coal assets. The Victorian government took responsibility to assist workers in those situations, to assist communities, not only in actually allowing transitional arrangements and alternative employment arrangements for those workers but in supporting generally the economic development of the Latrobe Valley. We have done it now; we will do it in the future. The extraordinary thing is that you need to have plans, you need to have actions and you need to be able to implement them. The great problem about this is the Greens can only talk in words about these matters; they have not implemented any of these policies and should not give us lectures about the way in which we should acquit our obligations.

QUESTIONS ON NOTICE

Answers

Mr JENNINGS (Special Minister of State) (14:42) — There are 37 written responses to the following questions on notice: 11 490, 11 513, 11 535, 11 579, 12 719–22, 12 729–30, 12 746, 12 749–50, 12 762, 12 778, 12 813, 12 829, 12 832, 12 845–56, 12 864–9, 12 871.

QUESTIONS WITHOUT NOTICE

Written responses

The PRESIDENT (14:42) — In respect of today's questions I seek a written response to Ms Wooldridge's question to Mr Jennings, just the substantive, and that is in one day; and in relation to Mr Davis's question to Ms Pulford, the substantive and supplementary questions, Ms Pulford indicated she would be quite happy to obtain a written response from the minister in another place. Mr O'Donohue's first question to Ms Tierney, the substantive and supplementary questions, one day; Mr O'Donohue's second question to Ms Tierney, just the substantive question, that is two days, because I believe it does involve a minister in another place. Ms Crozier's question to Ms Mikakos, her supplementary question, one day. In relation to Mr Ramsay's question to Ms Mikakos, the substantive and supplementary questions, the minister has indicated she is prepared to obtain a written response from the minister in another place, and that is two days. Ms Truong's question to Ms Mikakos, again Ms Mikakos has indicated she is happy to follow up with the minister in another place for a response to those questions, the substantive and the supplementary questions, and that is two days; Dr Ratnam's question to Mr Jennings, Mr Jennings has indicated that he is quite happy to follow up with a written response, if there is more to add, from the minister in another place in respect of both the substantive and supplementary questions.

CONSTITUENCY QUESTIONS

Northern Victoria Region

Ms LOVELL (Northern Victoria) (14:44) — My question is for the Minister for Families and Children and Minister for Youth Affairs and is in regard to the future of the South Shepparton Community Centre after the Department of Health and Human Services (DHHS) announced the impending sale of the property. On 8 February I called on the minister to ensure the future of the South Shepparton Community Centre by finding a suitable new home and funding relocation costs for the centre. The minister's reply in March typically centred on needless attacks rather than providing an actual commitment, but she did state that the DHHS was working to find a more suitable premises for the centre.

Management of the South Shepparton Community Centre have recently informed me that since the minister's reply six months ago DHHS have failed to identify a more suitable home for the South Shepparton

community house. Minister, what action have you and DHHS taken to identify a suitable future home for the South Shepparton Community Centre to ensure this wonderful organisation continues delivering vital programs to clients into the future?

Eastern Metropolitan Region

Ms DUNN (Eastern Metropolitan) (14:45) — My constituency question is for the Minister for Housing, Disability and Ageing and concerns a constituent of mine currently living in transitional housing. This resident has been taking great strides and is currently looking at going back to university so she can work towards a better life for herself and her children. However, she has been burdened by constant uncertainty around her home. Firstly she was told it was to be renovated, then she was told it would be demolished and then she was told it was to be used for victims of domestic violence. After I wrote to your office to confirm its current status, she received a call telling her that her property was scheduled for redevelopment. How someone can be expected to get their life back on track with this sort of chronic uncertainty around their basic needs, I do not know. My question for the minister is that he take action to give security of tenancy to this resident, my constituent, the details of whom I will provide via an email.

The PRESIDENT — The question is actually can the minister provide certainty of tenancy. You cannot call for an action in a constituency question, but we know what you mean.

Northern Metropolitan Region

Mr ONDARCHIE (Northern Metropolitan) (14:46) — My constituency question today is for the Minister for Roads and Road Safety in the other place. There is some suggestion around the Craigieburn area that the draft plans for the Craigieburn Road duplication are under consideration by Hume City Council. This particular road is in my area of Northern Metropolitan Region. The future member for Yuroke, Jim Overend, has fought hard for this project, and the local residents are keen to see any proposed plans so that they can have their say before the state election. We have seen other projects around Melbourne, like sky rail, that have eventuated without local residents being consulted, so my question is: could the minister please confirm if the draft plans are available, and will he release such plans for community consultation before the election?

Western Victoria Region

Mr RAMSAY (Western Victoria) (14:46) — My constituency question is for the Minister for Police, Lisa Neville, and is on behalf of constituents in Geelong. Abuse, fights and thefts seem to be daily occurrences in the Geelong CBD, particularly at the Moorabool Street bus interchange, and they are caused by a group of individuals termed 'mall rats' by the local media. Security in the last couple of years has been increased for the Market Square precinct. The security staff are quick in responding and do their job well, but they want to see police stop the antisocial behaviour before it gets into the shopping complex. My question to the minister is: what steps is she taking to address this ongoing issue of antisocial behaviour in Geelong's CBD, which is getting out of control?

Western Victoria Region

Mr MORRIS (Western Victoria) (14:47) — My constituency question is to the Minister for Planning. It relates to a proposed childcare centre in Grovedale. There has been significant community discord and significant concern in the local community, and I have been contacted by a number of constituents who are very, very concerned about this particular proposed childcare facility. I note that the Geelong council did knock back the planning application that was proposed for the facility and that this is now going to VCAT. I follow my colleague in the other house Mr Katos, who has raised this issue and has called upon the minister to address this issue. The question I ask is: will the minister detail to the community the actions that he will take to ensure the will of the community is heard and this childcare facility does not proceed?

Western Metropolitan Region

Mr FINN (Western Metropolitan) (14:48) — My constituency question is to the Minister for Police. On 21 August of this year I asked the minister when she expected a police station to be operational in Point Cook. Despite it being a particularly direct question, the minister chose to give a far from direct answer. Indeed the minister chose not to answer the question at all. The Point Cook community deserves a police station. Concern in Point Cook on this matter has been at boiling point for quite some time. I ask again: when does the minister expect a police station to be operational in Point Cook?

Eastern Victoria Region

Mr O'DONOHUE (Eastern Victoria) (14:49) — I raise a constituency question for the Minister for Energy, Environment and Climate Change. It relates to recent power outages that a number of constituents have reported to me in the Montrose area. The question I have for the minister is: can she investigate this and report back to me what has been causing these power outages? I am advised by these constituents that on many occasions appliances have been damaged and significant cost has therefore ensued to replace them. It has also been raised with me by John Schurink, who has been talking to a number of community members in Montrose. I would put that question to the minister, and I look forward to her answer.

Southern Metropolitan Region

Mr DAVIS (Southern Metropolitan) (14:50) — Today my constituency question relates to the Caulfield to Dandenong rail line and the costs of that component of the level crossing removal program. This is part of my electorate, and I believe my constituents have a right to know the costs of this project before the state election. We know that overall the level crossing removal program is 60 per cent over budget, starting at $5 billion — there is no business case, but an estimated $5 billion — and is now well over $8.1 billion, a 60 per cent increase. But on the actual sky rail component, the component from Caulfield to Dandenong in my electorate, I am asking the minister: will you release the costings before the state election?

To date you have publicly refused to do so — pointedly refused to do so — and I ask: will you release the costings so that the people in Southern Metropolitan Region, my electorate, know how much you have expended on this sky rail?

The PRESIDENT — Can I just seek guidance from you, Mr Davis, that you have not asked that question previously? I do recall you asking about cost in regard to sky rail.

Mr DAVIS — I have asked for components of the thing, but not the overall cost. The minister at the opening of one of the railway stations refused pointedly on air —

The PRESIDENT — That is okay. I just need to know that you have not asked the same question previously. Thank you.

BUSINESS OF THE HOUSE

Standing orders

Debate resumed.

Ms PENNICUIK (Southern Metropolitan) (14:51) — The Greens will not be supporting the motion put forward by the Leader of the Government. I do regret the remarks that were made by the Leader of the Government that were aimed at me, somehow suggesting that I had no right to move amendments to the motion put forward by Mr Elasmar. I say that it is my right to move amendments to a motion or a bill at any time in the chamber if I wish to do so on behalf of the Greens.

I would also make the comment that it is up to the chamber to decide which of the sessional orders go forward as standing orders. We have a report of the Procedure Committee which has made a recommendation with regard to 10 particular issues that should proceed forward from sessional orders into the standing orders of the next Parliament. The chamber itself and any other member in here can move an amendment to the motion as put forward by Mr Elasmar, so it is not outrageous for me to move amendments to that motion. Indeed there were amendments moved to the report of the Procedure Committee at the end of the last Parliament and, if I recall, on other occasions as well.

I would also make the point that I made it clear in the deliberations of the Procedure Committee and again in the debate today that while I supported the matters that were going forward from sessional orders into the standing orders for the next Parliament I thought that other matters should also have gone forward. I did not make that a secret. I think everybody in the Procedure Committee was very well aware of my position on that, particularly with regard to questions without notice and constituency questions and with regard to the self-referencing of committees. I have outlined all of that in the debate on the motion.

Mr Jennings raised the issue of collusion. The only collusion on these amendments was between me and my Greens colleagues with regard to which amendments we would put forward, and they were circulated to all parties at the same time yesterday and discussed in the business meeting briefly as well. I would also say that the upper house, the Legislative Council, has a different remit from the Legislative Assembly. It is a house of review. It has a day of general business. It is a different place from the Assembly; it is not just all about government business.

I have to also respond to what Mr Jennings said with regard to government business. The Greens have not been holding up government business. We generally put up only one speaker on every bill, and while we might move amendments in committee and ask questions in committee, I am very confident in saying that we do not overdo that or take that beyond what amendments we wish to move and which questions we want to have answers to with regard to some very important legislation that goes through this house. It is well within the rights of any member here to move an amendment to the motion as put forward by Mr Elasmar. The standing orders are very important. As Ms Wooldridge said, we always end up basically debating them in the last sitting week of the Parliament, even though attempts are made to do so earlier. Perhaps if we had there may have been more time for consideration of the motion going forward and more time for discussion amongst the parties as to what should go forward, but as it turns out, as usually happens, there is very little time.

I think the amendments that I have put forward are very important. I have outlined in my contribution as to why that is the case. Amendments 3 and 4 are pretty well technical amendments and codify what already happens with regard to written answers to questions. I have pointed out the issue with regard to changing the 30 days to 14 days. That was not an issue that was debated in the Procedure Committee, but it is one that I think would move us forward. Questions without notice with regard to the elimination of government questions was a promise of the government. I think the people of Victoria thought that was going to be a promise into the future, not just a promise for four years. We think that has worked very well, not having those questions.

Again, constituency questions, which both non-government members and government members can ask about matters raised with them by people in their constituency about issues of importance in their electorates have been a great development. Mr Jennings also reminded us about the changes to the committee system, and I have actually in this session of Parliament mentioned that many times and paid respect to the government for introducing those changes to the committee system. With those few words, we will not be supporting the motion.

The PRESIDENT — We are dealing with a motion put by Mr Jennings, the Leader of the Government, to adjourn debate on the Procedure Committee motion put by the Deputy President until the next day of meeting.

House divided on Mr Jennings's motion:

Ayes, 15

Dalidakis, Mr
Eideh, Mr
Elasmar, Mr
Gepp, Mr (*Teller*)
Jennings, Mr
Leane, Mr
Melhem, Mr
Mikakos, Ms
Mulino, Mr
Patten, Ms
Pulford, Ms
Shing, Ms
Somyurek, Mr (*Teller*)
Symes, Ms
Tierney, Ms

Noes, 25

Atkinson, Mr
Bath, Ms
Bourman, Mr
Carling-Jenkins, Dr (*Teller*)
Crozier, Ms
Dalla-Riva, Mr
Davis, Mr
Dunn, Ms
Finn, Mr
Fitzherbert, Ms
Lovell, Ms
Morris, Mr
O'Donohue, Mr
Ondarchie, Mr
O'Sullivan, Mr (*Teller*)
Pennicuik, Ms
Peulich, Mrs
Purcell, Mr
Ramsay, Mr
Ratnam, Dr
Rich-Phillips, Mr
Springle, Ms
Truong, Ms
Wooldridge, Ms
Young, Mr

Motion negatived.

The PRESIDENT — The motion is lost, and we return to debate on Mr Elasmar's motion, which is subject to amendments proposed by Ms Pennicuik.

Mr RICH-PHILLIPS (South Eastern Metropolitan) (15:04) — I am pleased to make some brief remarks this afternoon on the motion moved by Mr Elasmar on behalf of the Procedure Committee and the amendments which have subsequently been proposed by Ms Pennicuik. I reflect that when I first came to this place the nature of the standing orders that the Council had was very different, in many respects, to the standing orders under which we operate today. What we have seen over that period of time is the standing orders progressively becoming more prescriptive and in some respects more constrained in the way in which the house operates compared to the standing orders which were in place for the 53rd and 54th Parliaments, which very much relied on practice and precedent rather than black-letter law in the standing orders to govern the way in which the house operates. Many of those standing orders of that period were quite archaic in the way in which they were structured, and of course in the mid-2000s we had a wholesale rewrite of the Council standing orders, which delivered the standing orders we see today.

Some of the major changes we have seen in that time are particularly related to the incorporation of second-reading speeches, the incorporation of a number of the procedural steps around the passage of bills and

also the introduction, for the first time, of time limits across a range of procedural matters in the Council. Of course prior to the mid-2000s there were no time limits in respect of any matter of business in the Council, and generally that worked. It was really only after John Lenders became Leader of the Government in this place that we saw some of the more prescriptive standing orders introduced, in many respects similar to what we had at that time in the Legislative Assembly. We now have a reasonably prescriptive set of standing orders, and of course in each Parliament went tend to amend those and adjust those to reflect the composition of the house and to reflect particular needs and concerns in an individual Parliament through the passage of sessional orders.

What we have before the house this afternoon is the Procedure Committee's consideration of the sessional orders that the house has operated under for the last four years. A number of those sessional orders were introduced progressively through the course of this Parliament. They have been considered by the Procedure Committee, and a number of them have been recommended by way of the motion this afternoon from Mr Elasmar, the Deputy President, for incorporation permanently into our standing orders.

I note one that has not been included in this tranche of proposed changes to standing orders is a sessional order with respect to the sitting times of the Council. I have to say that when that sessional order was first introduced, I did have some hesitation as to how it would work in practice for the house, but I think overwhelmingly the current sitting hours we use have in fact been an improvement. Starting the Council at midday on a Tuesday and adjourning at 6.30 p.m., with the capacity for two 1-hour extensions, and likewise the other adjustment to sitting hours on Wednesday and Thursday, which preserve the total number of debate hours available to government and non-government parties while ensuring that on Tuesdays, and Wednesdays in a practical sense, the Council finished earlier than was historically the case, has been a good thing. I am disappointed to see that that has not been brought forward in the overall package we are considering for standing orders today.

The package that has come forward from Mr Elasmar on behalf of the committee clarifies, as Ms Wooldridge indicated, that ministers only dispose of adjournment matters related to their portfolio. To reflect on the original standing orders on adjournment and the original practice on adjournment, certainly when I was first elected here it was the practice of this house that the adjournment was attended by all members. All ministers participated in the adjournment debate and all members were typically in the house. Very often all members would raise an adjournment item, and all — in this case, five — ministers would be present and would dispose of the matters related to their portfolios and the portfolios they represent. We have seen a shift away from that to a single minister being present, which has made the need for this particular proposed change to standing orders more necessary than it was historically.

Amendments (2) and (3) remove the word 'party' in respect of government and opposition for time limits. That just gives effect to what we had adopted as a sessional order practice, particularly with the opposition coalition whereby we treat the two coalition parties as one for the allocation of time limits. The removal of the word 'party' in standing orders will give effect to that, whether there is a coalition in government or a coalition in opposition in the future.

Confirming the standing order with respect to general business time limits is prudent. Since the introduction of time limits in government business in the 2003 period, we have seen that they have worked reasonably effectively. Initially we saw members speak to the full extent of their time limit once time limits were introduced. Often debates took longer following the introduction of time limits than they had historically without time limits, but that has dropped away and members do not necessarily speak to their full time limit now. Of course in general business we had seen that the lack of time limits was at times used to filibuster items. I think having a consistent approach to time limits for general debate, for general business and government business is an appropriate step. Amendments (5) and (6) likewise pick up the omission of the word 'party' to clarify that they apply to the coalition.

Amendment (7) confirms that a procedural debate for the adjournment of notices of motion will be procedural debate under standing orders, which is entirely an appropriate matter.

Amendment (8) relates to the content of answers to questions without notice. We saw in this Parliament the introduction of a new structure with respect to questions without notice following an election commitment by the Labor Party that was reflected through the will of the house in sessional orders, including providing the President with the capacity to order written responses to questions without notice. That has been quite an effective mechanism. The intent of amendment (8) is to enshrine in standing orders that capacity for requiring written answers, and we think that is a good way to move forward.

Amendments (9) and (10) relate to extending the time for divisions from 3 to 4 minutes, with many members now having office accommodation much further removed from the chamber than was previously the case. Amendment (11) does likewise. Amendment (12) confirms our commitment to video-on-demand publication of Council proceedings, which has been well used by members despite initial concerns that it may have been subject to abuse. The practice since that sessional order was introduced appears to be that it has worked quite effectively.

Amendment (13) relates to the constitution of Legislative Council committees. It proposes a model of eight members with regard to proportionality of parties. Obviously that is something we have previously decided by sessional order following the constitution of a new Parliament, but using eight as the base number for a committee in a house of 40 is a sensible way to proceed, and it worked effectively through the course of this Parliament.

Amendment (14) clarifies arrangements with respect to the appointment of a chair and deputy chair of committees and provides that it is a matter for the committee. Amendment (15) provides that in respect of the Privileges Committee:

> "(4) The Chair of the Committee has a deliberative vote only.".

This is something that we saw come into play with the one Privileges Committee matter that was dealt with in the course of this Parliament, and like other members I hope that we do not see the Privileges Committee convened into the future.

With respect to Ms Pennicuik's amendments, the coalition will support some of those amendments and not support others. Regarding the first one, with respect to the time frame for adjournment responses, notwithstanding Ms Pennicuik's comments about electronic communications, an adjournment relates to a matter seeking an action from a minister. The realities of the processes of government is that that takes time, and while for an outsider 14 days may seem reasonable, when you look at the processes that are undertaken within government, we believe that maintaining the status quo of 30 days is a reasonable position to take. So we will oppose that amendment.

Ms Pennicuik's second amendment, with respect to the numbers of questions without notice and not having government members ask questions, reflects an election commitment of the Labor Party, and that is why it became a sessional order for this Parliament. I note that was paired with ministers statements, which are not included as part of Ms Pennicuik's proposal here. So on those two bases, we will not support that proposal from Ms Pennicuik.

Amendments 3 and 4 from Ms Pennicuik simply seek to clarify the time frame in which written responses to questions without notice are provided for ministers in this chamber and ministers in another chamber, clarifying the one and two-day time periods, and make it clear that that relates to business days rather than subsequent sitting days. We believe that is reasonable and will support amendments 3 and 4.

Ms Pennicuik's amendment 5 seeks to insert in the standing orders the provision we currently have in this Parliament in relation to constituency questions. We believe constituency questions have been a useful tool for all members of the house to raise matters related to their electorate. It is an extra forum that members have to get information for their constituents. We believe it is reasonable and will support Ms Pennicuik's amendment 5.

Amendment 6 from Ms Pennicuik relates to self-references for committees. We believe that many of the Legislative Council committee decisions need to be made once the new Parliament is constituted. We have established that we will have committee base numbers of eight, but what we will need to see in the new Parliament is the overall make-up of the house and therefore the overall make-up of the committees. We believe that matters relating to how those committees can then operate are best determined by the Parliament of the day having the knowledge and understanding of the environment in which it is operating. So we will not be supporting Ms Pennicuik's amendment 6, but we will support the two amendments clarifying the written responses to questions without notice, which are amendments 3 and 4, and Ms Pennicuik's proposal to retain constituency questions in our standing orders.

Ms PATTEN (Northern Metropolitan) (15:17) — I too would like to make a brief contribution to Mr Elasmar's motion to amend the standing orders and Ms Pennicuik's amendments to that motion as well. I come from a position where I do not really know Parliament without the existing sessional orders that we have had, and I have to say that I have thought that many of them have been quite good. At other times I have been completely frustrated in here by the delays and by the continuation of unnecessary debate.

In some ways I would like to have seen more being done to address some of the filibustering that goes on in this chamber and possibly look at what is happening at the federal level, where they have the Federation

Chamber, where some matters of business can be debated so we could have two streams of business operating concurrently. I think there are certainly numerous examples over the last three or four years where that would have been an effective way of people exploring the legislation through the committee process but also enabling other legislation to continue on. If I am fortunate to be here in the 59th Parliament, I will certainly be continuing to push for that.

Most of the amendments around speaking times I think are necessary, although sometimes I have sat in this house and listened to 10 people say the same thing, and not even in a different way — just 10 people saying exactly the same thing. I find that frustrating. I know that general members of the public when they do from time to time check in also question why this occurs.

Amendment 8, which is around the content of answers, says the content of answers for questions without notice must be direct, factual and succinct. I think that is excellent. I only wish that this was expanded to answers to constituency questions or even adjournment matters and that we had the same commitment. I was told very early on in the piece when I was elected that question time is not answer time. I now realise just how true that is, but certainly asking for succinct answers and asking for direct answers and for answers that actually answer the question is fair, and I think it is fine to have that in the standing orders.

Not to disparage the *Hansard*, but with video on demand I have certainly found the engagement with my constituency, when I have been able to post a video as opposed to just posting the *Hansard*, has had a monumental shift. The response we get to videos, where we can direct people very directly to the issue that they are interested in, has been incredibly successful, and I think that, while *Hansard* is an interesting read for many of us, the immediate nature of video certainly seems to have proven very popular with my constituents especially.

Just turning quickly to Ms Pennicuik's amendments, I think they all make an absolute amount of sense. I do not see why the government wants to reintroduce the Dorothy Dixer. Frankly I was incredibly surprised to see that we were removing ministers statements and replacing them with Dorothy Dixers. I think the response from our constituents and from Victorians has been that they have appreciated the lack of Dorothy Dixers, that they have appreciated that question time was something that was possibly more robust and that the ministers statements adequately met the needs that the Dorothy Dixers attend to. So I am supportive of making question time about questioning the government, not government asking the government about just how great they really are.

On constituency questions I am in agreeance. I think constituency questions certainly have been an excellent way of being able to directly ask questions that are raised with us. We all meet 10 or 20 constituents every week in our non-sitting weeks, and they raise lots of questions, and I have found the constituency question process a great way really to be able to ask very specific questions for very specific constituents.

I support the self-referencing of the committees. Certainly it has been a privilege to be on so many of the committees, and I have been very appreciative of the work that they have done. I do not think that self-referencing has been misused, and I think it should be able to be continued and would save some time, instead of endless motions about committee references, if we could get agreement for committees to self-reference.

I take on Ms Pennicuik's comment about the prayer in the morning. I too believe that now is the time to rethink the reflection that we have at the beginning of each sitting day, when probably a quarter of us do not come into the chamber for that prayer because it is not within our beliefs. I support anyone having freedom of religion and that they can use that time, but I do appreciate what I see in other parliaments where there is a minute of quiet reflection and we consider the job and the privilege that we have in being here, and we do that in silence, and whether we say a prayer to our god, we reflect in other ways or we just have a quiet minute, I do think this is something that we should continue to campaign on. Irrespective, I commend this report to the house and the amendments.

Mr JENNINGS (Special Minister of State) (15:25) — I retrieved my notes for my contribution on this matter from the bin after I was unsuccessful in postponing it. The reason why I sought to postpone this matter was that I was extremely disappointed on behalf of the government that the government had agreed in good faith to recommendations to the chamber from the Procedure Committee in relation to how we incorporate changes into the standing orders for the next term. We did that. We could have chosen at the Procedure Committee not to agree to anything, and in fact on that basis there would not have been anything for these amendments that Ms Pennicuik has circulated to be attached to. We could have demonstrated a veto at the Procedure Committee; we chose not to. We chose to actually act in good faith on what we thought were reasonable changes that we could accept on a principled basis that they did not necessarily advantage a

government and they did not necessarily disadvantage an opposition or cross-party members. We tried to apply rules that we thought were fair and reasonable, whether you are in government or whether you are out of government. That is the basis on which we chose to agree to a range of matters — 10 matters.

Then in the stealth of night not only did Ms Pennicuik decide that she was going to amend the motion but the opposition decided to jump on the bandwagon in an act that was consistent with the way that they banded together earlier in the term to impose their will on the chamber. That is the reason why I thought that the Parliament should have stopped and reflected on whether that was a wise or an unwise thing to do. But it is a winner-take-all mentality — whatever coalition you can form in this chamber prevails, and that is what we are going to see again today.

This Parliament has had some successes in relation to what changed from the sessional orders. We have also had some downsides from what was imposed upon this Parliament by the last Parliament through standing orders that were introduced that were impractical and could not be implemented and have not been able to be implemented during the course of this term. I, for my part, volunteer that I would have been happy to successfully find a way in which documents motions were dealt with. I put on the public record that I am disappointed about that failure — that the standing order that was imposed by the last Parliament on this one, which does not account for procedures that the Parliament should have considered at the end of the last term, still remains unresolved at the end of this term. I think that is a bitter disappointment for us all, and it potentially will bedevil this government or an incoming government in relation to the way in which they can comply with documents motions. I think that is an opportunity that we have lost.

I also think that the government made a series of commitments at the election that we would get rid of Dorothy Dixers — that we would make changes that would try to improve the accountability of ministers in this chamber by making sure that answers were accurate and appropriate and, if they were not, to have an opportunity for the first time for questions to be reinstated. We agreed to that willingly at the beginning of this term and we agreed to it willingly at the end of the term. We are very happy to comply with that expectation of the chamber.

We also, at the beginning of this term, recognised that committee work was very onerous in terms of the overlapping cover of joint parliamentary committees and upper house committees. In fact we had concerns that it was very difficult for the Parliament to fill those committees — to actually make sure that they had an element of proportional representation or appropriate representation across this chamber and the other chamber. This government willingly entered into an agreement with all parties in relation to proportional representation, and we willingly represent that in terms of the outgoing changes to standing orders. We volunteered that; we drove that; we were committed to that. In fact it was the Labor Party that introduced constitutional reform that led to proportional representation in this chamber. So we have a tradition of supporting proportional representation in this chamber. The people who are actually going to be using their numbers today to impose their will on the government are beneficiaries of the commitment of this government to proportional representation. But we still, willingly, in a spirit of goodwill and a spirit of democratic representation, recognise that we should insert that in standing orders, and we had agreed to do just that.

But we do have unresolved questions, from the government's perspective, in relation to the structure of committees and the role that they play across not only the upper house but the Parliament overall. We do recognise the huge burden that comes to government members participating in committees. In this term the opposition, the Greens and other members of the Parliament may not have been mindful of the pressures and the workload that has befallen government backbenchers in relation to committees, but I am aware of how onerous they are. I am aware of how difficult it is for the government backbench to sit on one committee after another that continue to have not only references that come from the chamber but also indeed self-referencing by the committees, which makes it almost impossible for government members to acquit their responsibilities. So the government is concerned about that, and I put on the public record that we will continue to be concerned about that whether we are in government or whether we are in opposition after the next election. I think the Parliament should be mindful of that unresolved issue.

The government would have been prepared to introduce many reforms in relation to making this Parliament work more respectfully and more engagingly to acquit its responsibilities to our constituents and the community and to do the business of dealing appropriately with legislation. The government is very concerned that there is an inappropriate balance and that there is one issue after another in terms of the time that the Parliament sits and the way in which procedures are used.

In fact the reason why I was bitterly disappointed about the element of trust that I believe was broken in relation to the moving and the acceptance of the amendments by the opposition was that sometimes you actually try to rely on some degree of goodwill and cooperation, and that once you reach an agreement, an agreement is adhered to. I find it very bitterly disappointing that that is not the case. I think that we have a huge obligation to our citizens to act with mature and trustworthy consideration, and I believe that we have not done so in this instance. I believe that is consistent with what has happened on a number of occasions during the course of this Parliament. It may be very late in the day, but I hope that we might learn from it and in fact that whatever we pass on in the standing orders to the next Parliament we actually recognise that we have some obligations not only to comply with what is in the standing orders but also in relation to the manner by which we do business with one another, because I for one am bitterly disappointed in the way in which we have conducted ourselves during the course of this term.

We have as a chamber successfully dealt with a large volume of legislation, and for that I am pleased. With the reforms that have actually led to proportionality across the Parliament, I am pleased to continue those. I am very pleased to continue those obligations for ministers to be responsive and to be held accountable for the answers that they give this place. I am also interested in any further initiatives that we may take to stop the monumental wasting of time that takes place by very, very ordinary contributions that are made and replicated time and time again during the course of a sitting week. We are going to be subjected to that this sitting week, our last sitting week of this Parliament.

I make it very clear that the government will support Mr Elasmar. I apologise to Mr Elasmar. He moved a motion that he believed was going to be non-controversial and non-contentious. He took the role on behalf of the Procedures Committee to introduce it and recommend changes by agreement. I am very sorry that his agreement, as he understood it, has actually been affected by actions in the chamber. I will oppose the amendments as a matter of principle and not on the basis of any of the individual elements in them. An agreement is an agreement, and trust should last from one sitting week to the next sitting week.

The ACTING PRESIDENT (**Mr Gepp**) — Order! For the house's benefit, we will now deal with Ms Pennicuik's amendments one by one. I call on Ms Pennicuik to move amendment 1 in her name.

Ms PENNICUIK (Southern Metropolitan) (15:35) — I move:

1. Before paragraph (1), insert the following new paragraphs:

   '(1) In standing order 4.13(1), omit the words "within 30 days" and insert in their place "within 14 days".

   (2) In standing order 4.14(1), omit the words "within 30 days" and insert in their place "within 14 days".'

This amendment seeks to change the response time for adjournment matters from 30 days to 14 days.

Amendment negatived.

Ms PENNICUIK — I move:

2. After paragraph (7), insert the following new paragraph:

   '( ) Substitute the following new standing order in place of standing order 8.04:

   "8.04 Questions without notice

   (1) Questions without notice may be asked at the time prescribed by Standing Order 5.02 when any business before the Council will be interrupted.

   (2) Only non-Government Members may ask oral questions without notice under Standing Order 8.01(2).

   (3) These questions will be allocated having regard to the proportionality of parties and independents in the Council.

   (4) The time allocated for questions without notice will be until a total of nine oral questions (not including related supplementary questions) have been answered.".'.

This amendment is to retain the standing order with regard to questions without notice, such that there will be nine questions without notice from non-government members and no questions without notice from government members.

House divided on amendment:

Ayes, 10

Bourman, Mr	Purcell, Mr
Carling-Jenkins, Dr	Ratnam, Dr
Dunn, Ms (*Teller*)	Springle, Ms
Patten, Ms	Truong, Ms
Pennicuik, Ms	Young, Mr (*Teller*)

Noes, 30

Atkinson, Mr	Mikakos, Ms
Bath, Ms	Morris, Mr
Crozier, Ms	Mulino, Mr

Dalidakis, Mr	O'Donohue, Mr
Dalla-Riva, Mr	Ondarchie, Mr
Davis, Mr	O'Sullivan, Mr
Eideh, Mr	Peulich, Mrs
Elasmar, Mr	Pulford, Ms
Finn, Mr	Ramsay, Mr
Fitzherbert, Ms (*Teller*)	Rich-Phillips, Mr
Gepp, Mr	Shing, Ms
Jennings, Mr	Somyurek, Mr
Leane, Mr (*Teller*)	Symes, Ms
Lovell, Ms	Tierney, Ms
Melhem, Mr	Wooldridge, Ms

Amendment negatived.

Ms PENNICUIK — I move:

3. In paragraph (8), omit subsection (3) and substitute:

'(3) Written responses to questions directed to a Council Minister's portfolio will be required to be lodged within one business day —

(a) at least 15 minutes prior to the time scheduled for Questions if they are due on a sitting day; or

(b) 12.00 noon if they are due on a day when the Council is not sitting.'.

4. In paragraph (8), omit subsection (4) and substitute:

'(4) Written responses to questions directed to a Minister representing a Minister from the Assembly will be required to be lodged within two business days —

(a) at least 15 minutes prior to the time scheduled for Questions if they are due on a sitting day; or

(b) 12.00 noon if they are due on a day when the Council is not sitting.'.

These amendments will clarify that written responses to a question without notice from a Council minister will be required within one business day and from a minister in the Assembly it will be two business days.

House divided on amendments:

Ayes, 26

Atkinson, Mr	Ondarchie, Mr
Bath, Ms	O'Sullivan, Mr
Bourman, Mr	Patten, Ms
Carling-Jenkins, Dr	Pennicuik, Ms
Crozier, Ms	Peulich, Mrs
Dalla-Riva, Mr	Purcell, Mr (*Teller*)
Davis, Mr	Ramsay, Mr (*Teller*)
Dunn, Ms	Ratnam, Dr
Finn, Mr	Rich-Phillips, Mr
Fitzherbert, Ms	Springle, Ms
Lovell, Ms	Truong, Ms
Morris, Mr	Wooldridge, Ms
O'Donohue, Mr	Young, Mr

Noes, 14

Dalidakis, Mr	Mikakos, Ms
Eideh, Mr (*Teller*)	Mulino, Mr (*Teller*)
Elasmar, Mr	Pulford, Ms
Gepp, Mr	Shing, Ms
Jennings, Mr	Somyurek, Mr
Leane, Mr	Symes, Ms
Melhem, Mr	Tierney, Ms

Amendments agreed to.

Ms PENNICUIK — I move:

5. After paragraph (8), insert the following new paragraph:

'(9) After standing order 8.06, insert the following new standing order:

"**8.07 Constituency questions**

( ) At the conclusion of questions without notice up to 15 Members may ask Ministers an oral question relating to a constituency matter.

( ) A constituency question must —

( ) be within state jurisdiction;

( ) ask a question seeking information; and

( ) relate to a specific matter within the Members' constituency.

( ) The time limit for each Member asking a constituency question is one minute.

( ) Answers to constituency questions must be given to the Clerk in writing within 14 days of the question being asked.

( ) A copy of the answer will be given to the Member who asked the question, and all answers will be incorporated in *Hansard*."'.

This is to retain constituency questions and increase the number from up to 10 to up to 15 members per day.

Amendment agreed to.

Ms PENNICUIK — I move:

6. After paragraph (12), insert the following new paragraphs:

'( ) In standing order 23.02(4)(a) omit the words "referred to them by the Legislative Council".

( ) In standing order 23.02(4)(b) omit the words "other matters referred to them by the Legislative Council" and insert in their place "matters that are relevant to their functions".'.

This is to retain the ability of the standing committees to self-reference matters that are relevant to their functions.

House divided on amendment:

Ayes, 8

Bourman, Mr (*Teller*)	Ratnam, Dr
Dunn, Ms	Springle, Ms
Patten, Ms	Truong, Ms
Pennicuik, Ms	Young, Mr (*Teller*)

Noes, 32

Atkinson, Mr	Mikakos, Ms
Bath, Ms (*Teller*)	Morris, Mr (*Teller*)
Carling-Jenkins, Dr	Mulino, Mr
Crozier, Ms	O'Donohue, Mr
Dalidakis, Mr	Ondarchie, Mr
Dalla-Riva, Mr	O'Sullivan, Mr
Davis, Mr	Peulich, Mrs
Eideh, Mr	Pulford, Ms
Elasmar, Mr	Purcell, Mr
Finn, Mr	Ramsay, Mr
Fitzherbert, Ms	Rich-Phillips, Mr
Gepp, Mr	Shing, Ms
Jennings, Mr	Somyurek, Mr
Leane, Mr	Symes, Ms
Lovell, Ms	Tierney, Ms
Melhem, Mr	Wooldridge, Ms

Amendment negatived.

Amended motion agreed to.

JUSTICE LEGISLATION MISCELLANEOUS AMENDMENT BILL 2018

Second reading

Debate resumed from 26 July; motion of Ms MIKAKOS (Minister for Families and Children).

Mr RICH-PHILLIPS (South Eastern Metropolitan) (15:57) — I am pleased to rise this afternoon to speak on the Justice Legislation Miscellaneous Amendment Bill 2018. There is a certain irony in the fact that we are virtually concluding this Parliament with a justice amendment bill — and it is an omnibus bill covering a very wide range of justice portfolio-related matters — because as members of the Victorian community know, justice has been the bugbear of this government. What we have seen happen in the justice system, the youth justice system and the prison system and what we have seen with crime occur in Victoria over the last four years has been a testament to the multiple failures of this government on any number of fronts.

We see now as we approach the 2018 Victorian election that many Victorian citizens are more concerned about their safety than they have been at any other time. We see crime in Victoria and concerns about the justice system more generally in Victoria at an unprecedented level. For the first time in Victoria's history — Melbourne's history — we have Victorian families, Victorian citizens, concerned about things like carjackings, home invasions and gang attacks, things which were unheard of in Victoria just four years ago, yet they are things which have become part of common discussion over the last four years.

As part of that discussion across the state is concern at the lack of response from this government and this government's willingness to turn a blind eye to what is happening in the Victorian community and to the things that are concerning Victorian citizens. In the omnibus bill we have before the house this afternoon we do not see any solutions to address those problems and those concerns which afflict the Victorian community. We have seen over the last three or four years virtually a complete breakdown in the youth justice system.

We have got the minister responsible in this chamber, Minister Mikakos, who has repeatedly come in with excuses for failure — repeated failure — in that system, where we have seen the people detained in the youth justice system having the run of the system. Rather than that system carrying out its function with respect to keeping the Victorian community safe by keeping those people incarcerated and rather than that system carrying out its function of rehabilitation and training to allow re-entry into the community by those people detained in the justice system, we have seen complete chaos. We have seen, as Ms Crozier covered in question time today, the fact that parts of the youth justice system have now become the worst workplaces in Victoria in terms of the number of WorkCover claims which are lodged for serious injury as a consequence of staff being attacked and staff being overrun.

We have seen the debacle of the facilities being trashed by the young people that are detained in them, and the response from the government has been to provide pizzas and soft drinks to try and somehow use that to contain the level of outbreak, violence and disruption that has been occurring in those centres. It does not provide the Victorian community with confidence when the best response that the government can come up with is to provide pizzas and soft drinks in the case of outbreaks in youth justice centres. The Victorian community is not reassured. It does not have confidence that the government is on top of the problem. All it can conclude from that is that the

government has lost control, that the government has given up and that the minister has given up.

We have seen more recently the damning Auditor-General's report which reported in relation to the youth justice system:

> … a system under pressure —

and it refers to the two key sites —

> due to incidents at both sites in 2016 and 2017, which resulted in reduced accommodation and subsequent overcrowding.

The Auditor-General went on to report on the increased number of assaults in the youth justice facility — a 77 per cent increase in assaults. It reported on the increases in self-harm among young people in those facilities and drug and alcohol offences among those young people. The number of riots and serious injuries since June 2015, category 1 offences — and we have heard numerous exchanges in this place about category 1 offences — have increased by more than 600 per cent. That is a sign of a system which is out of control and a government which has lost control. In fact we have seen more than 50 riots in youth justice facilities over the life of this government. That is just one example of where this government has lost control of the justice system. Of course this comes at vast expense to Victorian taxpayers, with more than $70 million needing to be expended on repairs for the damage that has been done and upgrades and fortifications for some of those youth justice facilities.

So we have seen a youth justice system in crisis. We have seen widespread concerns in the Victorian community about the bail system. The Victorian community is seeing effectively a revolving door bail system for people who are charged with violent offences. We have seen a raft of those over the last four years. They are now front of mind for many Victorian citizens as a result of what we have seen with gang violence, carjackings, home invasions and individual assaults. Too often Victorians have seen people who are caught and charged with those offences subsequently being released on bail. We have quite often seen people who are on bail for those offences go on to commit subsequent offences, which again provides no confidence to the Victorian community that the government is on top of the problem. In fact the perception in the community is that the government has allowed this problem to grow and has allowed this problem to run away from it. We are not seeing those issues addressed in this bill today, probably the final justice bill this Parliament will pass before November's election. We are not seeing measures which will provide confidence to the Victorian community that the government is on top of this problem.

We have seen of course the increase in aggregate crime, up by more than 10 per cent since the change of government in late 2014. We have seen attempted murder and manslaughter offences up by some 42 per cent. Burglary and break and enter are up by some 33 per cent. Assaults are up by 17 per cent. All are far in excess of population growth. This is not a problem that can be attributed to a growing population. It is a problem that reflects more crime occurring in the Victorian community under the Andrews government and the Andrews government failing to make the decisions, failing to put in place the supports to Victoria Police, failing to put in place the changes to our correctional system and failing to put in place the changes to our judicial system which are required to ensure that that trend in crime rates and serious crime, violence against the person offences, is halted.

We have seen robberies go up by 33 per cent in Victoria over the life of this government when at the same time in New South Wales it has fallen by more than 27 per cent. So it is not a problem that has spread across Australia; it is a problem which uniquely has not been addressed in Victoria, and it is a problem which is now very strongly front of mind in the Victorian community.

Carjackings, as I said before, are something which were unheard of in Victoria. If you go back five years, when people talked about carjackings they thought of places like South Africa — Johannesburg or Cape Town. They did not think of Melbourne. We have seen now that carjackings have become commonplace and a point of common discussion among the Victorian community. It should be to our absolute shame that we have a society now where there is concern that when driving on a Melbourne street or a Melbourne freeway you may be subject to a carjacking. It is something that is to all our shame that we have got to a stage where that is now in the common lexicon, in the common level of concern, for many ordinary Victorian citizens.

This is something that I see particularly out through my electorate in south-eastern Melbourne in areas like Cranbourne and Narre Warren South and even in the bayside Assembly seats — Mordialloc, Carrum and Frankston. All of those have very high levels — increased levels — of crime under this government and increased levels of community concern.

It is not just the fact that we have seen increases in the level of recorded crime over the life of this government; it is the fact that it has an impact on the community —

the community's perception of their safety in those communities, concerns about being out on the street, concerns about moving around in the community. The constant reporting of the increased level of crime has a very deleterious effect on community wellbeing and the perception that people have as to their ability to move and the safety they can expect in moving around their community. That is something that we think is a sign of this government's failure to deliver on a very core function of government — to keep the Victorian community safe and to ensure that the community has confidence that it is safe.

Allied to those broader criminal issues is the issue of gangs — the problem that, we have been told by this government, Victoria does not have, yet if you talk to many citizens of Mr Finn's electorate, the area Mr Finn represents in the western suburbs of Melbourne, they will tell you their experience is quite different. While the government has played semantics with whether there are gangs or, as the Minister for Youth Affairs I think said, loose associations of young people, the effect is the same. If you have a gang of 20 young people fighting in a park or overrunning a shopping centre in your local suburb, that is going to have a very significant effect on community safety and on the perception of community safety.

The government's solution has been to say they are not gangs; they are loose associations of young people. Yet at the same time we have the government saying, 'They're not gangs; there's not a problem', we have also seen Victoria Police announce that it is equipping itself with new weaponry — for want of a better term — to target gang activity. So we have got completely contradictory messages with Victoria Police saying they have new capability to address gang activity — gang violence — at the same time as the government is saying, 'There are no gangs in Victoria; there's not a problem'. The Victorian community knows there is a problem. They have seen what has happened in many of the western suburbs, but not just the western suburbs, where homes have been invaded by gangs, where Airbnb properties have been invaded, where shops, shopping centres and community centres have been trashed by these gangs. It is a real problem. The community knows it is a real problem. What they have not seen is the Victorian government addressing that problem.

What we have this afternoon is an omnibus bill which is also not going to address these problems. This is, as I said, the last justice bill this Parliament is likely to pass. However, it does not address many of the concerns that the Victorian community have around the justice system in this state. What the bill before the house this afternoon covers off are around 15 separate substantive amendments to a range of legislation. I will run through those individually.

The bill amends the Children, Youth and Families Act 2005 to require statutory minimum sentences to be applied for minors aged 16 years or more who are convicted of indictable offences as if they were adults. It makes various amendments to the Coroners Act 2008 related to what is a reportable death and consequential amendments to the Births, Deaths and Marriages Registration Act 1996. It amends the Crimes Act 1958 to require the Victorian Aboriginal Legal Service to be notified when an Aboriginal person is taken into custody and in relation to forensic procedure orders.

The bill amends the Criminal Procedure Act 2009 in relation to witnesses, recorded evidence, indictable offences that may be heard and determined summarily and Director of Public Prosecutions appeal rights. It amends the Domestic Building Contracts Act 1995 in relation to domestic building work disputes and publication of directions. It amends the Estate Agents Act 1980 in relation to rebate statements that have left estate agents exposed to claims for the recovery of commission paid on the basis of technical non-compliance.

The bill amends the Evidence Act 2008 to require that improper questions be disallowed. It amends the Family Violence Protection Act 2008 in relation to the relationship of orders with certain conditions under that act with certain orders under the Sentencing Act 1991. It amends the Honorary Justices Act 2014 in relation to retired bail justices and justices of the peace. It amends the Personal Safety Intervention Orders Act 2010 in relation to the relationship of orders within certain conditions under that act with the Sentencing Act 1991.

The bill amends the Retirement Villages Act 1986 to provide for making regulations prescribing different infringement penalties for different classes of persons. It amends the Rooming House Operators Act 2016 in relation to licence disqualification criteria and other rooming house operator provisions. And it amends the Sentencing Act 1991 and makes consequential amendments to the Crimes Act 1958.

As you can see from that quick summary of the bill, it is an omnibus bill which covers a large range of largely technical matters with respect to the operation of various aspects of the justice system but also other areas I will touch on in a bit more detail, such as the operation of certain functions in the real estate industry.

Among the key provisions that I would like to make comment on is, firstly, the amendments to the Coroners Act 2008 with respect to the capacity for appeals from decisions of the Coroners Court to be brought by parties related to coroners determinations and coroners inquiries. The Coroners Court is an unusual part of the judicial system and one that typically does not have a lot of visibility for many members of the Victorian community. Fortunately many members of the Victorian community do not have contact with the Coroners Court to the extent that they have any contact with the judicial system at all. It is typically through the other three courts rather than the Coroners Court, which of course has a very special function with respect to conducting inquests into certain reportable deaths and certain other deaths of Victorian citizens.

Typically the Coroners Court may be involved in investigating and making findings on a death where somebody has been involved in an accident or in some other event, such as when someone has been the victim of crime, has been involved in an accident or where their death is otherwise suspicious, unexpected or has occurred through unusual circumstances. Typically, if a deceased person is the subject of a coronial inquest, it is because of unfortunate circumstances surrounding their death. Of course, that means there are implications for the family of a deceased person. It must be very difficult for the family of a deceased person who is the subject of coronial inquest. The very nature of the fact that they have become the subject of an inquest means that the circumstances of their death are unusual or unfortunate in terms of criminal or otherwise involvement, so it is a process that has a great deal of sensitivity around it and a great deal of concern where family members are involved.

One of the challenges with the Coroners Court and the work of the Coroners Court is in providing finality in determining what happened with a death that comes before the court by determining the cause of death, determining whether it related to foul play or another cause and giving settlement, finality, to the family members involved. There is an imperative for the court to reach a conclusion, an outcome, but there is also the need to balance that with the needs of the family of the person who is deceased in being able to accept that decision of the court and agree with the decision of the court.

Where that family or those relatives have concerns about the decision of the court or the conclusions the court has reached, the question then arises as to the extent to which that family should have the capacity to seek an appeal to a higher jurisdiction, such as the County Court or the Supreme Court. Of course, that is a balance, because one of the overriding considerations is that the Coroners Court needs to find a conclusion as to a death, and the capacity to revisit that through an appeal process does throw the balance in reaching that finality, giving that certainty as to an outcome, into question. This bill seeks to address that by re-examining the scope of the way in which appeals from coronial decisions can be made. It is something that the coalition does not oppose in considering the totality of this bill.

I note that in a previous role I saw a number of coronial reports with respect to workplace deaths. It was always interesting, so I made a point of reading coronial reports when they came across my desk. It was always interesting to see the conclusions the coroner had reached and in particular the recommendations the coroner had reached. It was interesting to reflect on those decisions, often made in a vacuum from the circumstances of those workplace deaths, the circumstances of the workplace environment, and reflect on the recommendations that a coroner had made and how those recommendations could in practice be implemented in a worksite rather than in the theoretical context in which they had often been put forward. It is interesting to watch the responses to coroners reports and the reporting of coroners inquests and recommendations from coroners inquests — in a whole different range of areas; not just in relation to workplace deaths but also other accidental deaths — and the types of recommendations that are made and the practical implications of some of those recommendations.

One of the other amendments the bill makes is to the Crimes Act 1958 with respect to requiring the Victorian Aboriginal Legal Service (VALS) to be notified when an Aboriginal person is taken into custody. This is not a provision that the coalition opposes, but a question has been raised as to the identification of an Aboriginal person, the subsequent notification to VALS, the obligation placed on the officer who has taken the person into custody to actually identify or make a determination as to the Aboriginality of the person being taken into custody and how the consequential notification to the Aboriginal legal service is made. Concern has been raised about that function sitting with a person who is taking someone into custody, the need for them to make a determination and whether it is made with the support or without the support of the person being taken into custody. That is one area we may seek to consider in further detail in the committee stage.

One of the other areas I will touch on is in relation to amendments to the Estate Agents Act 1980. This is one

of the more significant aspects of the bill. The bill seeks to retrospectively correct a situation which has called into doubt the legitimacy of some rebate statements which have been issued by real estate agents in Victoria who have followed, as I understand it, a pro forma issued by Consumer Affairs Victoria (CAV) for rebate statements associated with the sale of properties. These real estate agents have used a pro forma contract based on a form issued by Consumer Affairs Victoria in order to enter into agreements for the sale of properties with vendors. It has subsequently been determined by the court that those pro forma contracts in the form published by CAV in fact do not comply with the law, therefore the validity of those contracts has been called into question, and the obligation for vendors to pay commissions to real estate agents on the basis of those contracts has also been called into question.

Some real estate agents have indicated that this is a very substantial issue for their businesses, with tens of millions of dollars of commissions in doubt based on the most recent court decision and based on that standing without this bill subsequently providing an amendment. That is a significant part of the bill, and it is one of the areas of the bill that has a lot of community interest, particularly from the real estate industry. It is an area, however, where there are some questions for the government, in seeking to put this retrospective provision in place by way of clause 54 of the bill, as to how it will address matters which have already been the subject of action by vendors, particularly where legal costs have been incurred by vendors and where, under this bill, those vendors will not have the capacity to take action to seek not to pay commissions under those contracts.

In circumstances where vendors may have incurred legal costs in seeking to not pay or to recover commissions paid under these contracts on the basis the court has found these contracts invalid, we are now seeking through this bill to not endorse that invalidity. That is what the government proposes where some parties may have incurred costs already and will subsequently have their right to seek recovery of commissions on the basis of that decision no longer being available to them. It is always difficult for the Parliament to go back and close a loophole retrospectively where a decision has been made by the court, and the government in the committee stage will need to explain how some of those loose ends will be covered off with respect to the practical operation of this provision should the bill pass in its current form today.

One of the other key areas I would like to touch on is in relation to the issue of honorary justices and the Honorary Justices Act 2014. The bill makes a relatively small amendment with respect to bail justices and justices of the peace to allow those who have retired from those roles to retain postnominals as BJ (Retired) or JP (Retired). We think this is an appropriate step in recognition of the service provided by our bail justices and justices of the peace here in Victoria. We know over the last four years that there has been some disquiet among the population of bail justices and justices of the peace as to the way they have been treated by the Department of Justice and Regulation and the government more generally in undertaking what is a public function, in delivering what is a public good.

As many members of Parliament would know, because they probably come into contact with justices of the peace and bail justices more frequently than perhaps most members of the community, the people who volunteer as justices of the peace and bail justices make a very significant contribution to our community. They undertake work often on a regular rostered basis and they make themselves available — in the case of bail justices, often at very short notice and at very odd hours of the day — to undertake in a voluntary capacity a quasi-judicial function in dealing with bail matters out of hours. Likewise justices of the peace, who quite often are rostered on to attend police stations and serve any number of functions at those police stations for the public, who come in needing documents certified, affidavits sworn et cetera, provide a very, very significant public service.

The government has not looked after those people properly over the last four years and has not respected those justices of the peace and bail justices properly over the last four years, and we think it is very appropriate that this measure is in the bill to allow those who retire from active performance of those functions to retain the title in a modified form. Certainly many of the justices of the peace that I see in my local community have provided service as JPs for decades at a time — that is many, many years spent providing services to the community, in many cases on call, in many other cases on a regular rostered basis to ensure that there is access to someone who can take stat decs and swear affidavits. That is a very significant service to the community. The alternative course is to take up police time or often to require members of the community to have to go to lawyers and pay for documents to be notarised et cetera.

They provide a very significant service to the community. For many of them it is over many decades, and it is appropriate that that is respected and recognised. Particularly with justices of the peace, for a

number of them, having done it for decades and reaching an age where they can no longer continue to provide that service, it is appropriate that in retiring from formally providing those services their service continues to be recognised by allowing them to retain the appropriate title that recognises the service that they provided.

One of the other areas that I would like to discuss and one of the other major areas of this bill is in respect of the provisions that relate to offences against emergency workers in Victoria. The previous coalition government recognised that our frontline service providers — our emergency workers, ambulance paramedics, police officers, firefighters and Victoria State Emergency Service volunteers — all provide incredible service to the Victorian community. What they do not expect, and what they have the right not to be subjected to when they are carrying out their functions as a first responder attending an emergency, is being assaulted and attacked by the people they are seeking to assist, yet we have seen with increasing frequency in the Victorian community those types of offences being perpetrated against our frontline emergency services workers. That is something which I think the community finds abhorrent, it is something that the previous coalition government found abhorrent and it is something that we as a Parliament need to ensure does not occur.

The previous government put in place some amendments to the Sentencing Act 1991 and I think the Crimes Act 1958 to ensure that when somebody did come before the court for a violence offence against an emergency services worker the court had appropriate regard to the nature of that offence and ensured that the minimum penalty was put in place. Now, as with all legislation, that legislation provided for special reasons. It provided for exceptions where the judiciary could exercise its judgement when a particular case indicated that special reasons or special circumstances should be taken into account.

I think it is appropriate that there is judicial discretion maintained wherever possible where decisions can be made by the court in relation to individual matters, but the difficulty is that we are seeing increasingly that the Parliament indicates its intention and its will with respect to legislation, be it minimum sentences, baseline sentences or mandatory incarceration for certain offences, and discretion is provided to be used in exceptional circumstances. We are seeing the judiciary disregard the intent of the Parliament and use those special exemptions or special reasons, where provided, to continue what it has always done in the face of what the Parliament intended and in the face of what the Victorian community expects.

Regrettably we have seen that with the regime which was put in place by the previous government to provide that protection to emergency services workers and to send the very clear message that an offence against an emergency services worker was more serious and did demand a minimum statutory penalty. We have seen, regrettably, that the court has not acted in the way the Parliament intended with that regime and has sought to, basically, use the special reasons provided in the legislation — the discretion that was provided, recognising that from time to time there will be cases with special circumstances — and use that discretion not to act in the way that the Parliament expected.

Perhaps front of mind for many Victorians, given the media coverage it received, is the case involving Paul Judd, an ambulance paramedic who was attacked by two young perpetrators while he was performing his emergency services role. He was attacked very viciously and sustained very substantial injuries. Those two perpetrators were subsequently caught and prosecuted in the Magistrates Court. One received a custodial sentence of eight months and the other received a custodial sentence of four months. However, those two custodial sentences were subsequently overturned in the County Court. That is an exact example of where the expectations of the Parliament were not delivered through the judicial process. So we have a bill before the house now which is seeking to narrow those special reasons which are provided in the act and which allow the court to determine that special circumstances or exceptional circumstances exist around a case of violence against an emergency services worker and apply those special reasons to that case. The bill before the house now seeks to effectively narrow those special reasons to require that they be less available to the court in deciding appropriate sentences on matters of this nature. The coalition thinks that is a positive step.

We do regard the way in which the government has gone about this as a less than optimal outcome. The shadow Attorney-General, Mr Pesutto, in the other place, in fact introduced a private members bill which sought to make changes to the special reasons exemptions in the act and which sought to reduce them further than this bill does. It is our view that while the direction this bill is heading is appropriate, the government should have gone further in putting these provisions in place. There are a number of differences between the special reasons exemptions changes which this bill makes and those which the coalition thought were necessary. For example, under the current act there is a provision for a special reason to exist if:

> the offender has assisted or has given an undertaking to assist, after sentencing, law enforcement authorities in the investigation or prosecution of an offence …

That is a special reason to be taken into consideration by the court. The coalition's view is that that should be restricted to be only if the offender has assisted or has given an undertaking to assist, after sentencing, law enforcement authorities in the investigation or prosecution of an offence and the Director of Public Prosecutions (DPP) or the Chief Commissioner of Police certifies that the assistance has been or will be substantial and has made or will make a significant contribution to the investigation or prosecution of one or more serious offences. We thought that that particular special reason should be constrained further to the DPP or the chief commissioner certifying that the assistance would be substantial or that the assistance had been or would make a contribution to a police matter. In this bill the government has elected not to change the current provision at all. That is but one example of where we think the bill does not go far enough in tightening those special reasons exceptions, and we think there is scope for further tightening to ensure that we see the will of the community and the expectations of the community with respect to offences against emergency services workers actually reflected in the decisions of the court.

I am loath to read the full list of reasons, because they are quite detailed, and the difference between what the coalition is proposing and what the government is proposing is fairly complex and would take a fair bit of the house's time.

I make the point that of the six special reasons that are currently provided for in the act, the coalition was seeking to repeal three of them and to amend two of the others. This bill leaves four of the current special reasons unamended or unchanged from their current form. In that regard we think the bill does not go far enough in providing the intent that was indicated by the Parliament when the legislation was passed in 2014 as to the penalties that should apply for someone who assaults an emergency services worker. We believe that government should have tightened and constrained those special exemptions further than it has in this bill.

This bill is, as I said, an omnibus bill. It covers a very broad range of justice and justice-related matters, most of which I have only just touched on on the way through. Some of them do require further clarification in committee, and I look forward to that discussion in the committee stage. The community's key concern with respect to this government is its failings in the justice portfolio and its failings in relation to crime and community safety. Regrettably this bill — one of the last that this Parliament will deal with — does nothing to advance those concerns of the Victorian community.

Mr MELHEM (Western Metropolitan) (16:41) — I also rise to speak on the Justice Legislation Miscellaneous Amendment Bill 2018. I am pleased that this bill will have the support of the house — I certainly hope it does. It is a bill to provide the very support which is needed by emergency workers who put themselves in harm's way to attend to our citizens, people who need them in the most vulnerable of times. The last thing ambulance officers, paramedics, police officers or firefighters — all of whom are emergency services workers who attend to crises and to saving people's lives — should expect is to be attacked.

We need to send a strong message to the community at large and to offenders that it is not okay to attack emergency workers who are attempting to save lives, and that if you attack an emergency worker you will be given special treatment. That is what the bill does. Yes, we are giving special treatment for special offences. We are making an exception so that if you attack an emergency worker, you will be dealt with a bit differently to any other person. That is not because we believe we should discriminate between humans. Everyone should be equal; that principle is sound. But what we are saying here is that you will be harshly dealt with if you attack emergency workers.

As Mr Rich-Phillips said in his contribution, the previous government made some amendments to that effect in the last Parliament, but since then there have been a number of court cases which have shown some weaknesses in those amendments. This government is learning from that and trying to make sure we close other loopholes and strengthen the intention of the Parliament to make sure our emergency workers are protected.

I can think of a number of cases, but I refer to a recent case in Sydney where ambulance workers were under attack from the family while they were trying to save a particular individual's life. The ambulance union submitted that they got it wrong, but I suppose that is an example where the paramedics attending the scene need to understand that sometimes parents and loved ones may be under enormous pressure because they could be about to lose their loved one. What the emergency workers or paramedics are trying to do is to save the lives of the very persons who are loved. Tension is quite normal in those situations, and people do things without thinking them through.

What this bill will do — and a fair bit of education should go with it — is basically educate people at large

that it is not okay to go and abuse or attack a paramedic who is trying to save you or save your loved one. You have got to let them do their job without applying any fear or intimidation or even attacking them.

We have seen a number of cases in hospitals. A very well respected surgeon lost his life over a smoking argument, and that was a huge tragedy. When nurses in hospitals attend to patients — in some cases they are elderly patients — they sometimes get abused not by the patients themselves but people related to the patient. As far as I am concerned it does not really matter what the excuse is. No-one should be abused or threatened at work for doing their job. People should be able to go to work without being subjected to any harassment or physical or mental abuse. So there are a number of examples this bill is trying to address to make sure that our nurses, doctors, paramedics, firefighters, police officers, state emergency service and other emergency workers are not subjected to any attacks or any abuse, whether it is physical or mental, when they are attending, doing their job and saving lives. That is why these amendments in the bill will address some of these points and give the judiciary some guidance in relation to how these cases should be dealt with.

This is a commitment given by the government to make sure that we will continue to work with unions and through the emergency worker harm reference group, which the Premier established some 12 months ago, and we will continue to work through that to make sure that the intent of this legislation is implemented. I will just go briefly through what the bill will specifically address. The bill will ensure that courts cannot impose a community correction order (CCO) for further serious offences including carjacking and home invasion. Also the community correction orders regime we inherited was too broad, so CCOs have been applied in situations where custodial sentences were much more appropriate.

Mr Rich-Phillips talked about the estate agents, so I will not cover that. Also the bill talks about improving the experience of victims and witnesses. The bill makes a range of important improvements to criminal trial processes to reduce delays and protect victims and witnesses. These reforms again build on the government's significant investments in the statewide intermediaries scheme — skilled communications specialists who will work with victims and help them give evidence to police and in court.

There are also other changes in the bill. Coronial appeals will make it easier for families to have coronial findings reviewed, and the changes will ensure that the Coroners Court has the power to set aside findings in historical cases.

The bill will also ensure special reasons exemptions will apply to all statutory minimum sentence provisions, and these will be substantially narrowed by the bill to only apply in genuinely unique circumstances. The restriction of special reasons will include changes that mean impairment due to alcohol or drugs can no longer be used as an excuse and the psychological immaturity of a young person cannot be used as a special reason, and it also clarifies that if substantial and compelling circumstances are relied on, they must be truly exceptional and rare.

The bill will also give new powers to the Director of Public Prosecutions (DPP) to appeal sentences. So the bill will strengthen the DPP's appeal rights so that they can appeal whenever special reasons are found to exist. This change addresses a gap in the legislation.

The bill will also prevent the use of community correction orders for an additional seven serious offences, implementing a commitment in the 2018–19 community safety statement. Under our changes a custodial sentence will be the only sentencing option for two additional category 1 offences, including aggravated home invasion and aggravated carjacking. The offences of home invasion, carjacking, culpable driving causing death, dangerous driving causing death and armed robbery in certain circumstances will require a custodial order unless special reasons apply.

The bill will also give further consideration to statutory minimum sentences for 16 or 17-year-olds. So the bill will require courts when sentencing a 16 or 17-year-old accused as an adult to take into account any statutory minimum sentence that applies where an adult commits the same offence. As I mentioned earlier, the bill will also make a number of reforms to criminal proceedings to improve the experience of victims and witnesses in the criminal justice system. The bill will amend the Criminal Procedure Act 2009 to move to the trial court the limited cross-examination of witnesses that occurs during the committal hearing in sexual offences involving children and impaired complainants. This will improve the experience of victims in these cases by helping to address delays that prolong the resolution of the case and inhibit the victim's opportunity for recovery. The reform will also allow for more efficient and effective cross-examination in these cases.

It is important to put in place legislation, but in addition to the bill it is important to put in place the infrastructure and investments to support it — for example, the 2018–19 state budget has delivered $7.2 million for the victims assistance program to provide enhanced support to victims, including through case management and recovery support, the victims of

crime helpline and support workers, and a further $2.9 million to extend the intermediary scheme, which involves communications specialists helping children and vulnerable people provide evidence to police and in court. These investments build on the Andrews Labor government's $28.5 million victims package in the 2017–18 budget, which established the intermediary scheme in line with a recommendation from the Victorian Law Reform Commission. That also funded the Office of Public Prosecutions to recruit more victim support workers. So there is a bit of investment as well to make sure we are providing support to the victims of these crimes.

I will finish off by going back to where I started. This bill has been put in place to give our emergency workers the protections they need. It sends a message to the community at large that it is not okay to attack emergency workers when they are attending to saving the lives of Victorians and protecting Victorians, whether they are firefighters in bushfire situations or attending a house or other structure, or paramedics attending when someone is having a heart attack or at a car accident, or nurses attending to patients in hospitals. They should not be subject to physical or mental abuse. They should not be subjected to being spat on, which we have seen on a number of occasions, or being punched, or police being attacked in the line of duty. So this bill will send a message to the perpetrators that they will be given additional attention. There will be mandatory sentencing and they will be locked up. Judges will be required to look at these sorts of cases a bit differently from a normal situation. So if someone attacks a non-emergency person versus an emergency person, they will know they will be likely to get an additional sentence as a result of that.

I think our emergency services deserve our recognition and our protection because they give tremendous service to the state and they are already under a lot of stress and pressure while doing their job, attending these traumatic situations. I think they have enough on their plate, and the last thing we need is to add to their concerns and their stressful situations by someone attacking them because they are doing their job — someone bashing them because they are doing their job. I think this bill will send the right message to the community at large that it is not okay to attack an emergency worker, and if you do, you will be dealt with harshly. With these comments, I commend the bill to the house.

Ms PENNICUIK (Southern Metropolitan) (16:56) — The Justice Legislation Miscellaneous Amendment Bill 2018, which we are debating this afternoon, is an omnibus bill. As has been pointed out, it covers a range of areas, including amendments to the Estate Agents Act 1980 to ensure that vendors pay commissions owed to estate agents under sales authorities and technical amendments to the Domestic Building Contracts Act 1995 and others to the Estate Agents Act, the Retirement Villages Act 1986 and the Rooming House Operators Act 2016. It also makes some amendments to the Coroners Act 2008 to implement key recommendations of the Coronial Council of Victoria's appeals reference report and a number of technical amendments to the Criminal Procedure Act 2009 and the Honorary Justices Act 2014, amongst others.

It is fair to say most of those are technical amendments. I certainly do support the amendments to the Coroner's Act. I have taken a long interest in what goes on in the Coroners Court, and I did move some amendments to the Coroner's Act in 2008, such as to require agencies that are subject to coroners' recommendations to report on their response to those recommendations within three months. Anybody who cares to have a look at how that has worked out over the last 10 years will see that it is quite useful to see what agencies' responses to those are. Prior to that it was very opaque as to what would happen with regard to coroners' recommendations to agencies such as WorkSafe, the Medical Practitioners Board of Victoria or others, for example.

It is fair to say that the most far-reaching amendments in this Justice Legislation Miscellaneous Amendment Bill are to the Sentencing Act 1991. In particular the bill proposes mandatory minimum sentences for serious injury offences committed against emergency workers, custodial workers and youth justice custodial workers who are on duty, whether or not the serious injury is recklessly or intentionally caused. The Greens, with everybody in this chamber and everybody in the community, are deeply concerned by attacks on or abuse of any of our emergency workers and the injuries they cause, including ambulance workers, hospital workers and custodial workers. We agree strongly that no-one should have to work in an environment where they are at risk of being injured. Every person deserves to be safe at work, whatever their workplace.

The question before us though is whether the provisions in this bill will make emergency workers safer. I would say the government needs to look at more practical measures on a day-to-day basis to improve the safety of emergency service workers as they go about their important work for the community. Mandatory sentencing is not the way. The evidence is very strong that mandatory sentencing does not act as a deterrent and does not make the community safer. It is other

measures that will do that. Mandatory sentencing, as I have mentioned many times before in this Parliament, results in unjust outcomes and simply exacerbates social disadvantage and injustice. It disproportionately incarcerates vulnerable groups whose offending may relate to entrenched disadvantage, intergenerational trauma, inequality, mental health status, drug and alcohol dependency, psychosocial immaturity et cetera. The Greens have a longstanding opposition to mandatory sentencing, and we do not support it for any offence.

We are also concerned about the creation of certain classes of victims, which I have also mentioned before. Emergency services workers are a particular class of victim or person against whom an offence has been committed, as opposed to other members of the public, for example. An offence which causes an injury and/or death to this class of person is regarded more seriously, and a minimal mandatory sentence applies when that would not apply to another member of the public. There are two things to consider: there is the classification of certain occupations as attracting a mandatory minimum sentence just because a person served in that occupation; and an offence against such a person is seen to be a more serious offence than, for example, a similar offence against a person's partner or a similar offence carried out against a child or an offence carried out against someone walking home at night on their own. They are all serious offences, and it is our view that none of them should attract minimum mandatory sentences.

It is the Greens' longstanding view that it should be up to the discretion of the courts to impose the appropriate sentence in every circumstance. Every single case that comes before the court, be it the Magistrates Court, the County Court or the Supreme Court, is a different case. It involves different offenders, different circumstances and different people who have had offences perpetrated against them. The Sentencing Act, notwithstanding all the amendments that have been made to it over the last few years to make it more complicated and less flexible for the judiciary to apply the most appropriate sentence in every circumstance, still outlines in its guidelines what the court should take into account when sentencing. The courts have the expertise and experience to be able to take into account aggravating and mitigating circumstances in every case that comes before them. Mandatory minimum sentencing takes away that discretion.

I note in the statement of compatibility the word 'proportionate'. The Attorney-General has said these sentences are proportionate. It is impossible for an arbitrary minimum sentence to be declared proportionate when it is applied across the board in an arbitrary way to every single case. That is not proportionate. What is proportionate is taking into account all the circumstances of a case and applying the proportionate sentence with regard to the offence. I go back to the provisions in this bill, which make no distinction between someone recklessly causing an injury and someone intentionally causing an injury. I think those two adverbs are very important. There is a big difference between 'reckless' and 'intentional', and yet this bill brings them together as if they are the same thing.

The statement of compatibility also mentions equality before the law — and I note Mr Melhem used that term as well — but there is no equality before the law if according to the person who was the subject of an offence you are immediately, as the offender, faced with a mandatory minimum sentence based on that as opposed to any other offender who may come before the court having committed a very similar offence but not against the categories of worker outlined in the Sentencing Act 1991, as already exist and with a few more added by the bill.

The Greens are not the only people who have raised concerns about this bill. In fact a submission was sent around — I am presuming to all members of Parliament — back in June. In it a very large coalition of people raised concerns about the bill, including the Fitzroy Legal Service, Darebin Community Legal Centre, St Kilda Legal Service, Peninsula Community Legal Centre, Law & Advocacy Centre for Women, Moonee Valley Legal Service, Villamanta Disability Rights Legal Service, Federation of Community Legal Centres, Eastern Community Legal Centre, Women's Legal Service Victoria, Criminal Bar Association of Victoria, Flat Out, Victorian Alcohol and Drug Association, Aboriginal Catholic Ministry Victoria, Victorian Aboriginal Legal Service, Democracy in Colour, the Mental Health Legal Centre, Goulburn Valley Community Legal Centre, Liberty Victoria's Rights Advocacy Project, Liberty Victoria, Yarra Drug and Health Forum and the Law Institute of Victoria.

Foremost amongst their concerns was a lack of consultation regarding the bill beyond the emergency services unions. These particular groups, which are at the front line in dealing with these issues, were not consulted about the bill and have raised many concerns. As I mentioned, partly they raised concerns about the lack of proportionality in the laws in that all injury offences to emergency workers are to be classified in the same category as serious offences — category 1 offences — whether or not the injury or behaviour was serious, and there will no longer be some special

reasons applying to that, which I will refer to a little later on in my contribution.

They raised concerns particularly with regard to the disproportionate effect that the bill will have on vulnerable persons, such as those with mental health conditions, young persons and those with substance abuse problems, bearing in mind that police and ambulance paramedics are often called to incidents involving persons with mental health and/or drug-related issues. The practical implication of this is that the very persons who are going to be excluded by way of the provisions limiting the special reasons under section 10A of the Sentencing Act 1991 are the very people who the emergency services workers will most often come into contact with.

Their concerns also included the increased risk of disproportionate incarceration of Aboriginal and Torres Strait Islander people, who are already 12 times more likely to be in prison than non-Aboriginal people. Aboriginal people also suffer more ill health and more mental illness than non-Aboriginal people and are thus more likely to be in contact with the workers in a distressed or a disturbed emotional state. They are also already overpoliced, so mandatory sentencing will only exacerbate this problem.

We met with these groups back in July, when we went through the bill and listened to their concerns. They also raised the potential increased risk of frontline workers, families and victims of family violence not calling 000 because of their fears regarding the potential subsequent prosecution and incarceration of a patient, relative or partner.

What was certainly said to us in our meeting was that the government has done a great deal with regard to family violence, but in fact the provisions in this bill are contrary to what the government has done in that area. These groups are concerned about the particular effects of the provisions of this bill on women, both as workers and in support roles, and the effect of the law in family violence situations, and that those involved in family violence situations will no longer call emergency services because they would be concerned about what would happen to people who may accidentally recklessly injure an emergency services worker and so bring into play these provisions. In fact they said that they had already had reports of people not calling 000. This is a very serious issue with regard to the contrary nature of the provisions of this bill in relation to other recommendations of the Royal Commission into Family Violence. As such, I have prepared an amendment, which I am happy to have circulated.

Greens amendment circulated by Ms PENNICUIK (Southern Metropolitan) pursuant to standing orders.

Ms PENNICUIK — The amendment that I have circulated and that I will move in committee is an amendment to clause 79 of the bill. It would insert a new paragraph (f) into section 10A(1) of the Sentencing Act 1991. Under the provisions in this bill, there is a removal of special reasons that exist under section 10A(1) of the Sentencing Act that would allow a court not to impose mandatory minimum sentences. They include psychosocial immaturity for young people, impaired mental functioning caused by alcohol or drugs and consideration of reasonable prospects for rehabilitation of those aged 18 to 21. We are very concerned about the removal of those special reasons, as are all the groups that I mentioned before that made a submission on the provisions of this bill.

Notwithstanding that, we would like to add a new special reason, and it goes to what I was talking about — the disproportionate effect that the provisions in this bill will have on those experiencing family violence. Proposed new paragraph (f) says:

> … a state caused by serious trauma, including sexual, physical and psychological abuse and family violence within the meaning of the **Family Violence Protection Act 2008**;".'.

That would also be a special reason that the court could take into account so as to not impose a minimum mandatory sentence under the provisions for emergency service workers or injury of emergency service workers.

There are so many problems already with what is in the law with regard to mandatory minimum sentences. There is a lack of evidence, as I said, that they prevent crime, make communities safer or act as a deterrent. It interferes with the independence of the judiciary and the ability of the courts to take into account all of the circumstances of every case before them, and it creates a hierarchy of victims. The Greens say that mandatory sentencing is contrary to the principles of natural justice, judicial discretion and the independence upon which our court system is based. I particularly draw attention to clause 76(8), which says:

> In determining whether there are substantial and compelling circumstances —

which is a change from 'exceptional circumstances' —

> under subsection (2H)(e), the court—
>
> (a) must regard general deterrence and denunciation of the offender's conduct as having greater

> importance than the other purposes set out in section 5(1) —

which is the sentencing guidelines —

> and
>
> (b) must give less weight to the personal circumstances of the offender than to other matters such as the nature and gravity of the offence; and
>
> (c) must not have regard to—
>
> (i) the offender's previous good character (other than an absence of previous convictions or findings of guilt); or
>
> (ii) an early guilty plea; or
>
> (iii) prospects of rehabilitation; or
>
> (iv) parity with other sentences.

This is almost the worst part of the bill. It takes away the ability of the courts to take these things into account when sentencing and when looking at the circumstances of a case. Every case is different and will involve a complex set of circumstances, and we should leave in place all options for the court. We have already lost suspended sentences, which were not widely used but were appropriate in many cases. It was the most appropriate sentence to be given to a person in particular cases.

We have already lost home detention, which has not been put back in by this government. Home detention was most often used at the end of a sentence to allow a person to go home and be detained. I remember at the time saying that home detention had allowed the offenders — the prisoners — and their families a sort of halfway stage to adjust between being incarcerated and being released. We have lost those options. We have now got mandatory minimum sentences in the Sentencing Act for a range of particular offences and particular classes of victims. We have now got special reasons being taken away, which will actually really impact on the most vulnerable people in the community.

This is not going to make any difference to whether emergency services workers are injured or not. I do not want to see any emergency services workers injured. It is the more practical measures that can be taken on a day-to-day basis with regard to how ambulance officers work, how custodial officers work, how police work et cetera that need to be taken into account. I take up Mr Melhem's point about the stress that is experienced by these workers — ambulance workers and the police, for example — and I welcome the announcement by the government that there will be more assistance for the mental health of emergency services workers, particularly those suffering post-traumatic stress disorder. It is an issue that I have actually raised in this Parliament many times — the need for more attention to be paid to emergency workers and police for the mental health issues that they may suffer as a result of their work. I read the Cotton report as to what was involved with that, and it has taken a long time to get more attention paid to those issues.

There are many concerns with this legislation that is not going to make emergency workers safer. Sadly this bill will not do that, but it will impact on vulnerable people in the community. I took the time — a couple of times, actually — to read the reasons by Her Honour Judge Cotterell for the sentence she gave in May 2018 to the two women who had assaulted the emergency services worker Mr Judd. I send my feelings to Mr Judd. I feel for him and the injuries that he received. The reasons for the sentence are laid out by Judge Cotterell, and I would suggest people read through them. This was of course two years after the event. The reasons outline the circumstances of those particular women, the measures that they had taken to bring their lives back on track in the two years since the event had taken place and, thereby, the reasons that the judge had for changing the sentences and imposing the corrections orders. Basically she was saying that it would not have been a just outcome for those women to have been incarcerated and that it was a more just outcome and more in line with keeping the community safe and the rehabilitation of those two women, so that they would not reoffend, to impose the corrections orders, as the judge did. She did also at the end of her reasons reach out to Mr Judd, saying that she understood his suffering and that he was perhaps not feeling that justice had been done. I think this case bears out the difficult job in front of judicial officers every single day of the week to balance all of the considerations they need to balance in coming to sentencing outcomes.

Often we see particular cases being covered in the media, but we must keep in perspective that there are an awful lot of cases that go through the courts that never get any media attention, many of them just as difficult and complicated as this one and just as traumatic for the person who suffered an injury. I know Mr Judd suffered a significant injury, and I feel for him in that regard — and for any other emergency worker who does. But this bill will not fix that situation; it makes the situation worse in the broader context for community safety, rehabilitation of offenders and just outcomes in every case.

So the Greens have great concerns with this bill. I will move one amendment to address what has been raised

by those who work in the family violence sector about their very, very deep concerns about how this bill will impact those experiencing family violence. In fact the biggest deterrent this bill will have will be for people experiencing family violence to call emergency services, and I am sure that was not the outcome that the government was looking for, but it is certainly the one that all of those community groups and legal groups involved with working with family violence have raised very strongly, I know, with the government and with everyone else. For those reasons the Greens will not be able to support this bill.

Dr CARLING-JENKINS (Western Metropolitan) (17:25) — I rise to speak this evening on the Justice Legislation Miscellaneous Amendment Bill 2018. I will only speak briefly on the bill. I note that the bill is very well named. It seeks to amend some 13 principal acts to deal with various aspects of the criminal and civil justice systems. Apart from this there is no obvious unifying principle to the bill, so the inclusion of the word 'Miscellaneous' in the title is very apt. However, I guess that saves time, doesn't it? I think it would be fair to observe that in each provision of the bill the intent is to remedy a loophole or defect or to clarify the operation of the law in a particular area, so I believe it is a very important bill to pass tonight.

I do not intend to address each of the 13 areas, just to note that they are there. I would like to note part 5 of the bill, which seeks to further streamline the procedures in criminal cases while reinforcing the protection of the victims of sexual offences, especially children and those with a cognitive impairment, throughout the trial process. I want to commend the government for this provision; I welcome it in the bill.

Part 4 of the bill is the part that I am most interested in because it seeks to amend the Crimes Act 1958 in two respects. Firstly, it seeks to amend the Crimes Act in relation to processes relating to Aboriginal persons taken into custody by ensuring they can access the help of the Victorian Aboriginal Legal Service. Secondly, it proposes a minor amendment in relation to forensic procedure orders. During the committee of the whole I intend to move an amendment to part 4, which I ask to be circulated now.

Independent amendments circulated by Dr CARLING-JENKINS (Western Metropolitan) pursuant to standing orders.

Dr CARLING-JENKINS — The main amendment that has just been circulated in my name seeks to further amend the Crimes Act 1958, specifically section 319, which deals with dangerous driving causing death or serious injury. This amendment seeks to remedy the defect in the current law which came to my attention and to that of the Victorian public and Victoria Police following the tragic death of Jalal Yassine-Naja, who was killed by a driver who simply should not have been on the road. The driver was unlicensed and had already been before the courts for driving without a licence. The penalty the driver subsequently received was solely related to minor offences and took absolutely no account of the fact that the driver's actions led to the death of a 13-year-old boy.

As those of you in this chamber would be aware, I initially sought to remedy this defect in the Crimes Act with a private members bill, which would have created a new offence specifically dealing with causing death or serious injury while unlicensed. I welcomed the referral of that bill to the Law Reform, Road and Community Safety Committee for inquiry. This inquiry heard evidence from police, from legal experts, from Jalal's mother, Olivia, and from community members who were supporting her call for a change to the law in an initial attempt to remedy this defect. I note in particular finding 4 of the report that was tabled this morning, which says that:

> The principal aim of the bill, which is to acknowledge the seriousness of unlicensed driving that results in serious injury or death, may be better achieved with alternative legislative reform within the current framework of driving offences.

This finding came in particular from the evidence of Professor Gans, who canvassed the possibility of amending the existing offences of dangerous driving causing serious injury or death. He said:

> Alternatively, and this would fit with this current offence, you could have as an instance of dangerousness some aspects of unlicensed driving — knowing unlicensed driving — as an aspect of dangerousness, and then it is just built into the existing offence of dangerous driving causing death.

So as a result of this finding and this evidence, and after seeking the advice and the assistance of the Attorney-General, the Honourable Martin Pakula — who has been supportive of my efforts to remedy this defect in the law, and I acknowledge him for that — I have now adopted this different approach.

So based on the proposal raised during the inquiry by Professor Gans, rather than introducing a standalone offence this amendment will add to the offence of dangerous driving causing death or serious injury a provision that if the prosecution proves that at the time of driving the accused was knowingly or recklessly in contravention of section 18 or section 30 of the Road Safety Act 1986 it is to be presumed, in the absence of

evidence to the contrary, that the accused drove the motor vehicle in a manner that was dangerous to the public. This wording I believe accommodates the range of circumstances that might arise. It intentionally does not capture the circumstance covered by section 30AA of the Road Safety Act 1986, which relates to driving while a licence is suspended for non-payment of fines, as this bears no relation to poor driving history.

Standing in solidarity with Olivia Yassine and the Justice for Jalal crusade and with those many members of the Victorian public who, as Professor Gans noted, believe that the penalty for taking a life should acknowledge a death, I urge members to support the second reading of the Justice Legislation Miscellaneous Amendment Bill and during the committee stage to support the amendment that I will move in memory of Jalal.

Mr FINN (Western Metropolitan) (17:31) — The Justice Legislation Miscellaneous Amendment Bill 2018 reflects the government's attitude to law and order in this state — it is weak. That is why we have a law and order crisis in this state — because the government does not regard law and order as an important issue. The government does not regard keeping the criminal elements in this state under control as being an important issue. This Andrews Socialist Left government does not believe that protecting the community is important, and that is why we have a law and order crisis in this state. That is reflected by this bill, because this bill is weak. It goes nowhere near where it should go. It is a start, but it is slightly beyond a start. It does not go much further than a start.

Quite frankly there are a lot of people in this state who have had a gutful of this government. They have had enough of a government that does not care about the personal safety of Victorians. I know many in my electorate — I am particularly thinking of people around Tarneit, Werribee, Caroline Springs, Taylors Hill and even into Sunbury and Essendon — who are very, very concerned that we have a government that just has no interest in protecting them, a government that knows what is going on and sees what is going on but does not want to actually do anything to stop it. They see the gangs, they see the violence, they see the carjackings, they see the home invasions and they see the robberies of stores where gangs just walk in and take whatever they want and nobody can stop them. They see all that. The government sees all that, and what does it do? Very, very little to stop it. It is a case of, 'Let's look the other way, and hopefully nobody else will notice either'.

I have got to tell the house and indeed the government that the people of Victoria have noticed. They have been noticing now for the past almost four years. Whilst this law and order crisis has been running rampant throughout our state, yes, the people of Victoria, who it effects, have noticed. They have seen what is going on and they have seen the lack of action from a government that seems committed to doing precious little to protect people in the community. We have seen that in the youth justice area.

This bill is a bit of a dog's breakfast of a bill, it has to be said. It covers a whole range of totally unrelated matters. I suppose it was put together by people who really did not have much to do. There is a bit chopped off here and a bit chopped off there, and then they put it all together. It is a bit like that pie which is made up of all the leftovers. The name of it will come to me. That is what this legislation is like — all the leftovers put together. That is where we got this bill. It covers just about everything known to man.

I noticed that it amends the Children, Youth and Families Act 2005. Whilst discussing that, it is probably important at this point in time that we reflect upon what has happened in youth justice in this state over the past four years under the ministerial maladministration of Jenny Mikakos. You would have to say she has been an unmitigated disaster as a minister — a total absolute disaster as a minister. We have seen riots. We have seen escapes. We have seen youth justice facilities taken over by the inmates. And what did the minister do? She sent in the pizzas. That is what she did. Here we have a situation where we need strength in leadership. We need strength in law enforcement. But what did we get instead? We got Coke, and we got pizzas.

Ms Mikakos — You're giving the same speech.

Mr FINN — Ms Mikakos says it is same speech. That is because she keeps doing the same things. You would reckon after four years of failure she might actually catch on that perhaps she might try something else. I would do that myself, but she is obviously a bit slow on the uptake. Here we have a situation where a minister has handled her portfolio so poorly that even the inmates know that she is a joke.

I know Ms Mikakos is going to say to me, 'Talk about something else'. I have no doubt she will say that, because I am going to talk about what happened down at Werribee South a few years ago. You might remember Werribee South. It was where Ms Mikakos decided she was going to put a high-security youth detention centre down near the market gardens, near the

tourist area of Werribee. It is a very impressive tourist area, with the zoo, Werribee manor, the golf course, the equestrian centre and the rose garden. People come from all over the world to visit Werribee just to see those things, but Ms Mikakos decided that what Werribee South needed more than anything else was a high-security youth prison. The minister may have thought that, but guess what? The people of Werribee had other ideas, and not just the people of Werribee but the people of Point Cook as well. They had other ideas.

Mr Morris — Do we know what the local member thought?

Mr FINN — I do not know what the local member thought because we could not actually find him. We could not find Mr Pallas, and we could not find Ms Hennessy, who of course is the member for Altona, which covers Point Cook. We did not know where they had gone. In fact a lot of people have been asking that same question for some years.

Mr Morris interjected.

Mr FINN — More than four years, Mr Morris. They have been asking for some years, 'Where are these jokers? Where have they gone? They're certainly not representing us'. That is what the people of Werribee and Altona make the point of raising continually. We are going to see a very, very interesting situation in November this year. I think Mr Pallas at least is very worried. I know he is very worried, and I think he has got —

Mr Morris interjected.

Mr FINN — No, he does not live there, and nor does Ms Hennessy, but that is just the Labor way; that is what we would expect. You would not expect a Labor MP to live in their own electorate.

Mr O'Donohue — What about Telmo?

Mr FINN — We are not sure where Telmo lived.

Mr Morris — What about Don?

Mr FINN — Donny? He lived down at the beach. Look, I like the beach, but I have always said if I wanted to live at the beach, I would represent the beach — but that is just me. To get back to the point of Ms Mikakos and the Werribee South debacle, some 7000 or 8000 people gathered in the middle of Werribee —

Ms Mikakos — On a point of order, Acting President —

Mr FINN — I can understand why Ms Mikakos wants to shut this down.

The ACTING PRESIDENT (**Mr Ramsay**) — Mr Finn, there is a point of order.

Ms Mikakos — On a point of order, Acting President, Mr Finn is very prone to delivering the same speech every sitting week, but I do point out that this is a bill about emergency services workers. I have been listening to Mr Finn now for a few minutes. I have not heard a single thing about the bill —

The ACTING PRESIDENT (**Mr Ramsay**) — Thank you, Ms Mikakos.

Mr FINN — On the point of order, Acting President, clearly the minister has not read the bill, because this is an omnibus bill which covers a whole —

Ms Mikakos — You just want to waste time. You're just filibustering.

Mr FINN — If she had been listening, she would know that.

Ms Mikakos interjected.

The ACTING PRESIDENT (**Mr Ramsay**) — Thank you, Ms Mikakos. I do not uphold the point of order from Ms Mikakos and I do not uphold the point of order from Mr Finn. Ms Mikakos, it is actually a quite extensive omnibus bill. It has all sorts of moving parts in it, which Mr Finn, I am sure, is going to refer to very shortly.

Mr FINN — I am certainly happy to do that and to continue to refer to those matters. I just raised that as an example of the debacle that youth justice has become in this state under Ms Mikakos —

An honourable member — Chaos.

Mr FINN — Total chaos. It is a debacle. If it was not so serious, you would say it was a joke, but nobody is laughing — or perhaps some of the inmates are, the ones on the roof with the Coke and the pizzas. They think it is very funny indeed.

Moving on to the emergency workers section of this bill, again this bill does not go anywhere near where it should. It is, again, weak. It reflects this government's attitude not just to law and order but indeed to emergency services workers, particularly police officers. The Labor Party has long had no respect for our police. The Labor Party has long had no desire to do the right thing by our police. Here we have this legislation. Anyone who assaults a police officer should

go to jail. Would you have to be a Rhodes scholar to work that out? It is so simple even I can understand it. Anybody who takes the law into their own hands to the extent of assaulting a police officer should — must — get a custodial sentence.

Assaulting a police officer is a much more serious offence than just assaulting a human being, which is a serious offence in itself. It is an assault on our system; it is an assault on the state, because the police are the people charged by this Parliament with the authority to protect each and every Victorian. They go about their job every day, and they do a great job — when police command will let them — out there on our streets protecting us. If anybody jumps in and says, 'We are going to prevent those police officers from doing their job and we are going to use violence in order to do that', then they should go to jail. It is a pretty simple proposition, but unfortunately, despite what the government has said to various unions around the place in years gone by, this legislation does not specify that.

We have seen situations where paramedics and firefighters also have been victims of violence. Quite frankly I do not understand how anybody could assault a paramedic or a fiery who is doing their job — again, protecting the community — although with the drug surge that we have in this state, some of the dreadful drugs like ice send people troppo, and there are a few examples around here I could talk about. It is something that we as a Parliament and we as a community must take very, very seriously indeed. We must fully protect police officers, we must fully protect paramedics, we must fully protect ambulance officers, and indeed any emergency services worker going about their duty must be fully protected. Unfortunately this government does not seem to understand that, and I do not know why. I think it goes deep into their philosophical objection to authority or something similar, but they do not understand that, and I think that is a very, very sad thing indeed.

The opposition is not opposing the bill, and I commend Dr Carling-Jenkins for her amendment, which I think is a very good one. We will not be opposing this bill. We wish it was a lot more effective, but as things stand it covers some ground towards restoring equilibrium in our law and order system, so on that basis we will not oppose the legislation.

Ms PATTEN (Northern Metropolitan) (17:46) — I rise to make a contribution on this largely omnibus bill. As previous speakers have gone through all of the various wideranging areas of this bill, I will not, although I will just give a shout-out to the Real Estate Institute of Victoria, which was very pleased to see that some of the issues around ensuring that vendors pay commissions owed to real estate agents are remedied in this bill. Sadly, though, they were disappointed that it was in a bill about mandatory sentencing, which is what I will focus my contribution on.

I have to say that I am embarrassed that we are debating this bill. I am embarrassed, and I can understand why the community is saying to both the major parties, 'A pox on both your houses. You do not represent us. You are not delivering for our community'. This bill will not deliver for the community. We will see this politics of fear, and the Libs and the Nats will come forward on this, and instead of someone breaking through with some common sense, we actually see Labor trying to close that gap and work in lock step on laws that will not work but will enable them to keep this fever of fear in our community. This bill is not about the safety and welfare of Victorians; it is about winning an election. That is what it is about, and you both should be ashamed, because this is not tough on crime. This is stupid on crime. I could not be more deeply concerned about this.

If I thought that this bill was going to protect frontline workers any more, I would be the first to sign up to this legislation. Our frontline workers do noble and challenging work, and they deserve to feel safe on the job, but the problem is that these laws do not and cannot make them safer. They will not achieve that outcome, I assure you. It is absolutely clear from the evidence not just in Australia but around the world that mandatory sentences do not have a deterrent effect on crime. In fact evidence suggests that imprisonment actually increases an individual's prospect of reoffending, so we are going to have a criminal who then goes out and commits more crimes. This will not reach its intended goal.

If I felt that this was going to protect the fire services and ambulance workers — my friends who work in those jobs — if I thought it was going to do that, I would be here defending this legislation, but I am not, because I look at the evidence. I look at the evidence and I look at the results. I look at the results in New South Wales, I look at the results in Victoria and then I look at places like the Netherlands, that now imprisons half the people per head of population that we do in Victoria. They imprison half the number of people, yet they have got lower crime rates than us. They imprison less people, and they have less crime. That is not because they are soft on crime. Their reoffending rates are lower because of the results of their comprehensive rehabilitation programs. They have less repeat offending, which means that they have less offending overall and they have a safer society. And that is not

just limited to Europe. We are seeing the same thing occurring in places like Texas, where an ultraconservative government are moving away from mandatory sentencing because the evidence shows them it does not work. It does not make their community safer, but I can tell you it makes lovely press releases from both sides of this house about fear.

I cannot believe it, but I am actually going to talk to the Institute of Public Affairs (IPA). I have met with them about this bill. I suspect it is not often that I quote the IPA in this house, but the reports that they have presented to me cut entirely across the grain of this reform. Their reports comparing the cost of justice systems around the world found that Australia's system is expensive by world standards and has not delivered significantly better results in terms of recidivism or even the public perceptions of safety. But I am not surprised when you have got Mr Finn telling us that we should live in fear and when we have got federal members of Parliament saying they are afraid to go to restaurants in Flemington or Kensington. I am going to quote the IPA here:

> … Australia's criminal justice system is not performing well.
>
> In Australia right now, there are more victims and more criminals than there were 10 years ago, despite a massive increase in incarceration and criminal justice expenditure. The rate of adult offending has increased by 15 per cent since 2008–9, and the incarceration rate has increased by 40 per cent in the last 10 years. Australian governments now spend $4 billion annually on prisons. Fifty-nine per cent of prisoners have been incarcerated before —

fifty-nine percent of criminals reoffend.

> Taken together, these statistics form a prima facie case for reform …

So what we find is that the more we spend on criminal justice, the worse the results, and mandatory sentencing is clearly not the solution. In contrasting Australia with the USA, again the IPA notes:

> Criminal justice reform in the United States has slowed the rate of growth of incarceration, reduced recidivism, and saving money.
>
> The reform agenda has had bipartisan input and support, with reforms being implemented in many cases with Republican —

conservative —

> leadership.

This is one of our conservative neighbouring countries that has always been thinking that jail is the answer — 'Lock 'em up!'. That is exactly what I am hearing from Labor and Liberal here today. But do you know what the USA is saying? The principles of successful criminal justice reform, based on lessons from the USA, should note, firstly:

> Community safety is paramount, and can be increased by reducing recidivism and unnecessary incarceration …

because we know that incarceration is linked to our recidivism numbers. Secondly:

> The criminal justice system should be subject to fiscal oversight, and the system can be rationalised towards community safety by redirecting money from incarceration to increased community supervision and policing.

There are better ways to keep our frontline heroes safe. Thirdly:

> Reform is consistent with traditional moral principles like personal responsibility, redemption, and just punishment.

You would think I was reading a Liberal Party manifesto. No, I am not, but I am quoting the IPA.

Unfortunately neither side of the house is listening to the evidence. Neither side of the house is paying attention to what would work — what would keep our ambulance drivers safe, what would keep our firefighters safe. They are dog whistling, they are using the politics of fear and they are hoping that it will get them re-elected. Frankly I think this is what is driving the community away from the major parties. You are not listening to academic advice. We know that even our Ombudsman advised in 2015 that our prison population has soared by 20 per cent, yet 44 per cent of our prisoners are reoffending in the first two years and 60 per cent of them will reoffend.

The solution is not locking offenders up; it is prevention. It is interesting. When I was starting the campaign for the supervised injecting centre, I spoke to the ambulance union. They did a survey, because they were increasingly worried about needlestick injuries when going out and helping people with overdoses, particularly in North Richmond. They were given a choice. They were asked, 'If you had the choice, would you like a vest that would help you prevent a needlestick injury, or do you want a supervised injecting centre or another form of treating people with addiction?'. Hands down, treatment was what they wanted. Treatment and prevention were what they wanted. Early intervention programs prevent reoffending.

The danger of mandatory sentencing is that it fetters judicial discretion and has led to demonstrable injustices in other jurisdictions around the world. Currently in Victoria when an offender is sentenced in

court the judge must balance punishment, deterrence, denunciation, rehabilitation and community protection.

I am also very concerned about the effect that mandatory sentencing has on our judicial staff — on our judges — who we know have been suffering from mental health issues at an alarming and increasing rate. We send out this message that we in this house do not trust judges — that they cannot be trusted, that they are weak — so we have to tell them what to do, because apparently we in this house feel that we know better. We do not. When a court gets a decision wrong we have open and good appeal processes. We have a system that self-corrects.

A reasoned solution is to be smart on crime. Let us use evidence-based, smart-on-crime approaches to reduce offending and reoffending. I think Ms Pennicuik picked this up and certainly the Federation of Community Legal Centres and the Fitzroy Legal Service in my area picked up on absolute concerns about the unintended gendered impact of the government's proposed mandatory sentencing reforms. This really should have given us all great pause for thought, and I am somewhat surprised that the government has ignored their submissions and ignored the fact that there are a lot of people out there who have concerns — concerns that I share — that this will actually increase family violence and will reduce the number of people reporting family violence.

As I mentioned, the Fitzroy Legal Service, the Centre for Excellence in Child and Family Welfare and other peak bodies have all written to me, and I know they have written to everyone here. They stress that the risk of a mandatory jail term for injuring a police officer may in fact have the unintended consequence of deterring victims of family violence from calling police for help in the first place, heightening the risk of harm and forcing family violence further underground. They provided two examples: families caring for loved ones with mental health issues or drug problems who choose to manage that dangerous emergency alone for fear that their son, who is drug affected and has a mental illness, may lash out against an emergency services worker and may have mandatory detainment in jail; and victims of family violence choosing not to call police for fear of retribution from their partner should that call lead to that partner being locked up.

An injury under this proposed legislation is set at such a low bar — and I look forward to the committee process and exploring the definition of injury further — that these sorts of injuries could occur incidentally in the course of any arrest, particularly where the family member is affected by mental illness, alcohol or drugs. The consequence is that someone who desperately needs police assistance may simply not call them because they are conflicted in their desire to protect their loved one.

Comments have been made to me that it might take just one arrest, injury and imprisonment in a marginalised community — and I look at some of the commission housing in my area — before the whole community is reluctant to call the police. It means that all the work that we are doing on family violence will be undone. I commend the government on the work that they are doing on family violence and I commend the opposition on supporting much of that work. I do not understand how you can reconcile your reforms around protecting women and families from family violence with your support for mandatory sentencing, given that mandatory sentencing regimes may strip away protections for family violence victims and potentially silence many women who may fear the consequences of calling the police.

I want to do everything to protect our emergency service workers, but this bill does not achieve that. Worse, it has many deleterious effects. I have got to say that I have had a number of calls from firefighters, ambulance workers, paramedics and police since the opening of the supervised injecting centre, and they have all said that that made their job better and made it safer. There is an excellent example where frontline staff have been protected by treatment and prevention and not by locking someone up and turning them into a recidivist offender. I think this bill will do more harm than good and I simply cannot support it, but I will be asking questions in the committee stage.

Mr DAVIS (Southern Metropolitan) (18:02) — I am pleased to rise and make a contribution to the Justice Legislation Miscellaneous Amendment Bill 2018. This bill is an omnibus bill that covers a lot of territory, and I am only going to talk about a number of particular parts of it. I begin with the amendments to the Estate Agents Act 1980 in relation to the rebates statements that have left real estate agents exposed to claims for the recovery of commissions paid on the basis of technical non-compliance. This is something the government has been slow to respond to but is something that has been understood for some while by the sector, by the industry that has brought it to the government's attention. I am pleased to see the government is finally taking a step on that. I think that the real estate sector will be pleased with that, if not with other recent legislation proposed by the government.

I also want to deal with some of the mandatory sentencing aspects of this bill. I indicate that the opposition will not oppose this bill. We think that many of our measures would be tougher than this bill, and indeed there are a number of key sections that we would strengthen if in government, but to the extent that this bill is an improvement, we are not going to oppose those aspects of the bill. But what is clear, and Mr Finn did lay out some of this quite clearly, is that we do have a significant crime problem in this state. We do have serious issues that have developed.

The government allowed the weakening of bail laws and parole arrangements early in its period of government and also allowed the decisions of the Court of Appeal to stand unchallenged where they struck down a number of baseline sentencing arrangements that had clearly communicated the community's view. The community is sick and tired of the weakness and sick and tired of the decisions of the judiciary in many areas to repeatedly allow offenders to roam free. We have seen it in this chamber when the minister has been at the table and questioned about youth justice issues, when she has lost control of her portfolio on many occasions and when there have been significant riots and other issues, and yet the response has not been serious enough by this government or by the judiciary. I make the point that the weakness of this government has seen crime increase over its period in government. Violent crime is up by 17 per cent. We have seen crime increase in areas in my own electorate of Southern Metropolitan Region.

I particularly want to draw the chamber's attention to the aspects of this bill that clarify jurisdiction for recklessly causing serious injury against emergency workers and others. We brought legislation to this chamber in 2014 to strengthen the provisions with respect to emergency services workers and indeed health workers as well. As the statement of compatibility says:

> The bill introduces an amendment to prevent the offence of causing serious injury recklessly from being heard in the Magistrates Court where the offence is alleged to have been committed against an emergency worker …
>
> This is because an offence committed in such circumstances attracts a statutory minimum sentence of imprisonment with a two-year non-parole period. This in effect means a head sentence of two and a half years, which exceeds the summary jurisdiction of the Magistrates Court.
>
> This amendment is intended to apply to all hearings from the date of commencement.

And it goes on. Whilst the amendment is technical in nature, it is important, and it is important that a signal is sent. We would introduce a series of tougher sentencing arrangements, and we make no bones about that fact. We make no bones about the fact that, where offenders have assisted or given an undertaking to assist law enforcement authorities in the investigation or prosecution, we would change the law, whereas Labor would not.

Where the offender proves, on the balance of probability, that at the time of the commission of the offence he or she had impaired mental functioning that is causally linked to the commission of the offence and substantially reduces the offender's culpability — that is the current arrangement — we would make it clear that that can only be where there is temporary impairment. The government is not prepared to take those sorts of steps.

In the case of an offence against section 18 of the Crimes Act 1958 committed by a young offender against an emergency worker on duty, a custodial officer on duty or a youth justice custodial worker on duty, a court may make a finding that a special reason exists. We will repeal that provision; Labor would leave that unchanged. So there are very clear steps that we are prepared to take, and I am not detailing all of them. I am only detailing a number of those that we would be prepared to take to strengthen these provisions.

Look, the fact of the matter is that Labor are very weak on crime, and it has gotten worse. This bill is a small step in the right direction, but it is not nearly far enough. The Greens position is appalling on this bill. It is ill thought through. I heard the contribution from a member for Northern Metropolitan Region, Fiona Patten, just a moment ago. She laid out that there is no evidence that things are worse and that there is no evidence that this is a way forward. Well, as the Labor Party has weakened the law, the crime rate has grown. As gangs in this community have understood that they can act with impunity, things have gotten worse. Their outrage and their actions have become more frequent and more heinous, and we have seen time and time again across the city, including in my own electorate, significant impacts on families and on businesses. All of them have a legitimate claim to be very angry with this government, and I think they have a very good claim to be angry with the member for Northern Metropolitan Region and her contribution just a moment ago.

They have a legitimate gripe against the Greens too. We heard Ms Pennicuik speak before; I have read what Ms Thorpe said in the lower house and I have read time and time again the weak position that the Greens have adopted which would allow these criminals to roam free, with some bleeding-heart approach that actually

does not understand that certain penalties need to be applied and certain clear positions need to be put in place. I am particularly disturbed at some of the points I read in the contribution of Ms Thorpe, the member for Northcote in the lower house, that mandatory sentencing will not act as a deterrent. Well, that is rubbish.

This bill proposes mandatory sentencing for injury offences committed against emergency workers, custodial officers and youth justice custodial workers who are on duty, as well as offences of aggravated carjacking and aggravated home invasion. Let me just say that what the state government has been doing on these matters has not been working. We have seen so many injuries of emergency services workers, we have seen home invasions and carjackings increase and we have seen the severity and the nastiness of many of those crimes go right off the Richter scale over the period of this government as the government has weakened the law and weakened it time and time again and has been unprepared in terms of taking steps in this chamber and in this Parliament to actually send further signals to the judiciary about what the community's view is. The community do not want to be the butt of these attacks, do not want their homes invaded, do not want their cars jacked and do not want to see emergency workers hurt, threatened or violently bashed. The importance of getting a clear position on this cannot be underestimated. The Greens say:

> We do not support the creation of specific offences and punishments.

And:

> The Greens have a longstanding position against mandatory sentencing and statutory minimum sentencing for any offence … The Greens believe it is critical to maintain the discretion of the courts to apply a sentence relating to the specific circumstances …

The problem is the courts have not been doing what they need to do. The courts have been letting these offenders out again and again and allowing them to commit further crimes whilst on bail, whilst out and whilst roaming free, when they should, frankly, be in jail. The outcome should be that there is less crime being committed because some of these dangerous people are actually in jail. I can tell the member for Northern Metropolitan Region one thing: they do not commit offences against people in their home when they are in jail. They do not. They might try and climb on the roof of one of your justice centres, as we have seen, and you might try and bribe them, Minister, to come down off the roof with pizzas and Coca-Cola, but I can tell you while they are in jail they do not invade homes. They do not do carjackings, and the families who have been the butt of those attacks do not in fact face that.

Let me be quite clear here. The coalition is determined that there will be tougher penalties. We are not opposing this bill, because it takes a number of steps that are closer to where we need to be. I want to particularly pick up also the contributions of Mr Hibbins in the Assembly to a number of bills recently — firstly, the Justice Legislation Amendment (Unlawful Association and Criminal Appeals) Bill 2018. He said of the member for Essendon:

> His contributions in this place of attacking the Greens are not the solution to the problem of the Labor Party losing votes to the Greens …

Goodness, that is what is motivating him on this. He also said:

> The Greens strongly oppose this bill. We need to shift our focus away from this punitive system that just criminalises more and more young people …

If young people are undertaking criminal activities, they should be treated in a clear way. I think you need to be quite clear. Mr Hibbins has also said on a number of occasions that the Greens are always opposed to mandatory sentencing. Goodness, what on earth do some of these people need to do to get the sentence that is required under the Greens regime? He has said we cannot simply use incarceration as a way out of the problem of crime. Let me just say one thing that is clear here: these violent people who commit nasty and violent crimes against families and against people who do not deserve these violent crimes — emergency services workers in some cases — do not commit these crimes when they are incarcerated.

Mr Hibbins has also said that we need to strengthen our non-custodial sentencing options. Well, a lot of our non-custodial sentencing options have been used and used and used again, as these people are given opportunity after opportunity and chance after chance after chance. Mr Hibbins, weak on crime, does not understand that in his area — in Prahran, in South Yarra and in Windsor — there have been a series of very significant crimes committed. The crime rate is up in South Yarra, the crime rate is up significantly, and the terrible robberies that have occurred in a number of the jewellery shops there, including Imp Jewellery, frighten people. People are concerned. And then people say, 'Oh, it's all just a perception'. No, actually it is not just a perception. It is actually that people have been attacked and that the robberies have occurred. People know they are occurring. They know that this is a problem, and they know that this is a threat to them and their family and their business.

That is the fact of the matter. It is a problem, and I say to those who constantly wring their hands and say, 'There is no issue here. It's all fine. There'll be nothing to see here', that we have seen time and time again as the gang violence has exploded across this state that the minister and the Premier have been too weak to respond to this, too tardy and too slow to actually deal with what is actually a crisis that this state continues to face.

We actually need clear and strong penalties. We do not need the weakness from the Greens and the excuses and the constant preparedness to let people get away with these sorts of attacks, to let people go and to say, 'Away you go. You can go out and do it again. You can do this to another family, you can hurt another emergency services worker, you can hurt someone in the process of a carjacking and you can put people at risk on a wide level'. I have seen too much of this across our city. I have seen too much of it, and I have seen it worsen over the last four years. I have seen home invasions that I never thought I would see at close range in my own electorate. I think Mr Hibbins in particular has forfeited his right to represent the electorate of Prahran because he has been so weak and so tardy, so unprepared to fight for his community, so unprepared to fight for police resources, so unprepared to stand up on behalf of his local community and so unprepared to stand up for the victims. It is time Mr Hibbins, Labor, the Greens and Fiona Patten's Reason Party actually listened to the victims rather than the perpetrators.

Mr RAMSAY (Western Victoria) (18:17) — I am pleased to be able to make a contribution to the Justice Legislation Miscellaneous Amendment Bill 2018. As other speakers have said, this amendment bill is well named, given that there are a lot of miscellaneous bits and pieces to it. It is an omnibus bill — it has about 15 different parts to it and a number of main provisions. The bill amends the Children, Youth and Families Act 2005, requiring statutory minimum sentences to be applied for minors aged 16 years or more who have been convicted of indictable offences as if they were adults. It also makes various amendments to the Coroners Act 2008 relating to what is a reportable death and consequential amendments to the Births, Deaths and Marriages Registration Act 1996. I want to refer back to that particular amendment and the contribution made by the shadow Attorney-General, John Pesutto, in the other place in respect of a couple of families that were a driving force for those changes to the Coroners Act.

The bill also amends the Crimes Act 1958, requiring the Victorian Aboriginal Legal Service to be notified when an Aboriginal person is taken into custody and in relation to forensic procedure orders. It amends the Criminal Procedure Act 2009 in relation to witnesses, recorded evidence, indictable offences that may be heard and determined summarily and the Director of Public Prosecution's right of appeal. It amends the Domestic Building Contracts Act 1995 in relation to referred domestic building work disputes and publication of directions. We have not heard much of that in contributions this afternoon, but we may well seek some clarity around that in the committee stage.

The bill amends the Estate Agents Act 1980 in relation to rebate statements that have left estate agents exposed to claims for recovery of commissions paid on the basis of technical non-compliance. I just want to briefly talk about that. It amends the Evidence Act 2008 to require that improper questions be disallowed, which is something that we may well want to enforce in this house, Acting President, given — actually I will not go there; we will just quickly move on.

The bill amends the Family Violence Protection Act 2008 in relation to the relationship of orders with certain conditions under that act with certain orders under the Sentencing Act 1991. It also amends the Honorary Justices Act 2014 to allow the titles JP (Retired) and BJ (Retired). I will make quick mention of that. It was in fact Mr Gordon Rich-Phillips who talked about the importance of valuing and acknowledging the work of our justices of the peace (JPs) and bail justices (BJs), given that they are honorary positions, and those that I know — and I know a number of JPs, more so than bail justices — put themselves out and make themselves available day and night with respect to signing the appropriate documentation or statutory declarations that are required by our community. One person I do want to acknowledge is Graham Christie, who is a Vietnam War veteran but also a justice of the peace. Graham has over many years served in that role with a generosity of spirit. He has made himself available at any minute of the day or night with respect to serving or providing witness to documentation that is required under the orders of a justice of the peace. So people like Graham do need to be acknowledged, and I think with respect to this amendment it is well justified.

The bill amends the Personal Safety Intervention Orders Act 2010 in relation to the relationship of orders within certain conditions under that act with certain orders under the Sentencing Act 1991, and it amends the Retirement Villages Act 1986 to provide for making regulations prescribing different infringement penalties for different classes of persons. It also amends the Rooming House Operators Act 2016 in relation to licence disqualification criteria and other rooming

house operator provisions, and it amends the Sentencing Act 1991 and makes consequential amendments to the Crimes Act 1958.

So there is quite a clean-up of miscellaneous amendments in this bill, but there are a couple of issues I want to raise, and Mr Davis has raised them as well. There is a concern that I have had over a period of time about the lack of respect for our frontline emergency services workers. Mr Leane may well remember that during the previous Parliament we sat on a committee looking at the impacts of the use of methamphetamines, and we heard many stories during the inquiry from witnesses that came before many of the regional hearings that we had. Those that were affected by this drug in particular were exposing those emergency responders to both mental and physical harm. I understand many of those addicted to the drug are responsible for their actions but because of the drug do not understand the severity of their actions when they are assaulting and causing harm, particularly to emergency services workers who are first on scene in responding to an incident.

To my mind, regardless of whether you are under the influence of a drug or are knowingly causing harm to emergency services workers, there should be both responsibility and consequence for that action. I note in the contribution of Mr Pesutto in the Assembly that the proposed amendment here does not go far enough with respect to minimum sentencing and custodial sentencing. It is important that we as a community insist on upholding the respect that emergency services workers and police in particular should receive from the community in relation to their duties. If in fact there are sections of the community that want to harm our emergency services workers, regardless of their physical or mental attitude at the time they should face significant consequences for not upholding that respect for law and order that unfortunately we are losing right across the nation, not just in this state.

This bill does go part of the way to holding to account those who want to cause harm to emergency services workers. As I said, the proposed changes fall short of what we announced in 2014. It is a small improvement, but it would appear that the bill could still allow offenders to avoid a jail sentence. I would be interested to know in the committee stage exactly how the government is going to provide the deterrent needed to stop our emergency services frontline workers from being attacked and the perpetrators knowingly escaping a jail sentence. It should be very clear that if you attack an emergency services worker, you will do jail time — no ifs or buts — and this amendment would appear not to provide that certainty.

Also I would like to bring to the notice of the chamber and, if I may, paraphrase some of Mr Pesutto's contribution with respect to the changes to the Coroners Act 2008. I want to make note of the families that have been the drivers of the proposed changes to the Coroners Act which have finally made their way to this house through this miscellaneous bill. There are a number of people who are responsible for significant changes to the Coroners Act, certainly Elizabeth Ryan and Phil O'Donnell, who are the mother and stepfather of Melissa Ryan, who tragically died while driving her Volkswagen on a freeway some years ago, and also Natalie Handsjuk and her grandfather, Lorne Campbell, who have been fierce advocates for reform to the Coroners Act.

Both sets of families have led the charge for this reform, most of which is embodied in this bill that we are debating today — not all but in the main. Like Mr Pesutto did, I do want to place on record recognition of the role that these two families have played in the reform process and acknowledge their contributions to that. They have fought a very tough fight, as Mr Pesutto said, in the circumstances, when their reform efforts were met — if I may use his words — in the initial stages with a lot of scepticism about the need for change and with a misunderstanding of what many families go through when the coronial process is afoot. So I would like to acknowledge Natalie and Lorne, and Liz and Phil for their efforts in creating this significant change.

I would also like to note under the government's changes in this bill the special reasons clause, which seems to contain a very open-ended provision where an offender has assisted or given an undertaking to assist after sentencing law enforcement authorities in the investigation or prosecution of an offence. I understand this is seen as a special reason, and it would seem relatively easy on the face of it to access that clause, which is very different from the bill that the shadow Attorney-General moved on behalf of our colleagues, which would have required the Director of Public Prosecutions or the Chief Commissioner of Victoria Police to certify that that assistance has been substantial and has made or will make a significant contribution to the investigation or prosecution of one or more serious offences. So it is certainly the view of the shadow Attorney-General that that threshold was easy to satisfy.

In relation to the Estate Agents Act, which is contained in part 7 of the bill, these amendments arose out of very unfortunate circumstances.

Business interrupted pursuant to sessional orders.

Sitting extended pursuant to standing orders.

Mr RAMSAY — I was just talking about the amendments to the Estate Agents Act, in particular to section 49A, which has resulted in agents facing claims, including many retrospective claims, from clients of theirs who are arguing correctly under the current law that because their commission documentation does not contain the prescribed rebate statement those agents are not entitled to commission. Certainly this is no minor matter — it runs into tens of millions of dollars. In fact one agent who Mr Pesutto referred to confided in him that they have around about $45 million at risk because of this quirk of the law. This obviously was not intended.

I note that the Greens have amendments and Dr Carling-Jenkins has amendments, and we are going to committee stage, so without going into too much more detail about this bill, our position is that we do not oppose the bill but we are disappointed to see that it falls well short of what we proposed in 2014. We believe there are still matters outstanding in relation to dealing with law and order across the state of Victoria. We do not believe it will give a huge amount of confidence to our frontline emergency services workers that they will be protected through those who perpetrate harm against them being sentenced and doing jail time. There still seem to be potential outs for those perpetrators, and obviously we would have liked to have seen this bill and this series of amendments be a lot tougher to address what we see as a total breakdown in law and order across the state.

Mr MORRIS (Western Victoria) (18:32) — I rise to make my contribution on the Justice Legislation Miscellaneous Amendment Bill 2018. Following my colleagues, I note that the most important takeaway point from this bill is that it does not go far enough in protecting our emergency services workers and it does not go far enough in protecting our community from the law and order crisis that we are currently experiencing here in Victoria. I note that there was a home invasion today in western Victoria, in Ararat of all places, in the Assembly seat of Ripon, which is very ably represented by Ms Staley. It would have been unthought of a mere four years ago for a home invasion to occur in Ararat. However, with the state of play in Victoria today, this is the type of occurrence that is an all too regular happening.

We do know that our emergency workers should be protected, and under a Matthew Guy government they would be protected. Unfortunately what we are seeing from Labor is a half-hearted effort to protect our emergency services workers, who should be afforded the full protection of the law. We know that our police officers, our ambulance officers and our firefighters go out and protect our community and they in turn deserve the protection of the law and the protection that this place can afford them.

I was fortunate just last week in my electorate office to have three former police officers come and discuss some of the issues surrounding police officers and the concerns that they have about the lack of support that this government is providing to them. These three police officers —

Mr Bourman interjected.

Mr MORRIS — Indeed. Of these three police officers, one of them had been shot, one of them had been stabbed and the other one had had many sufferings as a result of the very difficult nature of the job that they undertake. Those three former police officers were very pleased with the announcement that had been made just that morning by the Leader of the Opposition, Matthew Guy, about the post-traumatic stress disorder support that the Liberal-National parties will provide if we are fortunate enough to be elected in November this year.

I am disappointed that Ms Patten is not here because I did want to talk about some of the issues that she raised. She referenced what I believe was a Scandinavian country in which there are fewer people in jail and there is a lower crime rate than we are experiencing here in Victoria, and crime rates are also falling there. I would point out to Ms Patten that the difference between Victoria and the place that she was talking about is that there are fewer people committing crimes there. I think Ms Patten was trying to associate the fact that there are fewer people in prison with the lower crime rate there, but as we well know, there is not a direct causal link between the number of people in jail and the amount of crime being committed in a community.

When there are masses of crimes being committed in the community — when there are home invasions, carjackings and police car rammings occurring on an all too regular basis — then we as legislators need to respond to what is happening. A government should respond to a crime tsunami it is experiencing. Unfortunately that is not what we are seeing from this government. This bill certainly does go in the right direction but it does not go far enough in protecting our emergency services workers.

I do note that this bill does amend a large number of acts, including the Children, Youth and Families Act 2005. The main provision in this bill with regard to that act is to require statutory minimum sentences to be applied to minors aged 16 or over who are convicted of

indictable offences as if they were adults. It is certainly high time in Victoria that we adopted a mandatory sentence model, because we know what is happening in the community, and that is that the community is losing faith with our justice system. We know that on an all too regular basis there are sentences that are just completely out of line with community expectation, and that is a massive flaw. The result of that is — and it happens on an all too regular basis — that we hear about people wanting to take the law into their own hands because they feel unsupported by the justice system. They feel that sentences given to repeat violent offenders are not commensurate with the offences they are committing. It is a significant problem when the average person on the street is losing faith in our justice system and saying that our justice system is not providing a disincentive to those who are committing crimes.

This is something that we see all too regularly — the revolving door nature of criminals being granted bail, time and time again, against the will and against the advice of Victoria Police. That is why we know how critical it is to ensure that we change that. If we are elected in November, we will be very committed to ensuring that if police oppose bail for an offender, then that offender is going to be remanded, because Victoria Police are in the best position to be able to assess whether or not a person accused of a crime is a threat to the community going forward. If we are not taking the advice of Victoria Police, then one must ask whose advice we are going to be taking. Whose advice are we going to be taking if it is not Victoria Police's advice, because they are at the coalface. They are that thin blue line which ensures we are kept safe in our community.

Earlier today I saw once again that shocking footage of the police officer being kicked and stomped on in the shopping centre. It was a shocking crime. An attack on a police officer is really an attack on the fabric of our society. That crime did not result in a sentence that would deter people from committing such offences again, which is why we must ensure that if you are going to attack an emergency services worker, you are going to go to jail. Attacks on ambulance officers, on firefighters or on police officers are abhorrent. They are an attack on the fabric of our society, and as a result people who commit such offences deserve a very significant jail sentence.

Another example of this is the matter of police car rammings. Police car rammings have been an absolute epidemic in western Victoria in the last two years. I certainly congratulate Mr O'Donohue on introducing his bill that ensures that anybody who rams a police car will be given a mandatory sentence. This is something that sends a very strong message to the community that if you are going to ram a police car, you are going to go to jail. When this bill was released, I was having a discussion with a journalist about this particular matter and I was asked the question, 'Do you think this is going to deter people from ramming police cars?'. I said, 'Well, I certainly hope it does, but if people are not going to be deterred from doing it, at least they're going to have two years in jail during which they're not going to be ramming another police car, at which point the community is going to be safe from this offender committing another offence'.

It is critical that we take on board not just the rights of the offender but the rights of victims and the rights of the community as a whole to be protected from further crimes committed by people who have already committed violent crimes. Unfortunately what this government has lost sight of is that it is not just the criminal in our justice system who has rights; it is also the victims of those crimes whose rights should be placed in order of magnitude above those of criminals. It is society as a whole whose right to be safe should be placed higher than the rights of a criminal. The criminal, by committing that offence, has lost the right to liberty that they may have once had, having attacked a police officer. That is something that this government has certainly lost sight of. They place the rights of criminals above those of victims.

I have significant concerns if this government were to be returned post-November, and we know the only way that this government could be returned would be in coalition with the Greens. It is very concerning what that would mean for our justice system in Victoria. We already know there is chaos. There is chaos in our prison system; there is chaos in our youth justice system. Our police are in demand. The Police Association Victoria came out last week talking about the massive cuts to frontline police that have been experienced under this government, and I know this all too well. There have been significant cuts to frontline police in Ballarat. I know Brian McKiterick, our excellent candidate for Bellarine, a police officer of many years standing, is fully aware of the pressures that are placed upon police officers on a daily basis and that this government is not appropriately resourcing the frontline police to do the important work they need to be able to do. When we have increases in crime and when we have increases in population, they need to be supported with increases in police numbers, not a reduction, as we have seen under this government, or a cutting of police numbers. Our community deserves an increase in police numbers to keep our community safe.

Unfortunately in Ballarat earlier this year we had a cut of 18 frontline police from the numbers that were present in November 2014. Since November 2014 Ballarat has grown somewhere in the order of magnitude of about 8000 people, and yet we have 18 fewer frontline police protecting our community. All the time we have seen massive increases in crime, particularly in places like the bus interchange at the Bridge Mall. I am very pleased to say that we will be providing protective services officers (PSOs) for patrols of the Bridge Mall seven days a week to keep commuters safe from the antisocial behaviour that has been experienced there. I quote John Marios, the manager of the Bridge Mall Traders Association, who described what was happening there as 'a cesspool of crime and antisocial behaviour'. I do not think anybody could describe it more aptly, which is why we must commit to protecting the community there; that is why we need to have PSOs protecting the community there.

What does the government have to say about that? They say, 'We'll leave that to others to decide'. Well, it is time for this government to get hands-on and deal with the crime tsunami that we are experiencing in Victoria. We should be appropriately resourcing Victoria Police. We should be ensuring that there is a further expansion of PSOs, as we have committed to, to keep our community safe. Unfortunately we know that the Minister for Police disparagingly refers to our PSOs as plastic police. That is a shameful indictment of the person who is supposed to be leading our police force and our PSOs. She is someone who chooses to disparage them rather than support them and provide them with the important resources they need to keep our community safe.

In concluding, the Justice Legislation Miscellaneous Amendment Bill 2018 is a tippy toe in the right direction. Unfortunately we know that there is only one way that we are going to take the massive leap that we need to be able to take to keep our community safe, and that is by electing Matthew Guy and a Liberal government on 24 November this year.

Mr BOURMAN (Eastern Victoria) (18:46) — It gives me pleasure to speak on the Justice Legislation Miscellaneous Amendment Bill 2018, which is made up of many things, most of which I will not comment on as it has been done ad nauseam to date. What I am going to do is comment on the sentencing provisions to do with the assaulting of emergency services workers.

I was a police officer at one time. I was assaulted numerous times, but only charged someone with it once. Assaults on police officers can go from just being a fairly simple thing — which seems to be the worry, that someone is just going to get a six-month jail sentence for a tiny little resist or something like that — to some fairly heinous and serious assaults. Over my time I have seen some officers beaten to a bloody pulp. Notwithstanding the physical injuries, there is obviously the mental strain that goes with that and the fact that at some point in time they go back on the beat.

It is actually surprising to see a government that one would normally think would be soft on crime doing something like this. It is pleasing, which the Greens will no doubt disagree with. I think it is pleasing that these steps are being taken. It is a reflection that the judiciary still are not handing out sentences that the community are happy with. It is a reflection that people have an expectation that is not being met, and I actually think it is sad that we need to do this. I think that the judiciary should be taking it upon themselves to have a review of the sentencing and make it simpler. Should we need to be doing this? No. Do we need to do it? Yes. The ambos are getting pounded, which is something that is relatively new. Back when I was a police officer it happened occasionally — I remember one occasion fairly vividly, which was an out-of-control drunk — but it was not an ongoing thing.

I could sit here and try and spend the next 43 minutes trying to analyse why, but I am not going to. I am going to just commend this bill to the house. I look forward to the next step that the government — whichever government next year — takes towards strengthening sentencing.

Ms TIERNEY (Minister for Training and Skills) (18:49) — As previous speakers have outlined, this is an omnibus bill that makes a number of important changes to various justice-related pieces of legislation, and I will not go through them because they have been canvassed to a significant extent, but I can touch on the coronial appeal reforms. The reforms to appeals and reviews in the coronial jurisdiction represent one of the outcomes of the Coronial Council of Victoria review commissioned by the Attorney-General. Families involved in the coronial system, such as the families of Phoebe Handsjuk and Melissa Ryan, have been tireless advocates for these changes.

We have heard from the opposition that, in their view, while these reforms are a step in the right direction they do not go far enough. We believe the amendments in the bill implement all of the legislative recommendations made by the Coronial Council of Victoria in its report on appeals from the coronial jurisdiction. The government is proud to have acted quickly to respond to the review. We want to ensure that we do all we can to support families in the coronial

jurisdiction. That is why, under the government's amendments passed in the Assembly, these amendments will be subject to a statutory review in three years to make sure that they have achieved their intention.

The opposition also raised the non-legislative recommendations of the coronial council, in particular the recommendations relating to establishing a client advocacy office, a legal advice service and a restorative justice program. The government is giving serious consideration to these recommendations, noting that they will have systemic and funding implications on which consultation will be required. In respect to emergency worker sentencing reforms, we understand that the opposition has indicated, in its view, that the reforms to sentencing for attacks on emergency services workers should have gone further, particularly in tightening the special reasons exemption to statutory minimum sentences.

The opposition has also raised a number of specific issues with the scope of the special reasons as modified by the bill and with the drafting used to achieve the objective of narrowing these provisions. The government considers the language used in the bill will give simple and clear guidance to courts in determining whether special reasons apply. We believe it is false to assert, as the opposition has, that it would be very easy to avoid the application of a statutory minimum sentence. This bill significantly tightens special reasons and will ensure that statutory minimum sentences will overwhelmingly apply in most cases, and it is appropriate to retain a very limited exception for remarkable extenuating circumstances.

In relation to the Greens and Fiona Patten's Reason Party, they have indicated that they oppose the reforms to sentencing for offences of injuring emergency services workers. The Greens argue that the courts should have complete sentencing discretion in all cases to choose an appropriate outcome and that these reforms interfere with their independence, but these reforms do maintain appropriate judicial discretion. It is true that the courts will be required to impose a minimum sentence or a custodial sentence in more cases; this is the intent of the reforms. Where an offender can demonstrate that they have special reasons, a court will not have to impose a statutory minimum sentence or a custodial order for a category 2 offence.

The Greens and the Reason Party have described these reforms as mandatory sentencing, which they are not. Statutory minimum sentences are not required to be applied where special reasons exist. The courts retain discretion to set appropriate sentences above the statutory minimum. The Greens party further argues that the statutory minimum sentences will not act as a deterrent, particularly in relation to a person with a mental impairment, and will not reduce attacks. The Reason Party has argued that these reforms will not be an effective deterrent against attacks on emergency workers. I think this misses the point. Violence against paramedics must never be tolerated, and those who commit these awful crimes must face the toughest penalties. It is not acceptable that those who protect and care for us when we are at our most vulnerable are assaulted and abused just for doing their job.

The Greens party have said that these reforms will have an impact on vulnerable persons such as young people, Aboriginal people and those with mental health issues. This is not the position of the government. The government, through the emergency worker harm reference group, will monitor the implementation of the reforms to ensure there are no unintended consequences. The Greens party have said that these reforms create a hierarchy of victims, whereby attacks on some people are treated differently to others.

In the view of the government what the laws do is recognise the nature of emergency services work. Emergency and custodial workers keep us safe, perform critical response duties on behalf of the Victorian community and also perform a unique role in the supervision and management of offenders who pose a risk to the community in high-pressure, closed environments. It is appropriate to recognise the unique risk of occupational violence that confronts these workers.

The Greens and the Reason Party have stated that these reforms will deter people, particularly victims of family violence, from calling police and other emergency workers. The government simply disputes this. The reforms in this bill that aim to better protect our emergency workers are not expected to deter family violence victims from contacting the police. Statutory minimum sentences already apply where a person injures a police officer or another emergency worker. The government remains strongly committed to addressing family violence, which is one of the most significant issues in our community, and our biggest law and order challenge.

Finally, the Greens party argue that the changes will prevent Aboriginal people from accessing the Koori Court. It is not expected that these changes will impact on or deter people from utilising the Koori Court. Offenders who meet the eligibility criteria will still be able to engage with the court. The Reason Party has

also argued that the judicial system has the capacity to self-correct by way of appeals against sentence, but the bill recognises this by strengthening the rights of the Director of Public Prosecutions to appeal where special reasons are found.

With respect to estate agent commissions, the opposition has queried what the government has done to address situations where any party faces a detriment by way of legal costs which will be lost because they were vindicating their rights. Legal costs are ultimately a matter for the courts to determine. Parties who enter into legal proceedings generally do so in awareness of the costs involved and that costs may be awarded against them. The amendments apply to all sales authorities entered into before the day the bill receives royal assent. Any legal proceedings commenced before 9 June 2018, the date on which the amendments were announced, will also be affected by the remedial provisions. Subject to the passage of these amendments estate agents may have the right to recover costs from vendors who have taken action against them. Vendor rights of action will be extinguished.

With respect to custody notifications for Aboriginal and Torres Strait Islander people taken into custody, the bill amends the Crimes Act 1958 to require an investigating officer to inform the Victorian Aboriginal Legal Service when an Aboriginal or Torres Strait Islander person is taken into custody. Notification assists in decreasing preventable injuries and deaths in police cell custody, increasing legal and health protections for a person in police cell custody, and promoting family and community safety. The opposition has raised queries regarding how a person taken into custody will be identified as Aboriginal or Torres Strait Islander and who will make this assessment. The notification required largely reflects current notification processes in the Victoria Police manual. The bill provides that in forming an opinion that a person is Aboriginal or Torres Strait Islander the investigating officer must take into account any statements made by the person in custody. It also provides that the investigating officer must ask the person whether they are Aboriginal or Torres Strait Islander as soon as practicable after they are taken into custody and in any event before any questioning starts.

In relation to the amendments that are before the house this evening, the government will not oppose the amendments to be moved by Dr Carling-Jenkins, and with respect to the other amendment that is to be moved by Ms Pennicuik, the government will not be supporting that amendment. I look forward to the committee stage, and I thank all members for their contributions to this debate.

House divided on motion:

Ayes, 34

Atkinson, Mr	Mikakos, Ms
Bath, Ms	Morris, Mr
Bourman, Mr	Mulino, Mr
Carling-Jenkins, Dr	O'Donohue, Mr
Crozier, Ms	Ondarchie, Mr
Dalidakis, Mr	O'Sullivan, Mr
Dalla-Riva, Mr	Peulich, Mrs
Davis, Mr	Pulford, Ms
Eideh, Mr	Purcell, Mr
Elasmar, Mr	Ramsay, Mr
Finn, Mr	Rich-Phillips, Mr
Fitzherbert, Ms	Shing, Ms (*Teller*)
Gepp, Mr	Somyurek, Mr
Jennings, Mr	Symes, Ms
Leane, Mr	Tierney, Ms
Lovell, Ms (*Teller*)	Wooldridge, Ms
Melhem, Mr	Young, Mr

Noes, 6

Dunn, Ms	Ratnam, Dr
Patten, Ms (*Teller*)	Springle, Ms
Pennicuik, Ms	Truong, Ms (*Teller*)

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1

Dr CARLING-JENKINS — I move:

1. Clause 1, page 2, line 2, omit "custody and" and insert "custody,".

2. Clause 1, page 2, line 3, omit "orders;" and insert "orders and dangerous driving;".

Ms PATTEN — Minister, clause 1 sets out the purposes of this bill of course, which include various amendments to the Sentencing Act 1991. The minister acknowledged in her second-reading speech that it establishes new categories in which a court must impose a mandatory custodial sentence. The Sentencing Advisory Council publication *Sentencing Matters: Mandatory Sentencing* on page 18 states:

> Studies on the implementation of mandatory sentencing in the Northern Territory and in Western Australia indicate that it disproportionately affected young people, Indigenous people and women …

So I am wondering: did the minister take the recommendations of this report into account before introducing a new mandatory sentencing regime in Victoria?

Ms TIERNEY — Essentially the crux of the issue that Ms Patten raises — and it is a question really for the Attorney-General, or for the government generally — is: won't these changes disproportionately impact on Aboriginal people?

Ms Patten — Young people, Indigenous people and women.

Ms TIERNEY — Let us deal with Aboriginal people in the first instance. This government has an overarching policy commitment to Aboriginal self-determination by furthering it in the justice system. The government gives consideration to Aboriginal over-representation in the criminal justice system in the development of legislation and where appropriate takes steps to address this issue. Importantly this bill also contains an amendment to the Crimes Act 1958 to require Victoria Police to notify the Victorian Aboriginal Legal Service within an hour of taking an Aboriginal or Torres Strait Islander person into custody or as soon as practicable if it is not possible within that hour. Similarly, recent amendments to the Bail Act 1977 which limit an accused person's ability to seek bail from a bail justice contain an exemption for Aboriginal persons to ensure that they have every opportunity to be released on bail where appropriate.

The emergency worker harm reference group, as I said in my summary comments, will monitor the implementation of the legislative reforms over the next 12 months to ensure that there are no unintended consequences.

Ms PATTEN — Thank you, Minister. I appreciate your response, in particular around our Aboriginal community. But my question really went to mandatory sentencing and the fact that the Sentencing Advisory Council publication *Sentencing Matters* found that mandatory sentencing disproportionately affects young people, Indigenous people and women. I note also that from your own ministers statement on Aboriginal prisoner rehabilitation you obviously had a great concern about the over-representation of Aboriginal people in Victoria's prisons. Again, we know that Aboriginal people will be disproportionately represented, and that is what the advisory council found, so did the government consider that report and consider the recommendations before introducing the sentencing regime?

Ms TIERNEY — In relation to the impact on young people, the changes relating to statutory minimum sentences for category 1 offences and category 2 offences only apply to the sentencing of offenders who were adults at the time of offending. These changes will affect offenders aged between 18 and 21 in particular, given that there will no longer be any special reason applying specifically to them. However, young offenders can continue to rely on the special reasons that apply to adult offenders such as impaired mental functioning and substantial and compelling circumstances. While neither these changes nor statutory minimum sentences apply to those under the age of 18, the bill does introduce a requirement for the County and Supreme courts to have regard to a statutory minimum sentence applicable to an adult in relation to the sentencing of an offender who was aged 16 or 17. The intention of this change is to ensure that the courts have regard to the gravity of these offences. This amendment will not affect judicial sentencing discretion or the principle that children should only be detained in custody as a last resort.

Ms PATTEN — Just a final follow-up. I appreciate those responses, but my question still is: did we take into account the fact that mandatory sentencing disproportionately affects young people, Aboriginal people and women? What I am trying to tease out relates to the Sentencing Advisory Council statement that it does disproportionately affect those people and our commitment in the Victorian Aboriginal Justice Agreement to try and do everything to stop the over-representation of Aboriginal people in our prisons. Given the statement that you support trying to reduce the over-representation of Aboriginal people and the acceptance of the Sentencing Advisory Council's publication that acknowledges that mandatory sentencing disproportionately affects young people, Indigenous people and women, how did you reconcile that with the decision to have mandatory sentencing?

Ms TIERNEY — I am advised that the views obviously were taken into account. Essentially the question is: what did the government have regard to while it was developing these reforms? Essentially the government considers that attacks against emergency workers are just unacceptable. These laws will send a strong message that violence against emergency workers will not be tolerated, and the government will monitor the impact through the terms of reference that I have mentioned already in the committee and in my summing-up statements.

Ms PENNICUIK — Just following on from the questions raised by Ms Patten with regard to, as she pointed out, the Sentencing Advisory Council finding that mandatory sentencing has a greater impact on Aboriginal people, young people and women, when we are talking about young people we are talking about people between 18 and 21, referred to as 'young people', as opposed to 'minors', who are under 18, are covered by the Children,

Youth and Families Act 2005 and are not subject to mandatory sentencing. How can the government say that was taken into account when in fact one of the special reasons provisions, psychosocial immaturity, applying to young people — that is, those between the ages of 18 and 21 — has been removed from the bill? The concern about the impact of mandatory sentencing on young people is going to be exacerbated by the removal of that provision from the act.

Ms TIERNEY — I thought I had dealt with this in terms of how it will affect young people when I was responding to Ms Patten, but I may not have in Ms Pennicuik's view. Again, the changes will affect offenders aged between 18 and 21 in particular, given that there will no longer be any special reasons applying specifically to them; however, young offenders can continue to rely on the special reasons that apply to adult offenders, such as impaired mental functioning and substantial and compelling circumstances. And again, while neither these changes nor statutory minimum sentences apply to those under the age of 18, the bill does introduce a requirement for the County or Supreme courts to have regard to any statutory minimum sentence applicable to an adult in relation to the sentencing of an offender who is aged 16 or 17. And again, the intention of this change is to ensure that the courts have regard to the gravity of these offences. This amendment will not affect judicial sentencing discretion or the principle that children should only be detained in custody as a last resort.

Ms PENNICUIK — I do not follow the logic of that, because you are saying that the bill does not remove judicial discretion, but in fact it does, because it removes the special reason, such as psychosocial immaturity, that applies to young people aged between 18 and 21. The reason that has always been there is that 18 is a bit of an arbitrary age and some people are more mature at 18 than others. That is why there has always been an understanding of young offenders who are not minors but they are still young offenders and why we have in place those special reasons. Minister, could you explain to me why you are saying that this bill maintains judicial discretion when in fact it is removing provisions for special reasons — a number of special reasons — which would allow a court not to impose a statutory minimum sentence, so it will then result in less discretion being available to judicial officers?

Ms TIERNEY — You are saying that what is before the chamber is way too prescriptive and asking how much judicial discretion is left. Courts will be required to impose a minimum sentence or a custodial sentence in more cases. This is the intent of the reforms. These reforms ensure that offenders are adequately punished whilst acknowledging that a specified term of imprisonment may not be appropriate for every single offender. The bill retains appropriate sentencing discretion. Where an offender can demonstrate that they have special reasons, a court will not have to impose a statutory minimum sentence or a custodial order for a category 2 offence.

For the objectively serious offences that are in category 1 and category 2, courts do retain discretion to decide the length of the custodial sentence and may choose not to require that an offender spend any further time in custody beyond that which they have spent on remand.

Also, offenders with particular mental and cognitive impairments who injure emergency workers will not need to receive a custodial sentence but can instead be placed on a treatment order.

Ms PATTEN — I just want to go back to a comment and a submission that was made by the Federation of Community Legal Centres. They state:

> Families will feel unable to call for help when their kids are experiencing crisis and trauma. It's a terrible position to be in — to need help in a time of crisis while fearing whether that call will send your child to prison.

I wonder how the minister and the government propose to reconcile this advice with the introduction of the mandatory sentencing regime. Just as a way of speeding things up, I also ask about the consultation with the sector in regard to these changes.

Ms TIERNEY — In relation to the first aspect that you raised, these laws are not intended to stop people from contacting emergency services, and I also dealt with this in my summing up remarks. The government will continue to consult with relevant agencies and communities to ensure that people who need assistance are confident in seeking that assistance. Emergency workers by the very nature of their job routinely engage with people who are in distress and diffuse and manage such situations without the need to involve police. When the situation escalates and an emergency worker is injured, police may be contacted and may choose to proceed with criminal charges. The government has consulted with ambulance services representatives and nurses on these reforms and will continue to work with them to ensure these provisions operate as intended.

Ms PATTEN — Thank you. I think what I heard from that is that you will continue to consult with the sector, particularly with groups like the Federation of Community Legal Centres, and that this legislation is not intended to cause the type of situation where

families do not feel able to call the police. But the community is saying that it will. I am just wondering again how the government has reconciled that.

Ms TIERNEY — We do not believe that, because that is the advice that we have sought from people that are constantly in these sorts of situations at the front line dealing with vulnerable people in distress. In terms of, for example, family violence, we obviously remain committed to addressing the issues of family violence and we do recognise it as one of the most significant challenges in our community and one of the biggest law and order challenges. We do not believe these changes will deter family violence victims from contacting the police when in need of assistance. The law already requires that a minimum term of imprisonment be imposed when a person injures a police officer. Whilst this bill strengthens these laws, it does not create any reason for a victim of family violence not to contact police or other emergency services when in need of help.

Emergency workers, including police, routinely engage with people who are in distress. They understand the complex environments that can lead to distress and violence, and they are skilled in de-escalating, diffusing and managing such issues. When an emergency worker is injured, police, if not already in attendance, may be contacted to attend. Following an assessment of the situation, police may choose to proceed with criminal charges in accordance with the Victoria Police manual, which assists police in making lawful, ethical and professional decisions. And of course, if charges are laid, their appropriateness will be considered by the prosecution, the defence and the court in accordance with normal processes.

Ms PENNICUIK — I have some questions on the amendments circulated by Dr Carling-Jenkins.

Business interrupted pursuant to standing orders.

Sitting extended pursuant to standing orders.

Committee resumed.

Ms PENNICUIK — I thank Dr Carling-Jenkins for putting her amendments forward. I looked this morning at the report on the bill from the Law Reform, Road and Community Safety Committee and I had a look at the proposed amendment. I am not sure whether the minister is going to respond to my question about the amendment or whether Dr Carling-Jenkins is, but the amendment seems to work in conjunction with the Crimes Act 1958 offences of section 319(1), which is that driving at speed or in a manner that is dangerous and causes the death of another person is an indictable offence with 10 years maximum imprisonment, and section 391(1A), which is that a person who by driving a motor vehicle at a speed or in a manner that is dangerous et cetera causes serious injury to another person, and that is an indictable offence with a five-year maximum. This amendment proposes to insert:

> In a proceeding for an offence against subsection (1) —

which is the death of a person as a result of speed or dangerous driving —

> or (1A) —

which is the serious injury of a person in the same circumstances —

> it is to be presumed … that the accused drove the motor vehicle in a manner that was dangerous to the public having regard to all the circumstances … if the prosecution proves that the accused, at the time of the driving, was —

either unlicensed or driving while disqualified. This amendment seems to be saying that despite anything in the offence of section 391(1) or section 391(1A) that the accused is presumed to have been driving in a dangerous manner only because they were driving unlicensed or disqualified. It seems very confusing.

Dr CARLING-JENKINS — I am happy to respond to that question, Ms Pennicuik. I will just point out one thing. You missed out in reading the amendment the words 'in the absence of evidence to the contrary'. That allows some discretion there. But I will confirm that this does seek to close the gap that was identified after the death of Jalal Yassine-Naja. Driving will now be seen as dangerous if in contravention of section 18 of the Road Safety Act 1986, which covers driving a motor vehicle on a highway without a licence or permit to drive that category of vehicle. That means, for example, if someone is driving a car when they only have a motorbike licence, so they would obviously know. It is a person who knowingly or recklessly fails to renew their licence, or a person who was unable to renew their licence because they were medically unfit to drive , so these are people who would know that they are driving when they should not be.

Section 30 is also covered in this amendment, and that relates to a person driving on a highway while their licence is suspended or the person is disqualified. That covers people who have had their licences suspended or who have been disqualified from driving because of, for example, an accumulation of demerit points, speeding fines, drink-driving offences or more serious infringements. I note at this point that section 30AA does not apply, so that means there is an exclusion there. There is no connection whatsoever if a driver is

suspended under part 8 of the Fines Reform Act 2014, so there is no deliberate negligence being assumed if fines have been accrued and a licence has been lost for parking fines, failure to vote, toll fines et cetera.

Ms PENNICUIK — Thank you for your explanation, Dr Carling-Jenkins. I can see how the provisions that you have just described would operate on their own, but in this case they are operating in terms of an alleged offence already having been committed of driving at speed and killing a person or driving dangerously and killing a person or driving at speed and dangerously and injuring a person. Adding this other part, it says that in the process of prosecution of that offence it is taken to be the case that if the person was either unlicensed or disqualified they were driving in a dangerous manner. It is putting the two together where it seems to me that the most important part in terms of the causing of the injury was whether the person was speeding or driving dangerously, not whether or not they were licensed or unlicensed.

Dr CARLING-JENKINS — I am happy to address that one as well, if that is okay with the minister.

Ms Tierney — Sure.

Dr CARLING-JENKINS — I would invite the minister to make a response as well. Ms Pennicuik, I understand what you are saying. My position on this amendment is simply that to drive without a licence and to cause death or serious injury at that time is equivalent. This is about acknowledging death. This is what a community response has been demanding as well, but also I personally believe this is about acknowledging a death. If someone drives negligently or they are knowingly driving without a licence, they should not be on our roads and they are going to be held responsible under this amendment — unless the prosecution find the absence of evidence or evidence to the contrary.

Ms PENNICUIK — I fully understand what you are trying to achieve. I just cannot see how it works with these provisions in the Crimes Act differently from what you are saying. Dr Carling-Jenkins is saying that someone is deemed to be driving dangerously if they are unlicensed and they are knowingly unlicensed and they are knowingly disqualified. I can see how you could put that as a standalone provision, but this is embedded in the other provisions in the Crimes Act, which are already about speeding and/or dangerous driving. I am not sure whether the minister can explain this further, but I am still not clear as to how these provisions work. And which would take precedence, the fact that the person was speeding or driving dangerously or the fact that they were unlicensed?

Ms TIERNEY — Victoria's driving licensing system is integral to road safety and the regulatory regime. The government supports the intention of the amendment — namely, to provide a further deterrent against driving while unlicensed or disqualified and to ensure that the criminal law can appropriately respond to the grave outcomes that may result from this behaviour. The proposed amendment intends to ensure that individuals who choose to drive while unlicensed or disqualified and in doing so cause death or serious injury to another person may face prosecution for serious offences under the Crimes Act 1958 in addition to existing offences under the Road Safety Act 1986.

I should point out that the amendment provides that an accused may rebut the presumption that they were driving in a dangerous manner — for example, by pointing to evidence that they were driving safely. The government supports this aspect of the provision, noting that it is intended to provide fairness and to avoid unintended consequences. Can I say that the government will also closely monitor the effect of the amendment to ensure that it achieves the objective of responding to the risks inherent in unlicensed driving and does not apply in an unfair or unintended way.

Ms PENNICUIK — Thank you, Minister, for your answer. It has actually just made it more confusing because we are talking here about a prosecution that is already underway for an offence under section 319(1) or (1A) of the Crimes Act. Then you stated to me that the person could then rebut that they were driving in an unsafe manner. They could suggest that they were driving in a safe manner when they have already been charged with causing the death of someone by speeding or dangerous driving. So in fact I think your answer made this worse rather than better. Sorry.

Ms TIERNEY — It has been explained to me that this is what they call a deeming provision to facilitate prosecutions for dangerous driving in those circumstances. If the accused drove dangerously, the prosecution can proceed on that basis.

Ms PENNICUIK — Thank you, Minister. Again, I do not think the question has been answered. My concern is that you have said that a person who has been charged with dangerous driving or speeding can rebut that by suggesting they were driving safely. That is what you said in your answer to the question. This is conflating the issue of the licensed or non-licensed status of the person with the behaviour of the driver. The next question is: why didn't the government just draft this such that driving without a licence or while disqualified would be an aggravating circumstance for these offences? I think that would have worked more easily,

and I am just pretty concerned about the way it has been put with regard to this section of the Crimes Act.

Ms TIERNEY — The advice provided is no, rebuttable presumption limited to this additional provision is not intended or expected to affect when an accused drives in an otherwise dangerous manner, such as speeding. Making unlicensed status an aggravating factor alone would not facilitate proof of the dangerous driving offence. It also utilises existing offences which have been tested by the courts.

Ms PENNICUIK — I still have problems with the way this amendment has been drafted, notwithstanding that I completely understand what Dr Carling-Jenkins is trying to get to. I had a look at the committee report that was tabled this morning, and I understand the whole issue will be going — is it still going to the Department of Justice and Regulation to look at it, Minister?

Ms TIERNEY — I would need to seek advice from the Attorney-General on that.

Ms PENNICUIK — Certainly that was a recommendation of the committee, that the issue be referred to the department of justice for them to look at any of the unintended consequences. I am just concerned this will have unintended consequences which may not in fact achieve the outcome that Dr Carling-Jenkins is trying to achieve.

Mr RICH-PHILLIPS — I have listened to this interaction between Ms Pennicuik, Dr Carling-Jenkins and the minister with some interest. I have some sympathy for the point Ms Pennicuik has raised. I think the drafting of this is somewhat convoluted; the way it interacts with section 319 of the Crimes Act contingent on the Road Safety Act 1986, sections 18 and 30. Nonetheless, we certainly appreciate the intent of Dr Carling-Jenkins's amendment and note that the government has also accepted it. Clearly Dr Carling-Jenkins is keen to capture the circumstances we saw with that very unfortunate case which is well known to members of the house, where the perpetrator was either driving unlicensed or while disqualified. I think this will have the effect of doing that. It is not an elegant way of doing it, but I think it will have the effect of doing it. We certainly support Dr Carling-Jenkins's intent with this amendment, and therefore the coalition parties will be supporting Dr Carling-Jenkins's four amendments tonight.

Amendments agreed to; amended clause agreed to; clauses 2 to 19 agreed to.

New division heading

Dr CARLING-JENKINS — I move:

3. Page 16, after line 20 insert the following heading—

"Division 3— Dangerous driving".

This amendment creates a new division heading.

New division heading agreed to.

New clause

Dr CARLING-JENKINS — I move:

NEW CLAUSE

4. Insert the following New Clause to follow clause 19 and the heading proposed by amendment number 3—

'**19A Dangerous driving causing death or serious injury**

After section 319(1A) of the **Crimes Act 1958 insert**—

"(IB) In a proceeding for an offence against subsection (1) or (1 A), it is to be presumed, in the absence of evidence to the contrary, that the accused drove the motor vehicle in a manner that was dangerous to the public having regard to all the circumstances of the case if the prosecution proves that the accused, at the time of the driving, was knowingly or recklessly in contravention of section 18 or 30 of the **Road Safety Act 1986**.".'.

This will be Jalal's law.

New clause agreed to; clauses 20 to 72 agreed to.

Clause 73

Ms PATTEN — Minister, I am referring to the definitions in clause 73, particularly proposed section 3(1)(cc) of the Sentencing Act. It inserts a new category 1 offence of 'causing injury, intentionally or recklessly' to 'an emergency worker on duty, a custodial officer on duty or a youth justice custodial worker on duty'.

On 29 May this year after this legislation was proposed the Premier on ABC radio in discussing this legislation stated:

> The injury needs to be of a significant nature. We're not talking about a scratch.

Does that statement by the Premier remain a true statement with respect to this section?

Ms TIERNEY — The statutory minimum sentences apply when a worker is injured or seriously injured. An injury under the Crimes Act 1958 is defined as:

> (a) physical injury; or
>
> (b) harm to mental health …

This definition was introduced by the previous government in 2013. Physical injury is defined as:

> … unconsciousness, disfigurement, substantial pain, infection with a disease and an impairment of bodily function …

This inclusive definition indicates that the injury needs to be of some substance. We are not aware of any superior court decisions that have interpreted injury to include minor injuries such as a scratch.

Ms PATTEN — That is great. I will take that as a 'Yes'. As you say, it must be of a significant nature in order to invoke a mandatory jail term. This flows on from your answer that something less than an injury of significant nature is not captured by this definition — I guess, just to doubly confirm.

Ms TIERNEY — Yes, that is the understanding.

Ms PATTEN — That is great. To clarify, so an injury, for example, would have to be something — you mentioned 'mental harm' — more than temporary mental harm?

Deputy President, while the minister is getting that information on temporary mental harm, I would just like to add another example, which would be to clarify that it would be something more than any kind of pain but an actual physical injury. I am trying to I suppose exclude just pain and clarify that it has to cause an injury. If you already had a sore leg, like me, and I bumped you, that would make my leg very sore, so it has to be an injury, not an existing injury, that would cause pain?

Ms TIERNEY — There are two parts. The injury includes harm to mental health, but it is clear that the definition of 'harm to mental health' is intended to capture more than transient or minor distress. The definition specifically excludes distress, grief, fear or anger. Psychological harm is required. Although temporary impairments are covered, they would need to be substantive.

In terms of the second point that you raised, about your leg, Ms Patten, pre-existing injuries would not be covered. The injury must have been caused by the attack.

Ms PATTEN — Thank you, Minister. That is right — it has to cause injury, so thank you for that. Just one last question on these definitions. In the course of the same program on ABC radio that the Premier was on in May, the presenter, Jon Faine, asked the Premier:

> So the drunk woman at the Melbourne Cup who pushed a policeman into a rose bush, she'd go to jail for six months. Do you think that's right?

To which the Premier answered, and I quote, 'No'. So can the minister categorically rule out that type of incident as attracting a mandatory jail term?

Ms TIERNEY — A person cannot be charged with a statutory minimum offence against an emergency worker unless an injury results. A push that does not result in an injury would not be covered by these laws.

Ms PATTEN — I think we have possibly clarified that the injury would have to be substantial, and scratches, pain from an existing injury or temporary mental harm is not included in that. So can the minister rule out injuries that might occur incidentally to, say, police during the course of an arrest scuffle, like a scratch, a bruise or a scraped knee?

Ms TIERNEY — Again, the injury must be of some substance and caused by the accused. The circumstances of the injury do not form part of the offence.

Clause agreed to; clauses 74 and 75 agreed to.

Clause 76

Ms PENNICUIK — My question is with regard to clause 76(8), which starts on page 55 of the bill and continues to page 56. It says:

> In determining whether there are substantial and compelling circumstances under subsection (2H)(e), the court—
>
> (a) must regard general deterrence and denunciation of the offender's conduct as having greater importance than the other purposes set out in section 5(1); and
>
> (b) must give less weight to the personal circumstances of the offender than to other matters such as the nature and gravity of the offence; and
>
> (c) must not have regard to—
>
> (i) the offender's previous good character (other than an absence of previous convictions or findings of guilt); or

(ii) an early guilty plea; or

(iii) prospects of rehabilitation; or

(iv) parity with other sentences.

My question is: in removing the ability of the judiciary to consider all those considerations can the government maintain that it is retaining the discretion of the judiciary, given that these are very often or almost always considerations by the judiciary in terms of sentencing?

Ms TIERNEY — The bill significantly refines when an offender will be able to rely on the substantial and compelling circumstances special reason. In developing the laws with Victoria Police and the Office of Public Prosecutions it was agreed that it was appropriate to retain a very limited exception for remarkable extenuating circumstances. The bill makes it clear that run-of-the-mill factors will no longer meet this threshold. The government is confident that the changes substantially narrow the substantial and compelling circumstances ground, and clearly signals the intention that the ground should only be used in truly exceptional circumstances.

Ms PENNICUIK — I know what it does. My question was: how can the government maintain that it is retaining judicial discretion while removing these, as you call them, run-of-the-mill considerations that the judiciary would take into account in almost every case that comes before them?

Ms TIERNEY — I have dealt with this previously. The courts will be required to impose a minimum sentence or a custodial sentence in more cases, and that is the actual intent of the reforms. These reforms ensure that offenders are adequately punished. While acknowledging that a specified term of imprisonment may not be appropriate for every single offender, the bill retains appropriate sentencing discretion. Where an offender can demonstrate that they have special reasons, a court will not have to impose a statutory minimum sentence or a custodial order for a category 2 offence. For the objectively serious offences that are in category 1 and category 2, courts retain discretion to decide the length of the custodial sentence and may choose not to require that an offender spend any further time in custody beyond that which they have spent on remand. Courts are not restricted in which sentencing considerations they have regard to. These changes only apply to one of the special reasons.

Clause agreed to; clauses 77 and 78 agreed to.

Clause 79

Ms PENNICUIK — I move:

Clause 79, after line 29 insert—

'(b) after paragraph (e) of the definition of ***impaired mental functioning*** **insert**—

"(f) a state caused by serious trauma, including sexual, physical and psychological abuse and family violence within the meaning of the **Family Violence Protection Act 2008**;".'.

This amendment will insert a new subclause into section 10A of the Sentencing Act. By way of background, section 10A refers to 'Special reasons relevant to imposing minimum non-parole periods' as follows:

(1) In this section—

impaired mental functioning means—

(a) a mental illness within the meaning of the **Mental Health Act 1986**; or

(b) an intellectual disability within the meaning of the **Disability Act 2006**; or

(c) an acquired brain injury; or

(d) an autism spectrum disorder; or

(e) a neurological impairment, including but not limited to dementia.

My amendment would add:

(f) a state caused by serious trauma, including sexual, physical and psychological abuse and family violence within the meaning of the **Family Violence Protection Act 2008** …

which would be included as a special reason relevant to imposing minimum non-parole periods so the court could take into account whether a person was in a state caused by serious trauma. I move this because victims of family violence, child abuse and neglect who have experienced trauma may get caught up in the mandatory sentencing provisions. It is not uncommon for community legal centres to represent offenders who have assaulted or injured an emergency worker who has attended a family violence incident, because these incidents are highly charged and complex, demonstrated in the fact that the police can misidentify the aggressor in as many as one in 10 incidents.

This is to address the concern raised by those who are dealing with people experiencing family violence who may call emergency services and, because of the trauma et cetera that they are suffering or experiencing

due to that, may get caught up in these provisions. This is to allow for a special reason to be heard by the court and that it be allowed to not impose a mandatory minimum sentence, along with the other five special reasons.

Mr RICH-PHILLIPS — The coalition will not be supporting Ms Pennicuik's amendment. As I noted in my second-reading speech, one of our concerns with the current regime has been the way in which the special reasons have been interpreted by the court, giving rise to the need to narrow those special reasons, which is one of the purposes of this legislation that the house is dealing with this evening. For that reason — we are seeking to narrow the special reasons — we will not be supporting Ms Pennicuik's proposal, which is to broaden the scope of the special reasons. We think that it is necessary to have special reasons, as I indicated in the second reading, to allow some discretion to the court. However, practice to date has indicated that those special reasons have been used more widely than the Parliament intended, so we would be reluctant to support a further widening of those special reasons, as is proposed by Ms Pennicuik. Therefore we will not support her amendment.

Ms TIERNEY — The government does not support this amendment. The change proposed would apply generally to all offences to which a statutory minimum sentence applies — that is, it would have a broad application to when special reasons are found to apply. It creates uncertainty and it is not clear how judges will interpret the words 'state caused by serious trauma', which do not have a defined clinical meaning on their own, noting that serious trauma may result in diagnosable mental illness.

Committee divided on amendment:

Ayes, 6

Dunn, Ms (*Teller*)	Ratnam, Dr (*Teller*)
Patten, Ms	Springle, Ms
Pennicuik, Ms	Truong, Ms

Noes, 34

Atkinson, Mr	Mikakos, Ms (*Teller*)
Bath, Ms	Morris, Mr
Bourman, Mr	Mulino, Mr
Carling-Jenkins, Dr	O'Donohue, Mr
Crozier, Ms	Ondarchie, Mr
Dalidakis, Mr (*Teller*)	O'Sullivan, Mr
Dalla-Riva, Mr	Peulich, Mrs
Davis, Mr	Pulford, Ms
Eideh, Mr	Purcell, Mr
Elasmar, Mr	Ramsay, Mr
Finn, Mr	Rich-Phillips, Mr
Fitzherbert, Ms	Shing, Ms
Gepp, Mr	Somyurek, Mr
Jennings, Mr	Symes, Ms
Leane, Mr	Tierney, Ms
Lovell, Ms	Wooldridge, Ms
Melhem, Mr	Young, Mr

Amendment negatived.

Clause agreed to; clauses 80 to 97 agreed to.

Reported to house with amendments.

Report adopted.

Third reading

Motion agreed to.

Read third time.

ADJOURNMENT

Ms TIERNEY (Minister for Training and Skills) — I move:

That the house do now adjourn.

Kialla West Primary School pedestrian crossing

Ms LOVELL (Northern Victoria) (20:23) — My adjournment matter is for the Minister for Roads and Road Safety and is in regard to the school crossing on the Goulburn Valley Highway outside Kialla West Primary School. The action I seek of the minister is that the minister order VicRoads to conduct an urgent safety audit of the Kialla West Primary School crossing on Goulburn Valley Highway to identify and implement strategies to make the crossing safer for students, parents and teachers of the school in the future.

On Monday, 10 September, a terrible three-vehicle collision occurred at the crossing on Goulburn Valley Highway outside Kialla West Primary School. The circumstances of the collision were that two vehicles, one facing north and one facing south, were stationary at the crossing while students crossed Goulburn Valley Highway at the end of school. A truck travelling north on Goulburn Valley Highway collided with the stationary vehicle facing north, pushing it through the school crossing and into the vehicle facing south. The vehicle hit by the truck contained a mother and her three young daughters and narrowly missed colliding with students using the crossing. The mother and her two eldest daughters were treated at Goulburn Valley Health. The youngest was airlifted to the Royal Children's Hospital with serious head injuries. She remained in a coma for several days but thankfully is now on the slow road to a full recovery.

The crossing is located in an 80-kilometre-per-hour zone on the Goulburn Valley Highway, which becomes a 40-kilometre-per-hour zone when the crossing is in operation before and after school. The Goulburn Valley Highway is one of the busiest roads in Victoria and is the main connection for vehicles between Melbourne and Brisbane. Kialla West Primary School has a current student population of 245 children, with enrolments increasing each year. A large number of students live in a housing estate opposite the school, meaning the crossing is used every day by parents and children before and after school. School staff have indicated that near collisions occur regularly, and they have continuously advocated for a safer way to cross the highway. The construction of the Shepparton bypass would reduce the number of vehicles travelling past Kialla West Primary School, but it will not completely solve the safety issue and is still years away from completion. The minister must act immediately to improve safety for the staff, students and parents of the school.

The action that I seek of the minister is that the minister order VicRoads to conduct an urgent safety audit of the Kialla West Primary School crossing on the Goulburn Valley Highway to identify and implement strategies to make the crossing safer for students, parents and teachers of the school in the future.

Fitzsimons Lane, Templestowe, bus lanes

Ms DUNN (Eastern Metropolitan) (20:26) — My adjournment matter is for the Minister for Roads and Road Safety. The Labor government has created yet another road agency, the Major Road Projects Authority. By my count that makes three new road agencies in Victoria, once you include the Western Distributor Authority and the North East Link Authority, and I do wonder what VicRoads thinks it is doing these days. I note that the West Gate tunnel and north-east link are toll roads being built in Melbourne. I also note that of the entire portfolio of road projects listed on the Major Road Projects Authority website, only seven are outside metropolitan Melbourne. It is one of those that I am particularly concerned with in my adjournment matter tonight, and that is in relation to Fitzsimons Lane.

The new Major Road Projects Authority is botching a job in my electorate of Eastern Metropolitan Region. The proposed Fitzsimons Lane upgrade will involve the removal of the bus lane between Foote Street and Porter Street. The reason Fitzsimons Lane is inundated with traffic every peak hour and on the weekends is that there is insufficient public transport in Eltham and Templestowe. People have few options to get around because of a lack of public transport and inadequate active transport infrastructure. There should be greater investment in public transport, not the taking away of priority bus infrastructure that attracts people to buses, because that would allow for better bus services that are more frequent and more reliable.

I do not doubt that there is a congestion problem on Fitzsimons Lane. However, the government's ambitions for this road will simply push the traffic problem further into the suburbs. Taking the bus lane away is a retrograde step which will lead to traffic being worse in the end. The action I seek from the Minister for Roads and Road Safety is that he direct the Major Road Projects Authority to retain bus priority infrastructure, including the already existing dedicated bus lane on Fitzsimons Lane.

Upfield rail line

Mr ONDARCHIE (Northern Metropolitan) (20:28) — My adjournment manner tonight is for the Minister for Public Transport in the other place. It is in relation to the short shunting on the Upfield train line. Residents in my area of outer Northern Metropolitan Region are getting very frustrated when trains are turned around at Coburg station and sent back to the city. This leaves passengers stuck waiting for the next train so they can reach the stations beyond Coburg. I have been informed that this wait could last up to an extra 20 minutes, and it is no wonder our commuters in Melbourne's outer north are getting frustrated. Reports from locals say it happens about once a month, generally at night during peak hours. This existing train line is under pressure, with massive increases in train users, and the residents are getting more and more frustrated.

The Upfield line services stations like Craigieburn which have had a massive population boom, but disappointingly the infrastructure and planning have not kept up. This growth corridor has been neglected and taken for granted by the Labor Party and the member for Yuroke in the other place, Ros Spence, for such a long time now, but now there is hope for the people of Craigieburn. There is a great future member for Yuroke in Jim Overend, a resident of 30 years who has a history of fighting for the community, including the duplication of Craigieburn Road, and he continues to fight for the local residents.

Every day the Upfield train line serves people that live north of Coburg, but they are clearly being frustrated by this short shunting. The action I seek is that the minister direct the department to investigate options for this problem to assist those living in the outer north and

provide me with a solution so I can advise our residents.

Sydney Road Community School

Dr RATNAM (Northern Metropolitan) (20:30) — My adjournment matter tonight is for the Minister for Education. I had the great pleasure of visiting the Sydney Road Community School recently with my colleague and Greens candidate for the seat of Brunswick, Mr Tim Read. This school has a vital role in the Moreland and Northern Metropolitan Region communities and is a critical part of our education system. It has been delivering vital secondary education for nearly 50 years. The Sydney Road Community School provides a uniquely inclusive and safe space for many young people who would otherwise not be engaged in education due to barriers and challenges they may be experiencing. The school offers a broad curriculum and subjects from the Victorian certificate of education, vocational education and training and the Victorian certificate of applied learning. This allows for a variety of post-school outcomes as well.

During our visit we toured the various programs from music to art to core curricula that the school offers students to build engagement. The school is always reflecting and learning about how to support its students. It has innovated excellent education engagement programs and has produced excellent results while creating a nurturing and safe environment for its students. However, the school will require a new site at the end of its lease, which will expire soon. The school has been informed that the landowner will not renew the lease, and the school is facing an uncertain future. I ask the minister to meet with the school to help prepare for this transition.

Western Victoria Region rail services

Mr RAMSAY (Western Victoria) (20:31) — My adjournment matter tonight is for the Minister for Public Transport. I do a lot of travelling on public transport, and the connections across Western Victoria Region are not good. I had a requirement to travel to Hamilton the other day and I used the train from Melbourne to Ballarat, but unfortunately that was as far as the train line went and I had to get on a bus that —

Ms Crozier interjected.

Mr RAMSAY — Exactly right, Ms Crozier; it was Trotters Coaches. It somehow managed to take me to Warrnambool, and then I headed back to Hamilton. The point of all this, though, is that I actually attended the National Centre for Farmer Health in Hamilton last week and had the opportunity to meet Michael Tudball, who is the CEO of the Southern Grampians Shire Council. He was telling me that in 1877 the population of that particular region was about 1200, and they had full rail networks from Hamilton to Portland, to Coleraine, to Casterton, to Warrnambool and to Ballarat, which went on to Melbourne. That was back in 1877. In 1931 Reg Ansett started a twice per day car service to Ballarat and then on to Melbourne with a population of around 6000. In 2018 we only have coach services twice per day to Ballarat and return twice, with a combination of three services — no trains and no direct coach to trains except in Ballarat — and a population of about 17 000.

The point of all this is that Southern Grampians Shire Council has done quite an extensive amount of case study work in relation to networking in particular the Horsham and Hamilton regions with rail. There was a commitment to do a significant study, and the action I am seeking from the minister tonight is that she fund the business case which supports the outcomes in relation to that study and also improve the alignment of the coach timetables with new and upgraded coach services. But the first action that I am seeking is that the Andrews government commit to funding the business case to provide rail to both Hamilton and Horsham.

The PRESIDENT — We will take the last one as the actual action that you are seeking from the minister. That is the real one.

Mr RAMSAY — We would like some connections between rail and bus, but —

The PRESIDENT — No. We are happy with the real one. And Reg Ansett is no longer in the picture, really.

Country Fire Authority Clyde station

Ms SPRINGLE (South Eastern Metropolitan) (20:34) — My adjournment matter is for the Minister for Emergency Services. Clyde is part of a rapidly growing region of south-eastern Melbourne that is expected to quadruple in size in the next five years. Currently the region is serviced by only one small Country Fire Authority (CFA) station. Last week I was invited to the station by Andrew and Lee, who were kind enough to show me the facilities. The Clyde CFA branch has existed for 72 years, and almost everything has been funded by the community. It was a local fundraising effort that allowed them to build the station and purchase the trucks that serve the local area, and at no point have they received any government funding to support their efforts.

Honourable members interjecting.

The PRESIDENT — Order! I just do not get it. Ms Springle is raising a community issue, and I think she is entitled to raise it in silence. Why there would be interjections and why there would be commentary on an adjournment item such as this escapes me. Ms Springle, without assistance. If you need a little bit more time, keep going.

Ms SPRINGLE — Thank you, President. Andrew and Lee are proud of their station and their service to the community. However, as it stands the Clyde station is in desperate need of an upgrade to replace its ageing equipment and to bring it into line with what we would expect from our emergency services, especially as it is now in essence a suburban area.

The other challenge facing the station is its location. The current member for Cranbourne has stated his desire to see the Cranbourne line extended to include a station at Clyde at some point in the near future. Due to the current population growth in the region, opening a train station at Clyde in the near future appears inevitable. As it stands, the CFA station in Clyde is on the proposed site of the new railway station. Thus far, despite repeated attempts, the CFA in Clyde has been unable to get clarification regarding what will happen when the CFA site becomes a train station. It is unknown whether the government will provide an alternative station with upgraded facilities and increased capacity to meet the needs of the growing suburb.

As these people provide an essential service to the people of Clyde, this level of uncertainty is unacceptable. I call on the minister to meet with the firefighters of the Clyde CFA in order to provide these people, who provide an essential service to the community of Clyde, greater certainty about the future of the station.

Ballarat Road, Albion, traffic lights

Mr FINN (Western Metropolitan) (20:36) — My adjournment matter this evening is for the Minister for Roads and Road Safety. I am sure that anybody who is aware of the Western Highway from Footscray to Caroline Springs would be aware that it is an extremely busy road. I myself have had enormous difficulty getting across that road either by foot or sometimes by car. The traffic is just constant, and if you are some distance from a traffic light, then you can wait for some time before you have an opportunity to actually cross the road.

Last week I had a meeting with a group of residents and also with the management of Federation Village Sunshine, a retirement village in Albion. They expressed to me their very deep concern for their own safety and for the safety of others who live around that area. They talked about their own attempts to get a pedestrian crossing which would link the retirement home to the bus stop across the road, which, as you would understand, is a very busy bus stop because not everybody of that age drives. The older people get, the less enthusiastic they are about driving. That is possibly in many cases a very, very good thing, but it does put at risk the people who live in the village as they cross the very busy Ballarat Road to get the bus down to Sunshine or to the railway station. In fact I can vouch for how bad the traffic is at Albion, because when I attempted to turn into the retirement village car park I was almost collected by a car that came from I am not exactly sure where. It was certainly an indication that there was no exaggeration in the concerns that the residents and management expressed to me later that day.

As I say, for elderly people navigating Ballarat Road through this enormous traffic onslaught it is very, very dangerous indeed. To put it quite bluntly these people need a pedestrian crossing with traffic lights. That is the only way that they can be guaranteed that they will safely meet their destination. It is a very big retirement village. There are a number of clubs and so forth around the retirement village that would also use this pedestrian crossing, and I ask the minister to direct VicRoads to investigate and to make the appropriate decision.

Maribyrnong and Werribee rivers

Ms TRUONG (Western Metropolitan) (20:39) — My adjournment matter today is for the Minister for Water. Recently the minister stood on the banks of the mighty Maribyrnong River to announce the protection of the waterways of the west through the establishment of a ministerial advisory committee. This was welcome news. Our rivers have some very, very beautiful parts, but they also have more than their fair share of pollution, weeds and rubbish, leaving the frogs, birds and fish that live along and in them struggling to survive. It was great to see the minister move to protect these rivers, but today I am asking for more.

Last year this Parliament passed the Yarra River protection bill, otherwise known as Wilip-gin Birrarung murron, or keep the Yarra alive. This bill acknowledged how important this river is and the strong connection that traditional owners have with it. It also acknowledged that managing a river across

multiple jurisdictions does not work and it is time to manage the river as a whole.

At the end of last month, in response to the factory fire in West Footscray, the authorities did all they could to bring the fire under control, but by the time they had moved to stem the flow of firefighting run-off from running into Stony Creek our social media feeds were already alight with devastating footage and pictures of pollution and dead wildlife. It is not good enough that our creeks and rivers are not managed as part of our urban environment and remain an afterthought, in this case with devastating consequences. Stony Creek is dead.

We welcome the waterways of the west committee, but today I ask Minister Neville to commit to protecting the catchments and tributaries of the Maribyrnong and Werribee rivers not just through an action plan but also through legislation.

The PRESIDENT — No, you cannot call for legislation. Can you reword that?

Ms TRUONG — Not just an action plan but a concerted multidisciplinary, multidepartmental effort to clean up the Maribyrnong and Werribee rivers and their tributaries.

Public housing maintenance

Ms CROZIER (Southern Metropolitan) (20:42) — My adjournment matter this evening is for the attention of the Minister for Housing, Disability and Ageing, Mr Foley, and it is in relation to public housing maintenance and a disgraceful waste of public resources that has come to my attention. I ask, and this sounds quite frivolous, but quite seriously this is a real issue: how many tradesmen does it take to change a lavatory roll holder? One or two maybe? Wrong. It apparently takes four — one person to assess the job; a second person to fit the holder, which subsequently fell off the wall; a third person to fix the damaged lavatory roll holder and the wall; and a fourth person to check it and sign it off. I kid you not; that is exactly what happened.

If you google what a lavatory roll holder costs, it costs around $14 according to the one that was shown to me. If you google the tradesmen who would have attended to this, the cost would have been around $300, I am guessing. Is this an isolated incident? Sadly, it is not. I have had many complaints received by my office about maintenance issues in public housing facilities. They include dog and cat urine seeping through ceilings and down walls; the infestation of bed bugs, and I have raised that before in the house, with pest control measures needing to be undertaken in certain houses; rubbish; graffiti; and ongoing plumbing repairs. The list goes on.

The action I seek from the minister, in particular in relation to the issue I have raised this evening, is to investigate why the public housing maintenance program is not delivering value for money for Victorian taxpayers and what more can be done to improve the wasteful and overly bureaucratic system, an example of which is the real incident that I have highlighted here this evening.

Police resources

Mr O'DONOHUE (Eastern Victoria) (20:44) — I raise an adjournment matter for the attention of the Minister for Police. Recently the government's own appointed community safety trustee, Mr Ron Iddles, a decorated former homicide detective and former secretary of the Police Association Victoria, revealed on Neil Mitchell's program when doing an interview with the minister that at least seventeen 24-hour police stations are closing at night-time because police do not have the resources to keep the doors open. This revelation came at the time the police association itself revealed that the number of frontline police, as they define it, in Victoria is 190 fewer now than in 2013, despite Victoria's population having increased by half a million people in that ensuing time.

The Victorian community want to see their police stations open, particularly their 24-hour police stations, and they want to see police in the community. Indeed Mr Iddles, when he was the police association secretary, talked extensively about the importance of 24-hour police stations for those seeking sanctuary, those fleeing attack, and the importance of 24-hour police stations in the family violence context as places of safety at any time of day or night.

The action I would seek from the minister is that she work with the Chief Commissioner of Police to ensure that all 24-hour police stations are indeed open 24 hours a day and that she work with the chief commissioner to see the appropriate resources are available to Victoria Police to enable that to occur.

Latrobe Valley Squash

Ms BATH (Eastern Victoria) (20:46) — My adjournment matter this evening is for the Minister for Sport, the Honourable John Eren in the other place. The action I seek from the minister is that he work with the Latrobe Valley Squash club to enable the

community-based sporting club to, A, survive and, B, have a dedicated facility in the Latrobe Valley.

Club member Mr Ron Kelly sought my assistance, as he has from a number of MPs, in relation to the plight of this club. The title of his letter is 'Victoria state government actions spell the end for Latrobe Valley Squash'. In my subsequent verbal communication with Mr Kelly he elaborated on the issue, and the issue is quite grave for this sporting club. It goes to this: the site of this club is in Church Street, Morwell, and it is soon to be the site of the new Latrobe Valley GovHub. Back in August this year the tender process and sale of that land was awarded to a Melbourne-based developer called Castlerock Property. It was awarded the tender to demolish buildings on the site and build the new GovHub, but at present the site is home to five courts and a great number of participants ranging from school age up to octogenarians. Indeed it is very, very important to both the physical health and also the social connectedness of that community. Mr Kelly has identified that for one gentleman in his 80s who plays squash it is his one social outing from his home, where he is responsible for the 24-hour care of his loved one. Club members are very successful, and they are travelling and representing their club overseas as well.

Unfortunately there are no comparable sites in the Latrobe Valley. There are two courts in Newborough and two in Churchill but not a dedicated site. Mr Kelly feels rejected by the fact that he has tried to go and talk with the Latrobe Valley Authority, who have come back to him and said that there is no funding available. Indeed he was actually told by a local member of Parliament that they could stay at that site until mid-2019 and that they would be resourced to find a new facility, but they feel quite rejected because this has not happened and they have to be out by December this year. In his words:

> Poor project process has resulted in a lack of consultation, inequitable application of project principles around protection of existing use by community groups and a diminution of community values.

I ask the minister to support this club and make sure that this club can be sustained somewhere in the Latrobe Valley rather than being left to the sidewalk forever.

Taxi and hire car industry

Mr DAVIS (Southern Metropolitan) (20:49) — My adjournment matter tonight is for the attention of the Minister for Public Transport in other place, and it concerns the taxi sector. Many in this chamber will know what the government has done to the taxi industry and to their families. They have decimated them, as Mr Ondarchie and Mr Finn have said. People who have worked hard as individuals and as families lawfully with government regulation have had all of those assets stripped away and are left with nothing. Some have died. Some have had terrible incidents that have occurred. The truth of the matter is that this is a wholly unfair arrangement. In this context I have discovered that the Minister for Public Transport has herself commissioned an additional report on the taxi industry — she asked Georgia Nicholls, formerly of the Victorian Taxi Association, to write a report. I understand she was on a three-month contract for this process. I understand that it is an explosive report explaining what has happened to many families and the impact across the whole sector. What I seek from the minister is the release of that report prior to the state election as soon as possible.

This report was commissioned by the Minister for Public Transport herself. I am informed it is an explosive report that has actually detailed information about the impact on families, the loss of value and the massive impost that the government's decisions on taxis have had. The truth of course, as I have said, is that the government ought to have properly compensated the taxi sector. They ought to have made sure of that for families who had worked hard for decades, many of them migrant families who had come to this country and made good, worked hard and made sure that their families built up assets over decades. They had all of those stripped away to nothing after the bill was passed in this place. In the first week of October last year they were left with no assets after the government's intervention. So this significant report commissioned by the minister ought to be released, and I ask the minister to release it.

Latrobe Valley Squash

Ms SHING (Eastern Victoria) (20:52) — My adjournment matter this evening is for the Premier, who oversees the function of the Latrobe Valley Authority (LVA). It relates to the Latrobe Valley GovHub in Morwell and specifically to the Morwell squash courts. This is an issue which has been raised in the context of conversations around the location of the GovHub and Castlerock Property's discussions with government and the LVA. I note that the Department of Premier and Cabinet and the LVA have indicated that previous negotiations between Castlerock, the developer, and the squash club have in fact canvassed a range of options around the new location for the GovHub, which is adjacent to the squash court, including no reduced rent options and time lines for leaseback of those courts. The result, as agreed by the squash club, was a lease

until the end of 2018. However, it is the developer's intention to extend the lease for a further six months if required, providing of course that —

Mr Davis — On a point of order, President, I seek your guidance. I think there is precedent about a number of people raising identical matters on the one evening in the adjournment, and that might well lead to one of them being ruled out. I just do not think you can raise subsequent points that are near identical.

The PRESIDENT — No, there is no such precedent. A member cannot raise the same matter themselves, but that does not put any constraint on other members to also address a similar —

Ms Shing interjected.

The PRESIDENT — Well, you take over and tell me what it is.

Ms SHING — Do you want me to go on with the adjournment matter?

The PRESIDENT — No, I want you to make the ruling.

Ms SHING — I have not actually finished the adjournment matter. It is in fact a separate issue.

The PRESIDENT — No, but you interrupted my ruling, so clearly you have a better ruling.

Ms SHING — I was asking Mr Davis to stop winking at me.

The PRESIDENT — If I may, there is no constraint on other members addressing a similar issue at any time, and indeed even at this point I am not in a position to determine whether the action sought is the same as the action sought by Ms Bath in regard to a matter that clearly has some similarity or indeed whether it is an entirely different action. I must say that I am interested in the fact that this matter has been referred on this occasion to the Premier rather than one of the other ministers, but no doubt Ms Shing will have an explanation in terms of the action that she is seeking to put to the minister at the table.

Ms SHING — Thank you, President. As I indicated at the outset, this matter is being directed to the Premier as he heads up the operations of the Latrobe Valley Authority within the budgetary allocations which establishes that authority.

I note that the result of negotiations as agreed by the squash club was a lease until the end of 2018 but that in fact it is Castlerock's intention to extend the lease for a further six months if required, providing that conditions are safe and suitable, and there is in fact a high likelihood of this being the case. This was a matter which I discussed with the squash club and with a representative of that club as it related to not only the extension of the lease but also further assistance which the LVA could provide. I understand also that the LVA and the council are continuing to work with the club to find alternative locations, with options identified and currently being discussed.

I am advised that as at today there has been confirmation that the club will receive correspondence from the council and from the developer in relation to further negotiation of a lease until the middle of next year, but I would welcome a confirmation by way of action and discussion from the Premier's office or his representative as it relates to the continuing operation of the squash club until the middle of next year, as canvassed with them.

Responses

Mr JENNINGS (Special Minister of State) (20:57) — I have written responses to adjournment matters that were raised by Ms Lovell on 6 March, Ms Bath on 22 June, Mr Finn on 27 July, Mr Finn again on 7 August, Mr Ramsay on 7 August, Mr Davis on 9 August, Mr Mulino on 9 August, Mr O'Sullivan on 9 August, Mr Ondarchie on 21 August, Mr Purcell on 21 August, Mr Finn on 22 August, Mr Melhem on 22 August, Mrs Peulich on 22 August and Dr Ratnam on 23 August.

On tonight's adjournment matters, Ms Lovell raised a matter for the attention of the Minister for Roads and Road Safety relating to a school crossing on the Goulburn Valley Highway. Ms Dunn raised a matter also for the Minister for Roads and Road Safety in relation to the Fitzsimons Lane upgrade. Mr Ondarchie raised a matter for the attention of the Minister for Public Transport in relation to the Craigieburn railway station. Dr Ratnam raised a matter for the Minister for Education in relation to Sydney Road Community School. Mr Ramsay raised a matter for the Minister for Public Transport ultimately seeking her support for funding of a business case in relation to the reconnection of rail to Horsham and Hamilton.

Ms Springle raised a matter for the attention of the Minister for Emergency Services in relation to meeting with firefighters, who play an important role in keeping the Clyde community safe, about their Country Fire Authority station site. Mr Finn raised a matter for the attention of the Minister for Roads and Road Safety seeking his support for a pedestrian crossing to be

placed across the Western Highway adjacent to the Federation Residential Village Sunshine in Albion so that the residents can get access to the bus stop on the other side of the road.

Ms Truong raised a matter for the attention of the Minister for Water, through the route of a tour of the mighty Maribyrnong River and Werribee River and a reference to a piece of legislation that ended up providing support for the Yarra River, which she obviously thinks is a very strong model — she actually likes the idea of having a piece of legislation to protect our waterways — but in fact the forms of the house prevented her from ultimately seeking that on this occasion, although she hoped that commensurate decision-making and support by government agencies might achieve the objectives that would have otherwise been achieved through the introduction of such a bill.

Ms Crozier raised a matter for the attention of the Minister for Housing, Disability and Ageing about the public housing maintenance program. Whilst I note that she made reference to a number of examples and she gave a very lengthy dissertation on the replacement of a lavatory toilet roll holder, she did not indicate where that was. To answer her first question — how many tradesmen does it take? — the answer is one. One tradesman could acquit that responsibility. I am not such a tradesman, but one tradesman could. I am sure the minister responsible for public housing will attend to that lavatory situation.

Mr O'Donohue raised a matter for the Minister for Police, seeking her support for access to 24-hour police stations across the metropolitan area. Ms Bath raised a matter for the attention of Minister Eren in relation to the Latrobe Valley Squash club in which she expressed some concerns about the certainty that Latrobe Valley Squash may have in terms of confidence about the development of the GovHub in the Latrobe Valley and whether some certainty can be provided to the squash club to continue its efforts.

In fact there was a rejoinder from Ms Shing in the sense that she identified, correctly, that the Premier is responsible for the Latrobe Valley Authority, that the Premier is responsible for the development of the GovHub and the consequential changes to the built form in that community ultimately will be overseen by the Premier. In that context the Premier does actually have the responsibility of not only seeing that ultimately the development of the GovHub occurs but also providing Ms Shing — and perhaps more importantly Latrobe Valley Squash — with some reassurance that the circumstances that Ms Shing outlined in terms of the communication between the council and Castlerock as the developers to the squash club are not as urgent and precarious as otherwise might be believed. I am sure the Premier will respond to that matter.

The PRESIDENT — On that basis the house stands adjourned.

House adjourned 9.02 p.m.