

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT

FIRST SESSION

Tuesday, 6 February 2018

(Extract from book 1)

Internet: www.parliament.vic.gov.au/downloadhansard

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 — Ms Hartland, Ms Mikakos, Mr O’Sullivan, Ms Pulford, Mr Purcell, Mr Rich-Phillips and Ms Wooldridge.

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

Legislative Council standing committees

Standing Committee on the Economy and Infrastructure — Mr Bourman, Ms Dunn, Mr Eideh, Mr Finn, Mr Gepp, Mr Leane, #Mr Melhem, Mr Ondarchie, Mr O’Sullivan and #Mr Rich-Phillips.

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

Standing Committee on Legal and Social Issues — #Ms Crozier, #Mr Elasmarr, Ms Fitzherbert, #Ms Hartland, Mr Morris, Mr Mulino, Ms Patten, Mrs Peulich, #Dr Ratnam, #Mr Rich-Phillips, 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 Hartland, Ms Lovell, Mr Melhem, Mr Mulino, Mr O’Sullivan, Mr Rich Phillips, Ms Shing and Mr Young.

Joint committees

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

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

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

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

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

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

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

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

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

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

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

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Mr P. Lochert

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

President:

The Hon. B. N. ATKINSON

Deputy President:

Mr K. EIDEH

Acting Presidents:

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

Leader of the Government:

The Hon. G. JENNINGS

Deputy Leader of the Government:

The Hon. J. L. PULFORD

Leader of the Opposition:

The Hon. M. WOOLDRIDGE

Deputy Leader of the Opposition:

The Hon. G. K. RICH-PHILLIPS

Leader of The Nationals:

Mr L. B. O'SULLIVAN

Leader of the Greens:

Dr S. RATNAM

Member	Region	Party	Member	Region	Party
Atkinson, Mr Bruce Norman	Eastern Metropolitan	LP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
Barber, Mr Gregory John ¹	Northern Metropolitan	Greens	Morris, Mr Joshua	Western Victoria	LP
Bath, Ms Melina ²	Eastern Victoria	Nats	Mulino, Mr Daniel	Eastern Victoria	ALP
Bourman, Mr Jeffrey	Eastern Victoria	SFFP	O'Brien, Mr Daniel David ⁷	Eastern Victoria	Nats
Carling-Jenkins, Dr Rachel ³	Western Metropolitan	AC	O'Donohue, Mr Edward John	Eastern Victoria	LP
Crozier, Ms Georgina Mary	Southern Metropolitan	LP	Ondarchie, Mr Craig Philip	Northern Metropolitan	LP
Dalidakis, Mr Philip	Southern Metropolitan	ALP	O'Sullivan, Luke Bartholomew ⁸	Northern Victoria	Nats
Dalla-Riva, Mr Richard Alex Gordon	Eastern Metropolitan	LP	Patten, Ms Fiona ⁹	Northern Metropolitan	RV
Davis, Mr David McLean	Southern Metropolitan	LP	Pennicuik, Ms Susan Margaret	Southern Metropolitan	Greens
Drum, Mr Damian Kevin ⁴	Northern Victoria	Nats	Peulich, Mrs Inga	South Eastern Metropolitan	LP
Dunn, Ms Samantha	Eastern Metropolitan	Greens	Pulford, Ms Jaala Lee	Western Victoria	ALP
Eideh, Mr Khalil M.	Western Metropolitan	ALP	Purcell, Mr James	Western Victoria	VILJ
Elasmar, Mr Nazih	Northern Metropolitan	ALP	Ramsay, Mr Simon	Western Victoria	LP
Finn, Mr Bernard Thomas C.	Western Metropolitan	LP	Ratnam, Dr Samantha Shantini ¹⁰	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	Western Metropolitan	Greens	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Herbert, Mr Steven Ralph ⁶	Northern Victoria	ALP	Springle, Ms Nina	South Eastern Metropolitan	Greens
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Symes, Ms Jaclyn	Northern Victoria	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Lovell, Ms Wendy Ann	Northern Victoria	LP	Wooldridge, Ms Mary Louise Newling	Eastern Metropolitan	LP
Melhem, Mr Cesar	Western Metropolitan	ALP	Young, Mr Daniel	Northern Victoria	SFFP

¹ Resigned 28 September 2017

² Appointed 15 April 2015

³ DLP until 26 June 2017

⁴ Resigned 27 May 2016

⁵ Appointed 7 June 2017

⁶ Resigned 6 April 2017

⁷ Resigned 25 February 2015

⁸ Appointed 12 October 2016

⁹ ASP until 16 January 2018

¹⁰ Appointed 18 October 2017

PARTY ABBREVIATIONS

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

CONTENTS

TUESDAY, 6 FEBRUARY 2018

ACKNOWLEDGEMENT OF COUNTRY	1	<i>Dr Collette Burke</i>	24
CONDOLENCES		<i>Geelong city deal</i>	24
<i>Hon. Stuart Richard McDonald, AM</i>	1	FIREARMS AMENDMENT BILL 2017	
<i>Hon. Arthur Andrew McCutcheon</i>	1	<i>Committee</i>	25
ROYAL ASSENT	6	<i>Third reading</i>	53
ACCOUNTABILITY AND OVERSIGHT COMMITTEE		ADJOURNMENT	
<i>Membership</i>	6	<i>GenesisCare</i>	54
SCRUTINY OF ACTS AND REGULATIONS		<i>Elishacare</i>	55
COMMITTEE		<i>VicForests</i>	55
<i>Alert Digest No. 1</i>	6	<i>Gormandale and District Primary School bus</i>	
INDEPENDENT BROAD-BASED ANTI-CORRUPTION		<i>service</i>	55
COMMISSION		<i>Western Metropolitan Region employment</i>	56
<i>Exposing and preventing corruption in Victoria</i>	6	<i>Sunbury car parking</i>	56
PAPERS	6	<i>Gippsland rail services</i>	56
NOTICES OF MOTION	9, 19	<i>Buch Avenue, Epping</i>	57
QUESTIONS WITHOUT NOTICE		<i>Responses</i>	57
<i>Corrections Victoria</i>	9		
<i>Lara prison expansion</i>	9, 10		
<i>Prisoner release</i>	10		
<i>Youth justice system</i>	10, 11, 12, 13		
<i>Koorie Youth Council</i>	11		
<i>Recycling industry</i>	13, 14		
<i>Duck hunting season</i>	14, 15		
<i>Drug harm reduction</i>	16		
<i>Written responses</i>	16		
QUESTIONS ON NOTICE			
<i>Answers</i>	16		
CONSTITUENCY QUESTIONS			
<i>Eastern Metropolitan Region</i>	17, 18		
<i>Eastern Victoria Region</i>	17, 19		
<i>Northern Victoria Region</i>	17		
<i>Western Victoria Region</i>	17		
<i>Western Metropolitan Region</i>	18, 19		
<i>Southern Metropolitan Region</i>	18		
BUSINESS OF THE HOUSE			
<i>General business</i>	19		
MINISTERS STATEMENTS			
<i>Early childhood education</i>	20		
MEMBERS STATEMENTS			
<i>State election</i>	20		
<i>West Gate tunnel project</i>	21		
<i>South Sudanese Australian Youth United</i>	21		
<i>Australia Day awards</i>	21		
<i>Epworth Richmond</i>	22		
<i>Banyule City Council volunteer awards</i>	22		
<i>Sturt Street, Ballarat</i>	22		
<i>Australia Day</i>	22		
<i>Latrobe Valley economy</i>	22		
<i>Gippsland regional aquatic centre</i>	23		
<i>Port of Sale cultural hub</i>	23		
<i>Gippsland schools</i>	23		
<i>Manningham bus services</i>	23		
<i>Wire rope barriers</i>	23		
<i>Victoria Police</i>	24		
<i>Junction Oval, St Kilda</i>	24		
<i>Government performance</i>	24		

Tuesday, 6 February 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 for 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.

CONDOLENCES

Hon. Stuart Richard McDonald, AM

The PRESIDENT (12:06) — It is my sad duty to inform the house of the death of a former member. I advise the house of the death on 20 December 2017 of Mr Stuart McDonald, a member of the Legislative Council in Northern Province from 1967 to 1979.

I ask members to rise in their places as a mark of respect to the memory of the deceased.

Honourable members stood in their places.

Hon. Arthur Andrew McCutcheon

Mr JENNINGS (Special Minister of State) (12:07) — I move:

That this house expresses its sincere sorrow at the death, on 16 December 2017, of the Honourable Arthur, better known as Andrew, McCutcheon and places on record its acknowledgement of the valuable services rendered by him to the Parliament and to the people of Victoria as a member of the Legislative Assembly for the electoral district of St Kilda from 1982 to 1992 and as Minister for Water Resources and Minister for Property and Services from 1985 to 1987, Attorney-General from 1987 to 1990, Minister for Local Government from 1988 to 1989, Minister for Ethnic Affairs from 1989 to 1990, Minister for the Arts between April and August in 1990, Minister for Planning and Urban Growth from 1990 to 1991 and Minister for Planning and Housing from 1991 to 1992.

In moving this motion I would like to firstly refer to the very elegant and simple notice that was put in the media by Mr McCutcheon's family following his death on 16 December. It refers to him dying peacefully on that day after a short battle with motor neurone disease, leaving an adoring wife, Vivienne, four children,

Louise, Kirsten, Simon and Nicola, their partners and six grandchildren. They thank him for his commitment to social justice:

The world is a better place because of your advocacy and leadership. You will be dearly missed.

A memorial service will be held in January.

I had the honour to attend that memorial service on Tuesday, 30 January — a week ago — at the St Kilda town hall. I was very pleased to be in the company of many current and former members of Parliament and very many community activists — people who came from all walks of life in the cultural, sporting, advocacy and policy development sections of the community — who gathered to recognise Andrew McCutcheon's wonderful life. And indeed it was a wonderful life. Even though he left the Parliament only 25 years ago, probably very few people in the Parliament of this day would have had the good fortune to have seen him as an MP or as a minister. As I have commented previously on other condolence motions, there is quite a significant gap when we leave public life in terms of the ongoing residual knowledge of the important role that MPs have played in the Parliament, and maybe it will be an encouragement for us all to be a little bit more humble whilst we are here.

Andrew McCutcheon was an extremely humble person who did many, many great things on behalf of his community. His path to Parliament was not a linear path by any means whatsoever. Whilst he trained as an architect, and I will refer to some of his significant contributions in terms of that profession, he was also a Methodist minister. As part of his engagement with the ministry he undertook important pastoral work in Glasgow in Scotland before he assumed the responsibility of a ministry within the community, which he then became very associated with over many years, in Fitzroy and in Collingwood most specifically.

In terms of that circuitous pathway of bringing together different professional disciplines, the theological part of his commitment to social justice was referred to on many occasions during the course of the memorial service. Indeed he had a deep theoretical understanding of issues of justice and compassion and a deep and unswerving determination to give life to them in public policy, and his life partner, Vivienne, was a partner in every sense of that journey.

One of the remarkable stories that was told at the memorial service was their decision when leaving Glasgow to again take a very circuitous route — this time in a Bedford van — starting their journey at the western end of the European continent and traversing

all the way to Sri Lanka, which in the early 1960s was probably quite a feat. They were two young activists at the time who were enthusiastic about the global community and wanted to know about the quality of life experienced right across the rich diversity and complexity of the societies in which they travelled. Because that journey was not just a whistlestop Cook's tour of those communities; they stopped along the way, engaged with local communities and participated in community life. It was a very long journey and a very enriching and nourishing journey, and it held Vivienne and Andrew in good stead in relation to their exposure to social justice, being concerned about human suffering and trying to participate in a very focused way to support community development.

That was certainly a feature when they arrived back in Australia in the early 1960s. Andrew worked in the ministry, as I said, in Fitzroy and Collingwood. He had a deep-seated community engagement that subsequently led to him joining the Collingwood council in the days when council was riven with divisions and the construct of councils was very large in terms of the number of councillors within a council, even in a tightly geographically constrained area like Collingwood. It took quite a while for that council, as endured by many councils over time, to focus on real responses to the concerns of the community, and Andrew McCutcheon was associated with that development.

At the memorial service Caroline Hogg, who was a fellow member of Collingwood council, not only retold some of the stories about the social activism that he was associated with but also talked with great pride about both of their political developments that started in Collingwood council and culminated in them both having very distinguished careers within the Victorian Parliament. Indeed Caroline Hogg was a champion within this chamber, and it was great to hear her experiences of that time.

Andrew McCutcheon was part of not only a philosophical but also an intellectual capacity within the Labor Party. Former Deputy Prime Minister Brian Howe talked at some length about their philosophical development and their policy discussions. For Brian Howe, who was known as a policy wonk in the federal jurisdiction of national standing, to refer to Andrew McCutcheon as being a prime mover in intellectual thinking in terms of social justice was a testament to the depth and breadth of Andrew McCutcheon's thinking. Brian talked about Andrew McCutcheon's important role in a very important part of the urban redevelopment of the Rocks area in Sydney. Andrew McCutcheon, even though he was not a practising

architect for many years of his professional life, played an important role in that key project, which saw a balancing act of conservation outcomes and respect for the built form and history of a place in relation to urban redevelopment. Of course many people who have watched the development of Sydney over time know that that continues to be a contentious issue to this very day, but at that time it was recognised as being a very leading contribution.

Andrew played a role in nation building and national issues. He was the chairperson of the Shelter organisation, dealing with the concerns of people with homelessness and housing affordability from 1976 to 1980. As a precursor to his arrival in Parliament in 1982 he had not only played that role on the national stage but also been by that stage a member of the Melbourne and Metropolitan Board of Works. Those of us who have some sense of history in terms of policy developments and infrastructure delivery in Victoria will know that by the time Andrew arrived here the key pillars of infrastructure delivery in Victoria were the board of works, the State Electricity Commission of Victoria and indeed VicRoads in its former iteration. They were the policy delivery drivers of infrastructure in this state for many years — in fact for many decades. It was quite an extraordinary capacity that he held inside those institutions. Andrew was a community-based member of the board, a commissioner of the board of works, before he arrived in Parliament.

Soon after arriving in Parliament one of the little twists of fate was that his first ministerial appointment was as Minister for Water Resources. During the time of his ascension to the ministry it was reported that the community activist, who had been known as a rebel who supported the customer and consumers within that sector, had now become a minister in that portfolio. He thought that that was actually a nice trajectory and indeed felt it incumbent upon him to do something in the name of the interests of consumers of that time.

Most of the articles that were generated in the media in relation to his ministerial career — and maybe members of Parliament have had these shared with them from the library sources of the Parliament — centre around Mr McCutcheon's time as Attorney-General, and I will indeed talk about his time as Attorney-General. I was actually struck, and you may have been struck through the motion that I moved, that Mr McCutcheon was in the Parliament for probably half as long as I have been in the Parliament and had twice as many ministries. He certainly had a breadth of responsibilities over time, but the one that

drew most attention to him was when he was appointed Attorney-General in 1987.

Indeed it was actually quite a story, and there were many, many articles associated with it at that time. In an article of 11 December 1987 in the *Sun* by Leon Munro and Leon Gettler the then opposition leader, Mr Kennett, was not impressed with this appointment. He made it clear that he thought it was not appropriate for a non-lawyer to be appointed Attorney-General, and that was the framing of the commentary and this discussion. But I am very pleased that the chairman of the law institute at the time did cautiously welcome the appointment and indicated that the institute would work with the incoming Attorney-General.

In that article there was a cartoon by Roth, where the Attorney-General was sitting at his desk when somebody came in to advise him and asked, 'Planning any changes in the portfolio?', and the minister's answer was, 'Might restump the Supreme Court'. Well, it is a great pity that Minister McCutcheon did not stay in that portfolio for longer, because to this very day the leadership of the Supreme Court has successively — from that day to now — sought the redevelopment of the Supreme Court; it is a burning issue in relation to the infrastructure to support our court services. It is perhaps a pity that he did not complete that restumping or redevelopment, because that continues to be a burning issue for the judiciary in the state of Victoria.

In an article on the following day, 12 December 1987, he made a pretty valid point. This attribution is to a story in the *Age* of 12 December by Prue Innes, where Andrew McCutcheon is quoted as saying:

I don't see why it should be daunting ...

to become Attorney-General.

You don't have to be a train driver to be Minister for Transport.

A rejoinder was made that that was just as well because the outgoing Attorney-General, Mr Kennan, was about to become the transport minister.

The issue that Mr McCutcheon drew attention to is one that all members of this chamber know about — that one way or another, the longer we are here the more we all believe that we are bush lawyers and we all believe that we have particular expertise, and sometimes we are right. Sometimes when we write laws and implement laws and tease them out — even when we go into committee — there are many valid questions that are raised by non-lawyers in this place, and in fact many ministers of successive governments have been able to

successfully answer questions about the way in which laws operate and have actually understood the structure of laws and the nature of the statute book. In fact following a committee stage last year some members actually understood that the books on the table were part of the state of Victoria statute that we add to each year. That was a revelation. Now that that revelation has passed, maybe all of us can commit to the idea that we may be able to play a role in the better formation of laws regardless of our professional acumen.

By early 1988 Mr McCutcheon had sought to make his major stamp on the Attorney-General's portfolio by increasing the prevalence of plain English within the statute book in the state of Victoria. Well, I say again: Mr McCutcheon did not stay in the portfolio long enough, and there is in fact a lot of work left undone in relation to the success of that trajectory. I think it was a very laudable thing. As a current legislator, I think that we pretty much have a bit to learn about the way in which we should structure our laws into the future.

In terms of structuring a life, Mr McCutcheon had a wonderful life. It was extremely moving to hear not only the testimony of current and former MPs talking about his virtues but also that of his adoring family. Vivienne, Kirsten, Simon, Nicola and Louise gave beautiful personal recollections of the significant role that their father — in Vivienne's case, her life partner — had played in their lives in terms of all the things that they had shared: their commitment to community and their commitment to social justice. It knew no bounds in Victoria, and it was extremely moving.

One of Mr McCutcheon's partners, or collaborators, in his commitment to developing the wine industry on the Mornington Peninsula in the later years of his life, Dr Richard McIntyre, shared a very moving story built upon their rich connection in relation to the wine industry on the Mornington Peninsula. He said he had visited Andrew in the last weeks of Andrew's life. By that stage, after six months of motor neurone disease, Andrew was effectively immobile with the exception of his little finger. He had very, very limited movement.

When he was there Richard answered Andrew's phone on Andrew's behalf, and the phone call proceeded on loudspeaker. The conversation was with John Cain, who also spoke at the memorial service, who was intending to go and visit Andrew. The conversation proceeded as follows. Once the call was taken, John made some comments about what he was anticipating happening over summer and his anticipation of coming to visit Andrew, and then he got around to asking Andrew the question, 'How are you, Andrew?'.

The answer was, 'I'm going exceptionally well'. It was a beautiful way to finish his contribution.

I would have liked to finish my contribution on that note too, but something else happened at the memorial service that warrants finishing on a different note. One of the things that happened while Andrew received care at Calvary Health Care in the last couple of months of his life was he participated in a music therapy program. He was encouraged to express his inner thoughts of that time about a burning issue that he would like to leave as not necessarily a legacy statement but a statement of his concerns, hopes and aspirations in terms of the social justice trajectory of this nation. He was very mindful of the Uluru statement, what that might have meant for reconciliation and what it might mean for community empowerment of Aboriginal people and justice for Aboriginal people in this state — something that has not been commented on in the Victorian Parliament very much, if at all, in the last six months but something that was very, very important to Andrew.

Andrew was encouraged by the music therapist, Anneliis Way, to write a song about that, and he did. The family collaborated on this song with Andrew and Anneliis, and the song was the culmination of the event. Andrew was pretty proud of the song. Apparently he thought that it had the capacity, if it was videoed, to go viral; he had great hopes for it. Under normal circumstances I might have had a very limited expectation of how the song was going to go, but I have to say to you that not only was it a deep, moving and powerful song but when it was sung with so much love and affection by Anneliis, backed up by Kirsten, Simon, Nicola, Louise and Andrew's granddaughter Olivia Hoak, it was a wonderful culmination of a wonderful life and an extraordinary memorial service.

It is a great shame that the only time you get to truly appreciate the wonderful greatness of someone is actually at a memorial service. I hope Andrew got that sense in his last days. I am pretty certain, being associated with his family, his loved ones, that he did have that sense before he died.

Ms FITZHERBERT (Southern Metropolitan) (12:28) — I am pleased to rise and offer some words on behalf of the opposition in support of the motion. It is always good to hear someone speak from firsthand knowledge of someone whom they knew well and in addition someone whose contribution they understand very well. I have not had the benefit of that, but I am pleased to be able to speak about someone who was clearly well loved and who made a very significant contribution to this place and also to the broader community.

Mr McCutcheon died at the grand old age of 86 last December after a short battle with motor neurone disease. He left his wife, Vivienne, four children — Louise, Kirsten, Simon and Nicola — and six grandchildren. To his family and all those who loved him, we offer our condolences. He achieved senior office in government, including as Attorney-General, as Mr Jennings has discussed, but his life and working life both before and after Parliament were equally active and rich — that is clear. The common theme to all of his work, it appears to me, was an interest in people, how they lived and what he could do to make that better.

He did that as an architect, especially with his involvement in public housing policy and development, and then later he did it when he was an activist with the Methodist Church and through its mission work, as well as when he was an ordained minister. He did it in Parliament, where public housing policy clearly remained an ongoing passion of his. Then in the years after he left this place he did it as a wine producer in a different way, making people's lives better and making a contribution to that industry, both locally and internationally.

His early life was in South Yarra and Prahran. He was the son of an architect, Sir Osborn McCutcheon. It was from his father, I suppose, that he gained his initial professional interest in and training as an architect, but from his father he also inherited a great interest in and was taught sailing, which I understand continued throughout his life. He studied at the University of Melbourne after being at Wesley, and later he enrolled to study theology, at the University of Melbourne also.

In his mid-20s he gave up the prospect of having a career ahead of him in architecture that would seem to have been assured based on his family background and the opportunities that that gave him as well, and he took a very, very different path. Mr Jennings has spoken in some detail about the work that Andrew McCutcheon did in Glasgow with the Church of Scotland with his wife, Vivienne, who was a social worker. He said he was interested in the impact of industrial society on people.

In 1960 he returned to Australia and joined the Collingwood Methodist Mission and was a minister in Collingwood between 1961 and 1969. In the late 1960s, I understand, he departed the Methodist Church and ultimately defined himself as an agnostic, but said that his strong interest in supporting the community was part of his understanding of the Christian faith, which I think is something we can probably all agree on.

His interest in housing was certainly obvious when he was a minister in Collingwood. There is a story that his parish included what were then new housing commission high-rise towers, with the people who lived in the towers predominantly migrants. It is said that he requested a housing commission flat rather than living elsewhere and raised his family there for eight years to be part of the community that he was very committed to serving. He spent 17 years on the Collingwood council, including two terms as mayor, and in the late 1960s won a Churchill Fellowship to study urban problems in North America, Europe and Asia. Clearly this was triggered by the interest in the work he was doing and in the community in which he was doing it.

For many people involvement in local government is a platform or a stepping stone through to the state Parliament, and so it was for him. Mr McCutcheon was elected to the Legislative Council as the member for St Kilda in 1982. It was a marginal seat, it was a close count and he won the seat of course from a Liberal, Brian Dixon, and he spent 10 years in Parliament before his seat was abolished. Ten years is certainly, as Mr Jennings noted, not as long as some, but he certainly had a number of key appointments over that period. In 1985 he was appointed in the Cain ministry as Minister for Water Resources and Minister for Property and Services. He also held the portfolios of local government, ethnic affairs and the arts.

Mr Jennings spoke at length of how Mr McCutcheon was appointed in 1988 as Attorney-General — as a non-lawyer, the first non-lawyer in 30 years. The expression that Mr McCutcheon used to explain this was that it caused consternation among the legal fraternity, which I think is probably a study in understatement. He advocated, fittingly, for use of plain English in legislation. He later spent some time as planning minister, from 1990.

As I mentioned earlier, his seat was abolished in 1992 and he retired from politics. After that time he lived on the Mornington Peninsula, where he had spent some time with his family as a child. He worked as a winemaker, he planted vines, he brought forth his own vintage and, perhaps predictably, he got very involved in local and indeed international organisations in support of the wine industry and the community that he was part of.

We acknowledge Andrew McCutcheon's contribution to the community in this place and beyond, and we acknowledge the loss experienced by his family and offer them our condolences.

Ms PENNICUIK (Southern Metropolitan) (12:34) — The Greens would also like to support the motion of condolence moved by the Leader of the Government for the death of the Honourable Arthur Andrew McCutcheon on 16 December 2017. By any measure Andrew McCutcheon led a very full and varied life, training in architecture and theology, travelling the world before he became a Methodist minister, looking for better ways to address poverty and powerlessness.

On reading his obituary, which was written by Vivienne and Louise McCutcheon, I was struck by how, as Ms Fitzherbert mentioned, as a parish minister he lived with his family alongside parishioners in the local public housing commission flats in Collingwood. He was elected to the Collingwood council in 1965 in order to work to improve the lives of his constituents, and in particular newly arrived migrants.

He campaigned against the reduction of public housing and the prioritisation of the use of cars at the expense of improving public transport, issues which resonate very strongly today. This included campaigning against the construction of the F19 freeway in the 1970s, and I remember that campaign very well.

Andrew served on the national Urban Development and Planning Authority and the Town and Country Planning Authority, and as Mr Jennings said, he was the chair of the national housing advisory body Shelter. He used these roles to bring about planning and tenancy reforms and to ensure there were adequate stocks of accessible and affordable public housing — again, an issue of great resonance today.

Andrew McCutcheon was the member for St Kilda from 1982 until the district was abolished in 1992, when he retired. He held eight portfolios in that time in the Cain and Kirner governments, including, as has been mentioned, that of Attorney-General. He established community-based legal services — an important legacy — and the use of victim impact statements in the courts. He promoted women in the legal profession and appointed the first woman as secretary of his department. As Minister for Water Resources he was behind the 'Don't be a wally with water' campaign, which is another campaign I, and others I am sure, remember vividly and which also could be emulated in these days of climate change.

After he retired from politics Andrew led a very busy life making wine, travelling, drawing and painting. He was very interested in Aboriginal land rights and the issues of treaty and reconciliation, and he was a member of the Port Phillip Citizens for Reconciliation,

which is where I first encountered him in the late 1990s after he had left Parliament.

Andrew McCutcheon cared about people and devoted much of his life to improving the lives of disadvantaged and vulnerable people and those who were struggling. He was well-respected and well-loved. On behalf of the Greens I extend our condolences to his family, his partner, his four children, his six grandchildren and his wide circle of friends and former colleagues.

The PRESIDENT (12:37) — I did actually have the privilege of knowing Andrew McCutcheon as well, both in his ministerial role and subsequently in his work that he did in the community. I certainly endorse the remarks that have been made in respect of this condolence motion and join with each of the speakers and other members of the house in expressing our sincere sorrow and encouragement to his friends and family for a life well lived.

Motion agreed to in silence, honourable members showing unanimous agreement by standing in their places.

The PRESIDENT — As a further mark of respect to the memory of the late Honourable Andrew McCutcheon, and pursuant to our standing orders, the sitting will now be suspended for 1 hour.

Sitting suspended 12.42 p.m. until 1.42 p.m.

ROYAL ASSENT

Messages read advising royal assent to:

19 December 2017

Commercial Passenger Vehicle Industry Amendment (Further Reforms) Act 2017

Corrections Legislation Further Amendment Act 2017

Crimes Legislation Amendment (Protection of Emergency Workers and Others) Act 2017

Drugs, Poisons and Controlled Substances Amendment (Medically Supervised Injecting Centre) Act 2017

State Taxation Acts Further Amendment Act 2017

Transport Legislation Amendment (Road Safety, Rail and Other Matters) Act 2017

20 December 2017

Domestic Animals Amendment (Puppy Farms and Pet Shops) Act 2017.

ACCOUNTABILITY AND OVERSIGHT COMMITTEE

Membership

The ACTING PRESIDENT (Ms Patten) (13:45) — The President and Speaker have received a letter from Mr Staikos, the member for Bentleigh in the Legislative Assembly, advising of his resignation from the Accountability and Oversight Committee effective immediately. Mr Staikos took the opportunity to thank committee members and the secretariat for their hard work over the past three years.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 1

Mr DALLA-RIVA (Eastern Metropolitan) presented *Alert Digest No. 1 of 2018*, including appendices.

Laid on table.

Ordered to be published.

INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION

Exposing and preventing corruption in Victoria

The Clerk, pursuant to section 162 of the Independent Broad-based Anti-corruption Commission Act 2011, presented special report.

Laid on table.

Ordered to be published.

PAPERS

Laid on table by Clerk:

Accident Compensation Conciliation Service — Report for the period 1 July 2016 to 10 October 2017.

Australian Children's Education and Care Quality Authority — Report, 2016–17.

Crown Land (Reserves) Act 1978 — Ministerial Order for approval of a lease in relation to Yarra Bend Park, dated 21 December 2017.

Education and Care Services National Law Act 2010 —
Education and Care Services National Further Amendment
Regulations 2017 pursuant to section 303 of the Act.

Education and Care Services Ombudsman, National
Education and Care Services Freedom of Information and
Privacy Commissioners — Report, 2016–17.

Land Acquisition and Compensation Act 1986 —
Certification pursuant to section 7(1)(c) of the Act to not
require the service of a notice of intention to acquire land.

Melbourne City Link Act 1995 — Deeds of Lease in relation
to the Western Link Upgrade pursuant to section 60(9) of the
Act.

Planning and Environment Act 1987 —

Infrastructure Levies and Development Contributions
Levies — Report, 2016–17 pursuant to section 46GN of
the Act.

Notices of Approval of the following amendments to
planning schemes —

Ararat Planning Scheme — Amendment C37.

Banyule Planning Scheme — Amendment C108.

Banyule, Frankston, Kingston, Knox,
Manningham, Maroondah, Moreland, Nillumbik,
Whittlesea and Yarra Ranges Planning Schemes —
Amendment GC76.

Bass Coast Planning Scheme —
Amendment C147.

Boroondara Planning Scheme —
Amendments C243 (Part 2), C262, C272, C273
and C298.

Boroondara, Darebin and Yarra Planning
Schemes — Amendment GC80.

Brimbank Planning Scheme — Amendments C126
(Part 2) and C187.

Buloke Planning Scheme — Amendment C33.

Campaspe Planning Scheme — Amendment C104.

Cardinia Planning Scheme — Amendment C223.

Casey and Greater Dandenong Planning
Schemes — Amendment GC87.

Colac Otway Planning Scheme —
Amendment C94.

Darebin and Moreland Planning Schemes —
Amendment GC34.

Glen Eira Planning Scheme — Amendments C143
and C154.

Glenelg Planning Scheme — Amendment C94.

Golden Plains Planning Scheme —
Amendment C76.

Greater Bendigo Planning Scheme —
Amendment C220.

Greater Dandenong Planning Scheme —
Amendments C182 (Part 1), C194 (Part 1) and
C204.

Greater Geelong Planning Scheme —
Amendments C327, C338, C351 (Part 1), C356,
C357, C358, C369 and C374.

Horsham Planning Scheme — Amendment C64.

Hume Planning Scheme — Amendment C220.

Knox Planning Scheme — Amendments C150 and
C170.

Latrobe Planning Scheme — Amendment C85.

Loddon and Northern Grampians Planning
Schemes — Amendment GC84.

Macedon Ranges Planning Scheme —
Amendment C114.

Manningham Planning Scheme —
Amendment C113.

Mansfield Planning Scheme — Amendment C40.

Melbourne Planning Scheme —
Amendments C274 and C314.

Melton Planning Scheme — Amendments C146,
C147 and C189.

Moira Planning Scheme — Amendment C77.

Monash Planning Scheme — Amendment C120.

Moonee Valley Planning Scheme —
Amendments C180, C181 and C185.

Moorabool Planning Scheme — Amendment C76.

Moreland Planning Scheme —
Amendments C142, C159 and C172.

Mornington Peninsula Planning Scheme —
Amendment C204.

Murrindindi Planning Scheme —
Amendment C57.

Nillumbik Planning Scheme — Amendment C108.

Port Phillip Planning Scheme —
Amendments C123, C150, C152 and C153.

Pyrenees Planning Scheme — Amendment C30.

Stonnington Planning Scheme —
Amendments C132, C260, C261 and C269.

Victoria Planning Provisions —
Amendment VC142.

Wangaratta Planning Scheme — Amendment C68
(Part 1).

Wellington Planning Scheme — Amendments C96 and C97.

Whitehorse Planning Scheme — Amendment C192.

Whittlesea Planning Scheme — Amendments C198 and C208.

Wyndham Planning Scheme — Amendment C202.

Yarra Planning Scheme — Amendments C185, C209, C210 and C239.

Yarra Ranges Planning Scheme — Amendment C161.

Professional Standards Act 2003 —

CPA Australia Ltd. Professional Standards (Accountants) Scheme, Gazetted 18 January 2018.

Instrument amending the Law Society of South Australia Professional Standards Scheme, Gazetted 28 December 2017.

Shrine of Remembrance Trustees — Report, 2016–17.

Statutory Rules under the following Acts of Parliament —

Bail Act 1977 — No. 131/2017.

Building Act 1993 — No. 136/2017.

Climate Change Act 2017 — No. 134/2017.

Corrections Act 1986 — No. 133/2017.

County Court Act 1958 — Nos. 142/2017 and 143/2017.

Family Violence Protection Act 2008 and Magistrates' Court Act 1989 — No. 144/2017.

Fines Reform Act 2014 — No. 129/2017.

Infringements Act 2006 — No. 130/2017.

Magistrates' Court Act 1989 — No. 128/2017.

Marine (Drug, Alcohol and Pollution Control) Act 1988 — No. 137/2017.

Marine Safety Act 2010 — No. 138/2017.

Road Safety Act 1986 — Nos. 139 to 141/2017.

Subordinate Legislation Act 1994 — No. 135/2017.

Victorian Civil and Administrative Tribunal Act 1998 — No. 132/2017.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 1, 3, 4, 122/2017, 128 to 133/2017, 135 to 144/2017.

Legislative instruments and related documents under section 16B in respect of —

City of Greater Geelong Act 1993 — Greater Geelong City Council — Mayoral, Deputy Mayoral and Councillor Allowances — Alteration, dated 14 November 2017.

City of Melbourne Act 2003 — Melbourne City Council — Mayoral, Deputy Mayoral and Councillor Allowances — Alteration, dated 14 November 2017.

Education and Training Reform Act 2006 — Ministerial Order No. 969 — Procedures for Suspension and Expulsion of Students in Government Schools, dated 15 January 2018.

Environment Protection Act 1970 — Guideline — Modifications to water corporation sewerage treatment plants exempt from works approvals, dated 14 December 2017.

Road Safety Act 1986 — Order declaring offences against the laws of other States and Territories to be corresponding interstate drink-driving offences, dated 18 January 2018.

Victorian Energy Efficiency Target Act 2007 — Notice — Declaration of discount factors, dated 29 November 2017.

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

Building Amendment (Enforcement and Other Measures) Act 2017 — Sections 4, 5, 13, 14, 16, 18(2), 18(3), 25, 28 to 30, 39 to 41, 43 to 48, 52, 54, 59(2) and 85 — 31 January 2018 (*Gazette No. S443, 19 December 2017*).

Children and Justice Legislation Amendment (Youth Justice Reform) Act 2017 — Parts 1 and 5, Division 1 of Part 6, section 40, Division 2 of Part 8, sections 60 and 61 and Parts 10 and 12 — 30 November 2017; Sections 59, 62 and 63 — 20 December 2017; Divisions 1 and 2 of Part 2, Division 1 of Part 4, section 22, Division 4 of Part 4 and sections 34, 35, 37 and 39 — 26 February 2018 (*Gazette No. 406, 28 November 2017*).

Environment Protection Act 2017 — Sections 1, 2, 4, 30, 31 and 32 — 1 January 2018 (*Gazette No. S433, 12 December 2017*).

Fines Reform Act 2014 — 31 December 2017 (*Gazette No. S443, 19 December 2017*).

Fines Reform Amendment Act 2017 — Part 2 and sections 113, 125 and 126 — 21 December 2017 (*Gazette No. S443, 19 December 2017*); Part 3 — 11 January 2018 (*Gazette No. S7, 10 January 2018*).

Gambling Regulation Amendment (Gaming Machine Arrangements) Act 2017 — Parts 2, 3, 4, 6, 7 and 10 and Divisions 1 and 2 of Part 8 — 20 December 2017 (*Gazette No. S443, 19 December 2017*).

Justice Legislation Amendment (Court Security, Juries and Other Matters) Act 2017 — Part 2 — 2 January 2018 (*Gazette No. S416, 5 December 2017*).

Parks and Crown Land Legislation Amendment Act 2017 — 15 December 2017 (*Gazette No. S433, 12 December 2017*).

Ports and Marine Legislation Amendment Act 2017 — Part 1, section 11 and Part 6 — 18 December 2017; Sections 4, 5, 10, 12 to 27, 30, 31, 33 and 39 to 42 and Part 4 — 31 December 2017; Sections 34 to 38 — 31 January 2018 (*Gazette No. S433, 12 December 2017*).

Renewable Energy (Jobs and Investment) Act 2017 — 15 December 2017 (*Gazette No. S433, 12 December 2017*).

Sentencing Amendment (Sentencing Standards) Act 2017 — Whole Act (other than Parts 3 and 4 and section 42) — 29 November 2017 (*Gazette No. 406, 28 November 2017*); Remaining provisions — 1 February 2018 (*Gazette No. S28, 30 January 2018*).

Transport Legislation Amendment (Road Safety, Rail and Other Matters) Act 2017 — Section 76 and Part 4.2 — 1 January 2018; Parts 3.2 and 3.3 — 31 January 2018 (*Gazette No. S443, 19 December 2017*).

NOTICES OF MOTION

Notices of motion given.

Mr O'DONOHUE giving notice of motion:

Mr Melhem — On a point of order, Acting President, notices of motion are not meant to be a long journal, but I think, given the notice of motion that is being put by Mr O'Donohue, he might as well make a long speech. I thought it had to be short and was not to go on for a long, long time.

The ACTING PRESIDENT (Ms Patten) — Mr Melhem, it is within the word count.

Mr O'DONOHUE continued giving notice of motion.

Further notices of motion given.

Business interrupted pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

Corrections Victoria

Mr O'DONOHUE (Eastern Victoria) (14:00) — My question is for the Minister for Corrections. Minister, on what date did the former corrections commissioner, Jan Shuard, first tell you she was planning to resign?

Ms TIERNEY (Minister for Corrections) (14:00) — I thank the member for his question. I do not have the date in front of me, but I know it was after one of our very late sittings. I am happy to take that on notice and provide the exact date for him.

Supplementary question

Mr O'DONOHUE (Eastern Victoria) (14:00) — Minister, Corrections Victoria has been rudderless and without a corrections commissioner since 11 January. When will you, as the minister responsible, get around to reappointing a new corrections commissioner to fix the problems you have created and the ongoing crisis in Victoria's prison system?

Honourable members interjecting.

The PRESIDENT — Ms Tierney, I agree that the question is a little astray of the substantive question, but I will allow it to stand.

Ms TIERNEY (Minister for Corrections) (14:01) — I do thank the member for his question. The former commissioner for Corrections Victoria, Jan Shuard, retired on 11 January 2018 following a period of annual leave. Rod Wise is the current deputy commissioner, operations, and he has been acting in the role since 19 December 2017. Within the Department of Justice and Regulation the people and culture branch is managing the recruitment process for the commissioner, Corrections Victoria, role. An external executive search provider will undertake a national and international search to source suitably qualified and experienced candidates. The appointment to the role will be made by the secretary.

I have seen the former minister, Mr O'Donohue, seeking to use the acting commissioner as a point of criticism and suggesting that having an acting commissioner in place shows that the system somehow is under-resourced. Nothing could be further from the truth. Rod Wise is an experienced and very senior member of Corrections Victoria.

Lara prison expansion

Mr O'DONOHUE (Eastern Victoria) (14:02) — My question is again to the Minister for Corrections. Minister, why have you determined that the new prison at Lara will be a public sector built and operated prison when there has been no public sector comparator analysis undertaken to determine the best value for the Victorian taxpayer?

Ms TIERNEY (Minister for Corrections) (14:02) — I thank the member for his question. The announcement of the expansion of the Lara prison has been worked upon for many months. When I have been asked in this house and indeed by the media over the last 12 months what this government is doing in terms of prison expansion, I have said time and time again that Corrections Victoria is undertaking a range of

modelling and is looking at all of the possible options. I did make an announcement in December in terms of further beds within the current system, and then in January I made the announcement of a further expansion of the Lara prison precinct.

The fact of the matter is that Corrections Victoria has worked on this project for a long time and will continue to work on this project for a long time. It is the belief of Corrections Victoria that this is the best possible outcome at this time. I am looking forward to budget outcomes that will enable the expansion of the prison system so we can deal with the demand that we have in the prison population in this state.

Supplementary question

Mr O'DONOHUE (Eastern Victoria) (14:04) — Thank you for that answer, Minister. Minister, the most recently commissioned Victorian prison, the privately operated Ravenhall prison, showed a 22 per cent saving against the public sector comparator — a massive saving over the life of the contract — savings that could be reinvested into schools, hospitals and new police stations. Minister, isn't this decision to commit to a public sector build, coupled with your foolish decision to announce the new prison prior to purchasing the necessary land, going to cost Victorian taxpayers an extra \$100 million over the life of the prison?

Ms TIERNEY (Minister for Corrections) (14:04) — I thank the member for his question. The fact of the matter is that the government purposefully went out and announced that it wanted to negotiate with neighbouring landholders. That was primarily because we did not want anyone, whether it be the media or those opposite, pointing their fingers at us and saying that we were negotiating in secret and there was some sort of cloud of secrecy over this. What we are about is making the hard decisions in government — those decisions that are all about good government and about planning ahead, making sure that we have contact with landholders and have the ability to negotiate so that we can go ahead and have a proper planned expansion of the prison system to cater for the overwhelming increase in prisoners in this state.

Prisoner release

Mr MORRIS (Western Victoria) (14:06) — My question is to the Minister for Corrections. I refer to the prisoner charged with armed robbery and remanded into custody only to be released into the community by prison authorities in contravention of a court order. Minister, can you guarantee that today all people who should be in prison are in prison?

Ms TIERNEY (Minister for Corrections) (14:06) — I thank the member for his question. A prisoner was incorrectly released on 23 January 2018, I am advised. The release occurred after it was believed that the matters relating to a remand warrant had been dealt with through a subsequent case consolidation. The prisoner was remanded back into custody the next morning after handing himself back to police. This is completely unacceptable, and there is an investigation underway into how this could have occurred and how to prevent this from happening again.

Supplementary question

Mr MORRIS (Western Victoria) (14:07) — Thank you, Minister, for your response. While you were on leave last week the acting Minister for Corrections commissioned an inquiry into how this serious risk to community safety was able to take place. Minister, who is undertaking this inquiry and will you commit to fully releasing its findings with any necessary security redactions?

Ms TIERNEY (Minister for Corrections) (14:07) — The fact of the matter is, and to correct the record, I was not on leave last week. I was actually part of and leading a significant delegation overseas.

Honourable members interjecting.

The PRESIDENT — The minister, without assistance.

Ms TIERNEY — The investigation will be conducted by Corrections Victoria with the police.

Youth justice system

Ms FITZHERBERT (Southern Metropolitan) (14:09) — My question is to the Minister for Corrections representing the Attorney-General. Late last month there was yet another violent attack on a female staffer, who was knocked unconscious at Malmsbury Youth Justice Centre. This followed an assault by the same offender two weeks earlier. Minister Tierney said these types of violent assaults 'carry serious consequences', so I ask: what charges were laid against this violent young offender in both instances of serious assault and were there any penalties or consequences?

Ms TIERNEY (Minister for Training and Skills) (14:09) — I seek clarification. This was a question to the Attorney-General; is that correct?

Ms Fitzherbert — That is right.

Ms TIERNEY — I am more than pleased to refer this matter to the Attorney-General for his comment, and I stand by the comments that I publicly made on this matter.

Supplementary question

Ms FITZHERBERT (Southern Metropolitan) (14:10) — A further question to the Minister for Corrections representing the Attorney-General. Minister, you have said these types of violent assaults ‘carry serious consequences’, but you have confirmed in the past that young offenders received non-conviction dispositions for rioting in 2015, charges were withdrawn after young offenders tried to escape in May 2016 and young offenders received no conviction for discharging a missile during a riot in the same month. If that is some of the history when it comes to serious consequences in the past, how can any Victorian trust a word the corrections minister says now about any penalty against this individual offender?

Ms TIERNEY (Minister for Training and Skills) (14:10) — I thank the member for the polemic, but the fact is that I will refer the member to the answer that I provided to the substantive question.

Koorie Youth Council

Mr FINN (Western Metropolitan) (14:11) — My question is to the Minister for Youth Affairs. As the Koorie Youth Council is a recipient of funding from the Andrews government, including from youth affairs, what measures has the government undertaken to remove the youth council spokesperson Tameen Onus-Williams from the executive of that organisation?

Ms MIKAKOS (Minister for Youth Affairs) (14:11) — I am —

Honourable members interjecting.

The PRESIDENT — Order!

Ms Shing interjected.

The PRESIDENT (14:12) — Ms Shing, 15 minutes.

Ms Shing withdrew from chamber.

Ms MIKAKOS — Firstly, I make the point that I am aware of the comments that were made by someone who was involved with the rally that was organised on 26 January. I understand —

Ms Crozier — You can’t even say it. Australia Day — say it.

Ms MIKAKOS — Twenty-sixth of January — yes, it is Australia Day. I am aware of the nature of those comments. They were completely unacceptable comments, and I think they were completely inappropriate. However, they were the individual views of a person who was involved in organising that rally, and as I understand it, the Koorie Youth Council has actually issued a statement that is available on their website, in which they have made it very clear that the views expressed did not represent that particular organisation. So I think it is regrettable that Mr Finn has come in here and tried to suggest that the Koorie Youth Council is somehow responsible for the views expressed by one person who is a volunteer in that organisation and does not represent in any way the views of that particular organisation.

The other point that I think is important to make, as members opposite would be well aware, is our government has absolutely no intention of making any changes in relation to commemorating and celebrating Australia Day. I was very happy, with many other members of the government, to attend a citizenship ceremony and welcome another group of new Australians to our nation on 26 January at the City of Hume.

The other point I would make is that the Koorie Youth Council is an organisation that does very important work. It does very important work in my portfolio in working with my department to support a new Koori youth mentoring program that they advocated for, that young Aboriginal people advocated for and that we have provided funding for in consecutive budgets. We have had an opportunity to expand that particular program, because we do take an approach of working on preventative strategies when it comes to at-risk young people that actually work at engaging young Aboriginal people in positive activities in their community so they get a very strong connection to their community and to their culture.

I should point out to Mr Finn that whilst he might not be aware, the vast bulk of funding for the Koorie Youth Council does in fact come from the portfolio of the Minister for Aboriginal Affairs, not my portfolio. I do take this opportunity to commend the Koorie Youth Council for the important work that they continue to do in representing young Aboriginal Victorians.

Supplementary question

Mr FINN (Western Metropolitan) (14:15) — I thank the minister for answering a question that I did not actually ask. Minister, the Premier has previously stated, ‘The standard you walk past is the standard you

accept'. Given the Andrews government has done nothing to remove Ms Onus-Williams from her government-funded position and — actions speak louder than words — the government has not condemned the comments, even given what the minister has said today, and given the Andrews government's inaction on the matter, does the government therefore accept the comments 'F... Australia. Hope it f...ing burns to the ground' as being appropriate for the spokesperson of a taxpayer-funded organisation?

Ms MIKAKOS (Minister for Youth Affairs) (14:16) — Clearly Mr Finn was not listening to anything I said, because the government is not involved in appointing this individual to any body. As I understand it she is a volunteer in this organisation. So now what we have from the Liberals opposite is that they want to impose a particular standard of flag-waving in the community. They want to impose particular standards when it comes to the views that different organisations can express in the community. I have already expressed my condemnation of those views that were expressed in the substantive answer, as have members of the government. As I have made very clear, and the member clearly was not listening, these are views that the Koorie Youth Council themselves have distanced themselves from. They have put out a public statement, and I refer the member to that public statement.

Youth justice system

Ms CROZIER (Southern Metropolitan) (14:17) — My question is to the Minister for Families and Children. Minister, in 2016 you claimed that gangs did not exist, in fact claiming that they were, and I quote, 'affiliated groups of young people'. Over the summer Victorians have experienced violent crime caused by youth gangs. Reports confirm gangs have been formed and recruitment has occurred within youth justice centres. Victoria Police has admitted there are gangs, members of your own government have admitted there are gangs and every Victorian knows there are gangs. Will you finally admit, Minister, that Victoria has a gang problem on our streets, in the youth justice system and in detention?

Ms MIKAKOS (Minister for Families and Children) (14:18) — Clearly Ms Crozier has not appreciated what I have said in relation to these members over some period of time. I have explained to this house that, as we have seen, we have had a decline in youth offending in our state now over a number of years. But what we have seen, and I have made this point on numerous occasions, is a small group of young

offenders who have been engaged in serious offending and involved in recidivist behaviour.

Honourable members interjecting.

The PRESIDENT — Order! A question has been put to the minister. I assume that you want an answer to the question, but it does not seem that way when in fact there is a complete haranguing and commentary going to the minister as she looks to answer this question. I want to hear the answer; I think other members of the chamber do. Can we hear the minister in silence, please.

Ms MIKAKOS — Thank you, President. I know those opposite do not like statistics, and clearly their leader does not, but we know that five years ago young people aged 10 to 19 made up 21.1 per cent of alleged offender incidents; today they make up 17.5 per cent. The proportion has been steadily decreasing. Whilst these statistics are encouraging, the work is not over. This is why our government in fact brought in wide-sweeping legislative changes last year, including the toughest ever sentencing laws in relation to young offenders — a bill that those opposite tried to scuttle. It also included, for the benefit of Ms Fitzherbert, tougher consequences in relation to young people in custody who engaged in criminal behaviour. We are taking these issues very seriously. I want to commend Victoria Police for the incredible work that they have been doing. They have been making a number of very significant arrests in relation to these matters. Both the Minister for Police and Victoria Police have been very clear in relation to these issues.

We know that youth gangs are based not necessarily on ethnicity but rather on their desire to commit criminal acts. Therefore they should be treated like any other young offenders. But what we have seen from Ms Crozier opposite over a period of more than a year now is that the thing she most likes to promote on social media is any media story that involves young African offenders. I have noticed a pattern over a year. If it has got a young African person, she will tweet about it.

Ms Crozier — On a point of order, President, I think the minister was absolutely reflecting on me and virtually calling me a racist. I would ask her to retract that statement that she made. There have been youth gangs reported as causing a lot of crime across the state. I ask the minister to retract that statement that was reflective of me.

Mrs Peulich — On the point of order, President, I would like to support Ms Crozier on her point of order.

She did not mention the word ‘African’ in any part of her question, and therefore it is an unfair inference that is distorting the question.

The PRESIDENT — The minister did not make any direct allegation or accusation and certainly did not use a term that was suggesting racism on behalf of the member of the opposition. I would advise the minister to be careful in the sense that this is a very contentious issue and troubling to many people, but I do not uphold the point of order.

Ms MIKAKOS — Thank you, President. I understand the sensitivity of those opposite, but when Peter Dutton made some pretty outrageous statements recently there was deafening silence from those opposite in failing to stick up for the hospitality industry in Victoria and all the great tourism and other sectors that Peter Dutton and his Liberal colleagues want to put at risk.

We do take these issues very seriously. Yes, there has been a focus in the media around these issues, and there certainly is a concerted effort from Victoria Police in relation to these matters, and I commend them for their efforts. This is why we are seeing young people from a range of cultural backgrounds and ethnicities in our youth justice system, including in our custodial system. Anyone who breaks the law, regardless of their nationality, should expect to feel the full force of the law and face the consequences of their behaviour. So let us not make this issue about race. I deplore race baiting. Our government funded in the budget last year a new intelligence function in our youth justice system which previously only existed in our prisons. These issues and a greater collaboration with Victoria Police are designed to ensure that we can maintain a safe custodial environment in Victoria.

Supplementary question

Ms CROZIER (Southern Metropolitan) (14:24) — My supplementary is again to the minister. Minister, I ask: it has been well reported that gangs have been forming in youth justice centres, so according to your latest advice how many young offenders in youth justice have known gang affiliations?

Ms MIKAKOS (Minister for Families and Children) (14:25) — The member opposite has alluded to reports. She has not explained what the reports are. The point that I would make is that we have funded an intelligence function in the youth justice system to ensure that we can maintain the safety of the staff and young offenders in custody. The advice that I have from my department is that talking about operational

matters in this way can be seen to reinforce the legitimacy of young people who do see it as a badge of honour to identify loosely with these youth gang affiliations. We have provided a record investment of more than \$1 billion to date in relation to strengthening our youth justice system — an investment that was never made by those opposite — including providing improved infrastructure, a brand-new facility, increased staffing and new legislative provisions that those opposite tried to scuttle, including increased consequences for those young offenders who assault our staff. So we are taking all the measures necessary to ensure that we can provide for a safe custodial environment.

Recycling industry

Ms SPRINGLE (South Eastern Metropolitan) (14:26) — My question is for the minister representing the Minister for Energy, Environment and Climate Change. Last July China announced it would no longer import foreign waste for recycling, and I raised the implications of this ban in this place last year. But despite this ban having been on the cards for more than six months now, it seems the government has only been compelled into action by the looming recycling crisis we now face in Victoria and right across the country. Visy has reportedly told a number of Victorian councils it can no longer take recyclable waste. Minister, how much waste has Victoria been exporting to China, and since the ban came into effect where is this massive glut of recycle going?

Mr JENNINGS (Special Minister of State) (14:27) — I thank Ms Springle for her question and her concern. She knows that the Minister for Energy, Environment and Climate Change is in the other place. She knows that she actually has members of her own party in the other place who could have asked her that question in real time over there.

Ms Springle interjected.

Mr JENNINGS — Yes, I am actually just saying. You asked me; I will rely on my colleague in the other place to answer your question. I am sure I will be able to answer that question, but it will probably be transmitted to you using some paper that would otherwise not necessarily be required to give you the answer, because the answer could be given in the Assembly in real time by a minister who has probably got material right in front of her to answer this question, because it is an important issue.

It is an important issue. We are not in dispute in relation to the significance of this issue in relation to what has

been the track record. There has been a track record over many decades — two or three decades — in Victoria that, notwithstanding debates about container deposit levies or other forms of ways in which recycling could be undertaken, this has been a community, one year after another, that has had recycling rates commensurate with any other jurisdiction across the country. Indeed in most of the years in the last 20 or 30 years there has been more recycling undertaken in Victoria than in any other jurisdiction. That is actually something that is now at risk.

Ms Springle — It has all gone to China.

Mr JENNINGS — No, not all of it has gone to China. You know it has not all gone to China. By interjection the member is indicating that it has all gone to China. It has not all gone to China, and she knows it has not all gone to China, but a significant proportion of it has, and we will need to do some work to rebuild a recycling industry in Victoria. My colleague is committed to undertaking that.

The construction that in fact this is an issue that is an afterthought for the government is not correct. There have been many discussions during the life of this government about the need for us to invest in recycling and resource recovery; indeed there have been many initiatives undertaken on this. As you would know, there has been a lot of work done in relation to tyres in the last six months, led by my ministerial colleague, as a measure of the way in which we need to get on top of this issue. So I am certain she will work through the issue with her department and her various agencies and she will furnish me with a response that I can give Ms Springle.

Supplementary question

Ms SPRINGLE (South Eastern Metropolitan) (14:29) — I thank the minister for his answer. We understand that in a statement to the media the minister said she was seeking meetings with industry representatives to seek an explanation as to what has happened. Which businesses has she met with, what are the outcomes of these discussions and why were they not had six months ago?

The PRESIDENT — Multi-choice.

Mr JENNINGS (Special Minister of State) (14:30) — The President probably had a furrowed brow because he was listening to the tense that was embedded within the question. In fact it is not very clear when that comment was made. If it was ‘seeking’, then in fact it would be a prospective action. You are

actually asking for information about meetings that may have taken place, which would indicate perhaps that the statement was made some time ago and you are anticipating that these meetings have been held. One way or another, I am certain of the intention of my ministerial colleague. I am certain that she wants to work collaboratively with industry, and I am certain she will furnish me with an answer that I will provide to you.

Duck hunting season

Mr YOUNG (Northern Victoria) (14:31) — My question today is for the Minister for Agriculture. Minister, the government has recently announced details for the 2018 Victorian duck season. Clarity around the season arrangements is welcomed by hunters, who are well and truly in the midst of organising their opening weekend. However, some of the changes to opening day are not welcomed.

Honourable members interjecting.

The PRESIDENT — The minister did not hear the start of the question.

Mr YOUNG — I will start again.

The PRESIDENT — Please, from the top.

Mr YOUNG — No worries. Minister, the government has recently announced details for the 2018 Victorian duck season. Clarity around the season arrangements is welcomed by hunters, who are well and truly in the midst of organising their opening weekend. However, some of the changes to opening day are not welcomed — namely, the start time for opening morning has been pushed back to 9.00 a.m. Minister, why was the opening time of the 2018 duck season changed from the traditional opening time of previous years?

Ms PULFORD (Minister for Agriculture) (14:31) — I thank Mr Young for his question and take this opportunity to wish all members a happy new year and say welcome back.

Mr Jennings — I missed my chance!

Ms PULFORD — Mr Jennings, you had some other responsibilities earlier in the proceedings.

I thank Mr Young for his interest in the new arrangements for duck season. As Mr Young knows perhaps better than almost anybody else in this chamber, there were some issues with non-compliance on opening weekend last season. Many in the

community were upset about this. I was upset about this. I know many responsible hunters were as upset as any about people operating outside of the rules, and I know Mr Young was certainly very unimpressed with some of the conduct that had occurred at opening weekend, and we had a number of conversations about that at the time.

In the many months since then I have had lots of conversations, as has my department, as has the Game Management Authority, with people in the community who have an interest in the arrangements for duck season, and there have been quite a wide range of suggestions made about how we can make improvements to ensure that we do not have a repeat of what happened last year.

So the Game Management Authority did announce just three weeks ago the arrangements for the 2018 season. These include — just as context for members; I reckon Mr Young is probably familiar with this — changes to regulations on the bag limit which will have the effect of requiring hunters to take what they shoot, not to shoot and then take, in accordance with the bag limits which are established by the current regulations, and normal bag limits will apply this year; and the requirement to salvage at least the breast meat of birds. There are changes being made to the pass mark for the waterfowl identification test as well — an increase from 75 per cent to 85 per cent.

Mr Young's question, though, was very much about the start time for opening weekend. The recommendation that has come to me from the Game Management Authority is for revised start times of 9.00 a.m. on Saturday and 8.00 a.m. on Sunday. It is important to note that these apply only to the first weekend, to opening weekend, where we have had over the years really an event-type culture occur. Last year at Koorangie reserve there were a couple of thousand people present in the one location.

Now, I know many hunters prefer to go on private property or to an area that is less of an event and more of a small gathering, perhaps with a few friends or family, but the revised start times will provide hunters with improved light conditions to assist in the identification of birds and will help minimise the problems experienced last year in relation to early shooting, the shooting of protected birds and the non-recovery of game birds.

Again I would stress that this is really around 4 hours — probably less than 4 hours — out of a total 12-week season that is running the usual length. There will still be plenty of opportunities for people who like

to participate in duck hunting to do so, but I think what we are all seeking to achieve and what the responsible hunting groups that I have been working with since last opening weekend and others in the community want to see is a bit of a cultural shift around behaviours at opening weekend. Again I stress that I think the overwhelming majority of hunters abide by the rules, do the right thing and are deeply invested in the sustainability of duck hunting, but we think that these are reasonable changes, and they are the ones that have been recommended to me.

Supplementary question

Mr YOUNG (Northern Victoria) (14:36) — Thank you, Minister, for your answer. Minister, the opening morning of the duck season attracts a handful of protesters each year who have a history of aggression towards hunters and have been known to put themselves in situations that compromise their own safety and that of those around them. In previous years protesters have not been permitted to enter state game reserves before 10.00 a.m., which has provided a buffer between the bulk of shooting activity — as you mentioned, that 3-hour window — and any possible confrontation. Given that hunting will now begin at 9.00 a.m., will the government push back the time that protesters may enter until at least midday?

Ms PULFORD (Minister for Agriculture) (14:37) — The changes that have been announced are the changes that will be made. That is certainly something that the Game Management Authority was conscious of and that I was conscious of in accepting their advice. We certainly expect all hunters and all protesters to abide by the laws to ensure that people are conducting themselves in a way that is cognisant of the safety needs of members of the community.

I know earlier in question time there was some debate about freedom of speech, and that has been an interesting topic of discussion in this country in the last year or so, but as is the case, there are divergent views in the community around duck hunting. We do respect the rights of people who are opposed to duck hunting to lawfully express that view, but people need to be doing so lawfully. The authorities will certainly be out in force on opening weekend to ensure everyone's safety and to ensure compliance with the rules that apply. They are a very important underpinning of the ongoing sustainability of duck hunting in Victoria.

The PRESIDENT — Before I call the next question, I indicate to the house that we have been advised that the Australian Sex Party has now formally completed a registration which changes the name of the

party to Reason Victoria. That will be the recognised party in this chamber going forward.

Drug harm reduction

Ms PATTEN (Northern Metropolitan) (14:39) — My question is for the Minister for Health, represented by Minister Mikakos. On the night of Australia Day nine people were rushed to hospital, several not breathing and critically ill, following a mass overdose at Festival Hall. One is still in hospital. In the 12 days since, no Victorian authority has released public health information that would help identify this bad batch of pills that may still be in circulation. This is even despite the fact that it has been said that they contain the lethal drug paramethoxyamphetamine. Victoria Police have refused to publicly release the information, saying that they cannot comment because it is an ongoing investigation. My question is: will the minister empower the chief health officer to release this information so that further harm from this dangerous batch of pills can be avoided?

Ms MIKAKOS (Minister for Families and Children) (14:40) — I thank Ms Patten for her question. I think I should say happy birthday for the registration of the new party. Can I also add that I am aware of the regrettable incident that the member has asked about. It is an absolute tragedy when we see young people out enjoying themselves, taking illicit drugs and then ending up in life-threatening situations. In this case we had a number of young people who were in fact hospitalised. In relation to the specifics of the issue the member has asked about, I will refer that to the Minister for Health and provide her with a written response.

Supplementary question

Ms PATTEN (Northern Metropolitan) (14:41) — Thank you, Minister. I look forward to that response. Recently in the ACT fentanyl was found in some heroin that was seized by the police. Despite the fact that it was an ongoing investigation, this information was immediately released by the health department to avoid further harm. Bearing in mind that there is a risk of similar overdose events to that which we saw occur on Australia Day, will the minister put permanent protocols in place that would see the secretary of health respond with public health warnings identifying the drug by description or photograph should a similar overdose event occur in the future?

Ms MIKAKOS (Minister for Families and Children) (14:41) — I will refer the supplementary question again to the Minister for Health for a response.

Of course I make the point that, as the member would be aware, when we have had these tragic situations occur it is very common to have our health department officials, Victoria Police members and Ambulance Victoria making the public aware of these matters so that we can bring these issues to some attention, but I will certainly pass on the member's inquiry for a written response.

QUESTIONS ON NOTICE

Answers

Mr JENNINGS (Special Minister of State) (14:42) — I have answers to the following 130 questions on notice: 11 379, 11 474, 11 477–80, 11 482, 11 484–5, 11 490, 11 492, 11 494, 11 496, 11 499–502, 11 504, 11 507–8, 11 513, 11 515, 11 517, 11 519, 11 522–5, 11 527, 11 529–30, 11 535, 11 537, 11 539, 11 541, 11 544–7, 11 549, 11 551–2, 11 559, 11 561, 11 563, 11 566–9, 11 571, 11 573–4, 11 579, 11 581, 11 583, 11 725, 11 843–8, 11 850–1, 11 853, 11 856–9, 11 865, 11 882, 11 890–2, 11 894, 11 903, 12 247, 12 256–7, 12 282, 12 286, 12 290, 12 311, 12 319, 12 335–46, 12 408–13, 12 434–52, 12 454–62.

QUESTIONS WITHOUT NOTICE

Written responses

The PRESIDENT (14:42) — In respect of today's questions, I note that Ms Tierney actually provided quite comprehensive answers to a range of questions that were put to her. However, some specific information was being sought in some of those questions which was not necessarily included in the responses provided, notwithstanding that, as I said, they were quite comprehensive responses. In that context I would ask for a written response to the substantive and supplementary questions posed by Mr O'Donohue, both his first and second questions, and the supplementary question posed by Mr Morris; each of those is one day; in respect of Ms Fitzherbert's question involving a minister in another place, both the substantive and supplementary questions, that is two days; in respect of Ms Crozier's question to Ms Mikakos, just the supplementary question, that is one day; Ms Springle's question to Mr Jennings, the substantive and supplementary questions being to a minister in another place, that is two days; and Ms Patten's question to Ms Mikakos, the substantive and supplementary questions, again that is two days.

CONSTITUENCY QUESTIONS

Eastern Metropolitan Region

Ms WOOLDRIDGE (Eastern Metropolitan) (14:44) — My question is for the Minister for Roads and Road Safety, and I ask: what exactly has the government done to fast-track work on upgrading Bolton Street in Eltham, as he has claimed, when this vital arterial link has been partially closed for the last four months and is not scheduled to be opened for a couple more months? If the government had wanted to fast-track the work, why did it not ensure that crews worked in the evenings, for longer hours at weekends, before Melbourne Cup Day and on other rostered days off, and that the construction activities continued over the Christmas break instead of closing down for two weeks? Road construction crews on other vital road projects have worked at these times over this period, so why could it not be done in Eltham to fast-track completion?

Instead residents have been logjammed in traffic and local traders have been subjected to months of substantially reduced incomes while this government has cried crocodile tears over their plight. It has dismissed suggestions of compensation for traders, with the minister merely saying VicRoads was working with traders to minimise the impact of the work. No-one believes the project has been fast-tracked, so I would appreciate the minister providing any evidence he has on this case.

Eastern Victoria Region

Mr MULINO (Eastern Victoria) (14:45) — My question is for the Minister for Early Childhood Education. It was good to be with the minister at the opening of Bridgewood Primary School last week. One of the interesting features of that school is its partnership with the Coleman Foundation, which will be undertaking a partnership with the government for early childhood education, school education and adult education. My question relates to an overarching suite of reforms in this area that was to receive \$61 million in funding but in particular \$6.4 million to upgrade early childhood education infrastructure and equipment, including playgrounds, and to provide grants to kinders to provide safe and inclusive environments. There are many kinders in Eastern Victoria Region that I believe will be eligible for these grants, and I ask the minister if she can provide information as to when these grants will be open.

Northern Victoria Region

Ms LOVELL (Northern Victoria) (14:46) — My constituency question is for the Premier. I have long advocated for the establishment of radiotherapy services in Shepparton to treat the many cancer patients who reside in Goulburn Valley Health's catchment area. Currently cancer patients in need of life-saving radiotherapy treatment are forced to travel long distances, often without the emotional support of family and friends, to receive the treatment they need. In what is a disgraceful snub to these cancer patients, the Minister for Health has refused to answer every question I have put to her about establishing radiotherapy services in Shepparton, completely ignoring standing orders that require her to provide responses.

Over the past seven months I have directed 11 adjournment matters and two constituency questions to the health minister without a single response. This behaviour shows the minister and this government have no regard or compassion for the many cancer sufferers who reside in Shepparton and the surrounding area. Will the Premier direct the health minister to immediately provide responses to all of my questions and cease ignoring cancer patients from the Shepparton area who need radiotherapy treatment?

Eastern Metropolitan Region

Ms DUNN (Eastern Metropolitan) (14:47) — My constituency question is for the Minister for Roads and Road Safety. In working out compensation for families who have their houses compulsorily acquired for the north-east link, will the subdivision potential of those properties be taken into account? The homes around Yallambie, for example, are on large blocks just 14 kilometres from the city and would be ideal for subdivision given the growth of infill development to accommodate population growth.

Western Victoria Region

Mr RAMSAY (Western Victoria) (14:48) — My question is to the Minister for Roads and Road Safety, the Honourable Luke Donnellan. Over the summer period the number of visitations to the Bellarine Peninsula was at an all-time high. The road corridor between Barwon Heads and Ocean Grove was under intense pressure, with traffic congestion and a lack of vehicular flow slowly suffocating the Barwon Heads village and access to Ocean Grove using the Barwon Heads bridge. With annual population growth rates in the Bellarine at over 5 per cent and a developing satellite city of 60 000 residents in Armstrong Creek, a

bypass from the Geelong area to Wallington Road, Ocean Grove, is becoming a necessity not a future requirement. Previous plans to link the Barwon Heads road to Thacker Street in Ocean Grove, known as corridor C, were investigated but that was not the preferred option.

My question now to the minister is: will he have VicRoads revisit the potential for a bypass around the Barwon Heads township to in effect link Wallington and Ocean Grove by bypassing Ocean Grove, which would also remove the bottlenecks of traffic and congestion in the two townships?

Eastern Metropolitan Region

Mr LEANE (Eastern Metropolitan) (14:49) — My question is to the Minister for Housing, Disability and Ageing, Martin Foley, and it is in regard to Irabina Autism Services, which is based in Bayswater and which I was lucky enough to visit again recently to hear about the fantastic services that Irabina delivers, particularly to young people with autism and in support of their families. Irabina has extended their services to other locations in the east of Melbourne and they did discuss with me their aspirations to extend their services further, even to the point where there might be a central base for them somewhere in the CBD. They did mention that they have been working closely with Minister Foley, his advisers and other people in government around this. The question I have for Minister Foley is: what can Irabina do, and what can I do as their local MP, to further their aspirations of extending their services?

The PRESIDENT — Tenuous, very tenuous. Apart from anything else, you have asked for an action outside of your electorate, notwithstanding that the headquarters of the organisation is within the electorate. To ask what the local member can do is tenuous.

Western Metropolitan Region

Dr CARLING-JENKINS (Western Metropolitan) (14:50) — My question is to the Minister for Energy, Environment and Climate Change and concerns the safety hazard of faulty automatic gates at Brimbank Park in Keilor. On Wednesday, 6 December 2017, members of the Keilor Walkers Walking Group, one of the Heart Foundation's listed walking groups, were left stranded behind a faulty automatic gate in Brimbank Park for well over an hour before a park ranger arrived to rescue them. There are over 50 members in this walking group, and they are rightly furious because this has occurred on multiple occasions and it seems that Parks Victoria is failing to fix this problem. In the event

of an emergency, such as a fire or someone requiring urgent medical attention, it is absolutely paramount that people can leave the park without a faulty gate holding them up. My question to the minister is simply: when will this faulty automatic gate be fixed at Brimbank Park in Keilor?

Southern Metropolitan Region

Mr DAVIS (Southern Metropolitan) (14:51) — My question is for the Minister for Public Transport in the other place. It concerns the level crossing removal program between Caulfield and Dandenong and in particular responsibility for safety on that project. As I understand it, and from the information provided to me, the Metro Trains Melbourne group is being held responsible for the safety of the project, and that is where a consortium is involved. There are a number of parties involved; one party is designated as responsible. What I ask the minister by way of question is: despite these technical allocations of responsibility, does she herself accept responsibility for the safety of commuters, those who live by the corridor and indeed road users in and around this particular corridor? Does she accept that responsibility ultimately lies with her to ensure that the arrangements in place are safe?

Mr Leane — Tenuous.

The PRESIDENT — It is more than tenuous, that one. A constituency question is expected to ask for some sort of an action essentially. There is some tolerance in terms of what a constituency question can pose to a minister, but to ask her to take responsibility for safety —

Mr DAVIS — The constituency is my electorate — through the Oakleigh corridor, in Carnegie and Murrumbeena and that particular area of my electorate. Those people are at serious risk. They are moving 200-tonne beams in and around that corridor, in some cases millimetres from homes and live trains going through that area. I am sorry, President, but if an MP cannot get up and ask about a matter that directly affects the safety of their constituents, I think we have a problem.

Ms Wooldridge — On a point of order, President, constituency questions were implemented initially in the lower house because Dorothy Dixers were removed. They are to enable members of Parliament to ask questions of a minister and to provide another forum to do that in addition to question time, because of the Dorothy Dixer removal. Clearly adjournments are about seeking an action but constituency questions are about asking a question that you would otherwise be

able to ask in question time, but now because of the changes to the standing orders that is not available. Very clearly a question asking if a minister takes responsibility for an issue happening within an electorate would fall within that definition.

The PRESIDENT — On the basis that I let Mr Leane's stand I will let this one stand, but it really does skirt the edge, because there is a matter of opinion in there effectively to some extent as well. If the question is whether the minister is taking responsibility, the responsibilities of a minister under the jurisdiction are understood anyway, so really it is more —

Mr DAVIS — To clarify for you, President, on this matter the departmental secretary and I had a discussion about this at a briefing, and he made it clear to me that Metro is the responsible body for all incidents and safety along this corridor of development in my electorate. My point is precisely that I want the minister to say, 'Yes, I am responsible', or not. The secretary of the department has indicated to me in a briefing that the minister is potentially not responsible.

The PRESIDENT — All right. I think you have already had your answer, by the way.

Western Metropolitan Region

Mr MELHEM (Western Metropolitan) (14:56) — My constituency question is to the Minister for Early Childhood Education, Ms Jenny Mikakos. I allude to the recent turning of the sod at the \$6.9 million Altona Early Years Hub. The local area needs this facility, and I am delighted to see the government giving a hand to young working families in Altona in my electorate. I was also pleased to see the minister's announcement that 3300 new places will be created for kindergarten children across Victoria over the course of 2018. Western Metropolitan Region contains some of Melbourne's fastest expanding suburban growth corridors. This is predominantly young families who require a good early childhood education sector. Can the minister provide me with further information on how many of these 3300 places are set for Western Metropolitan Region?

Eastern Victoria Region

Ms BATH (Eastern Victoria) (14:57) — My constituency question relates to an issue I raised on Wednesday, 18 October last year, for the Minister for Health, the Honourable Jill Hennessey, and the desperate need for funding to refurbish the theatre and maternity wards of the South Gippsland Hospital. The government should have advised CEO Chris Trotman

of the outcome of the hospital's submission requesting \$1.6 million by November last year, and it has heard nothing. Sadly the hospital is making do in incredibly difficult circumstances. Privacy is compromised in the birth suite and theatre and excessive noise is penetrating the preparation room, causing distress to patients about to undergo anaesthetic. Both areas do not meet requirements for people with disability. The hospital cannot secure the employment of medical professionals due to the uncertainty of the upgrade. I ask the minister: will you grant this vital funding application to the South Gippsland Hospital as a matter of urgency?

Western Metropolitan Region

Mr FINN (Western Metropolitan) (14:58) — My constituency question is to the Minister for Energy, Environment and Climate Change. On a particularly warm day last week power blackouts hit much of the municipality of Hobsons Bay and into Wyndham. These blackouts caused enormous discomfort to thousands of people in the western suburbs. They were predicted and came as no surprise to anyone. What did come as a surprise was the minister's explanation for these blackouts: 'Nothing to do with the closure of Hazelwood. It's the result of localised fuse faults', she said. Minister, can you tell me exactly how many fuse faults caused the widespread blackouts across the western suburbs on 28 January?

NOTICES OF MOTION

Notices of motion given.

BUSINESS OF THE HOUSE

General business

Ms WOOLDRIDGE (Eastern Metropolitan) (15:02) — By leave, I move:

That precedence be given to the following general business on Wednesday, 7 February 2018:

- (1) notice of motion given this day by Mr Davis in relation to the tabling of amendment GC65 relating to the West Gate tunnel;
- (2) notice of motion given this day by Mr Davis in relation to the revocation of amendment GC65 relating to the West Gate tunnel;
- (3) notice of motion given this day by Mr Purcell in relation to international drivers;
- (4) notice of motion given this day by Mr O'Donohue in relation to the increase in crime over the summer;
- (5) notice of motion given this day by Mr Davis requesting documents relating to the West Gate tunnel; and

- (6) notice of motion given this day by Mr Rich-Phillips in relation to formally recognising Australia Day on 26 January.

Motion agreed to.

Mr DAVIS (Southern Metropolitan) (15:03) — I desire to move, by leave:

That there be laid before the house a copy of amendment GC65 to the Brimbank, Hobsons Bay, Maribyrnong, Melbourne, Port of Melbourne and Wyndham planning schemes, which facilitates the delivery of the West Gate tunnel project and which was gazetted on 7 December 2017.

I wish to table that because it is a public document already.

Leave refused.

MINISTERS STATEMENTS

Early childhood education

Ms MIKAKOS (Minister for Families and Children) (15:04) — I rise to update the house on an important independent report released last week by all states and territories called *Lifting Our Game: Report of the Review to Achieve Educational Excellence in Australian Schools through Early Childhood Interventions*. The key findings from this report are that short-term funding agreements from the Turnbull government ‘cause uncertainty and hamper planning’ for more ambitious reform and that Australia is falling behind other countries with our investment in early years education. The report confirms that Australia invests only one-third of the OECD average in pre-primary education, ranking 24 out of 26 nations. Clearly the Turnbull government does need to lift its game.

Unbelievably, just one day after this report was released the Turnbull government put yet another short-term, one-year kindergarten funding offer on the table, which is exactly what the report was critical of, and the reaction from the sector has been palpable. Whilst the report found that the benefits of investing in the early years are widely accepted internationally, Australia fails to invest early and pays for it later. This will now be the sixth national partnership agreement for universal access in just 10 years. The review concludes that it is ‘a lost opportunity for governments to show sustained commitment to quality early childhood education’.

Perhaps the only thing more extraordinary is that Ms Crozier congratulated the Turnbull government whilst the Victorian early childhood sector, teachers and parents expressed their strong dismay. Even the

New South Wales Liberal government is calling for a long-term deal, but Ms Crozier would prefer to cosy up to the Turnbull government than to fight for what is fair. Never has there been a clearer example to Victorian parents that those opposite are completely out of touch and will not fight with Canberra for a better deal for our kids.

I would recommend that all members, especially Ms Crozier, read the independent report. I commend it to the house. I can assure members that the Andrews government and I will continue to fight on to ensure that we get ongoing funding for 15 hours of four-year-old kindergarten. Our children deserve this.

MEMBERS STATEMENTS

State election

Ms WOOLDRIDGE (Eastern Metropolitan) (15:06) — This year, as we return for the final year of this term of Parliament, voters have a very clear choice. It is an important choice that they need to make. On one hand we have Daniel Andrews, the absolute bully. There are so many examples of his way or the highway. The Country Fire Authority and sky rail are just a couple of examples. You are either with him or you are against him, and look out if you are against him, because you will suffer the consequences. A list of women have experienced those consequences because they have been casualties of his bullying behaviour, whether it is Jane Garrett in the Assembly or Lucinda Nolan. The list just goes on and on.

We have blowouts in costs totalling over \$24 billion from metro rail, level crossings, the heart hospital and even the east–west link that was not going to cost a single dollar. We have got an ideological left warrior, the Hazelwood closure, Peter Mac Private was canned, and we have a divided, underperforming team with constant leaks coming and ministers having gone at a rate of knots.

You compare that with what we have got from Matthew Guy and it is a clear and stark contrast across the board. This is a leader who has a long-term vision for all of the state with his policies in relation to decentralisation, protecting victims of crime and taking a lead there, and energy for the future of Victoria. We have got a committed, cohesive team backing our Premier in contrast. Victorians do have a clear contrast, a clear comparison, and I am confident Victorians will get over the spin and the makeover and make sure Matthew Guy is the Premier after 24 November.

West Gate tunnel project

Mr MELHEM (Western Metropolitan) (15:08) — Last week construction started on the West Gate tunnel project, and I was delighted to attend the opening of the northern portal project site on Whitehall Street, Footscray, not too far from my office. A second site on Somerville Road, Yarraville, will be opening later this year, with these two sites set to create over 500 direct jobs in their peak construction phase.

Over the next five years we will see project sites established across the inner west to facilitate the widening of the West Gate Freeway and assist with the different stages of the tunnel's development. This long-awaited alternative to the West Gate Bridge will create over 6000 Victorian jobs, ease congestion on some of the western suburb's most clogged up roads, revitalise the local area and get trucks off the residential streets. With the West Gate Freeway going from eight to 12 lanes, as well as the new bridge and tunnel going through to the Maribyrnong River, this project will transform the lives of workers who need to use this route daily. When this project is completed in 2022, these workers will get to work more quickly and home to their families sooner.

The government has also provided assurances that there will be significant community consultation throughout the project's construction stage. Local businesses, residents and motorists will be kept informed, and there will also be a focus on maintaining the amenity of the local area.

I commend the Premier, Daniel Andrews, and the Minister for Roads and Road Safety, Luke Donnellan, on the excellent work they have done in providing new roads and upgrades for the west. This government is getting on with the job of building the first-class, productivity-boosting infrastructure that Victoria needs.

South Sudanese Australian Youth United

Ms SPRINGLE (South Eastern Metropolitan) (15:09) — Sunday a week ago I had the absolute pleasure of attending the South Sudanese Australian Youth United (SSAYU) annual general meeting (AGM) held at Docklands. South Sudanese Australian Youth United — which is a very catchy title — supports young South Sudanese people across a wide range of areas, including education and employment. It also works with young South Sudanese people to tackle addiction and crime within their community. The AGM brought together members from all over Melbourne to review an incredibly impressive program of work delivered in the community, all by volunteers.

These programs include the Bounce Back basketball and mentoring program, a weekend academy program, the *Focus* TV series, the South Sudanese Youth Festival, the Women Empowerment Forum, the Cancer Council and SSAYU hepatitis B project, the Parkville and Malmsbury juvenile justice project, and others, including work with AFL Victoria and the Grounded project.

I would like to take this opportunity to recognise the work of this impressive organisation. Organisations such as this play such a significant role in building community cohesion, establishing bridges between the different parts of our community and supporting members of the South Sudanese community in dealing with the challenges they face. South Sudanese Australian Youth United brings together the future leaders of the South Sudanese Australian community in Victoria and performs a vital role in our community. This organisation is entirely reliant on the time and effort of volunteers and would benefit hugely from additional resourcing.

Australia Day awards

Ms LOVELL (Northern Victoria) (15:11) — Australia Day 2018 was a very busy one. It was wonderful travelling around my electorate and seeing the various communities celebrating everything that is wonderful about our great country and the opportunities that we have living in the greatest country on earth.

My Australia Day celebrations started early when I attended the Moira Shire Council Australia Day awards on the preceding Thursday night. On Australia Day itself I attended the flag-raising ceremony at Queens Gardens in Shepparton. I then travelled to the great town of Tatura for its Australia Day celebrations, where I had the honour of presenting former councillor Kevin 'Gunna' Ryan with his Citizen of the Year award. It was then on to Mooropna, where I had the honour of speaking at their Australia Day ceremony.

I concluded a fantastic day by attending the Nathalia Australia Day evening event at the Nathalia Recreation Reserve, which was a fantastic community event with lots of activities for the kids, great entertainment and a wonderful barbecue dinner. Together with the mayor of the Shire of Moira, Libro Mustica, I was honoured to present Margaret Paterson with her Citizen of the Year award and Heather Henderson with the Highly Commended Citizen award.

I would like to congratulate the many worthy winners of local community Australia Day awards throughout my electorate and also acknowledge the many

constituents from my electorate who were awarded Australia Day honours. You are all wonderful servants of your respective communities. I would also like to make a special mention of the honours recipients from the Shepparton area — Peter Ryan, who was honoured as a Member of the Order of Australia, and Don Kilgour, who was honoured with a Medal of the Order of Australia, as well as Bill Baxter, a former member of this house, who was honoured as a Member of the Order of Australia.

Epworth Richmond

Mr ELASMAR (Northern Metropolitan) (15:13) — Last year I was admitted to the Epworth hospital in Richmond for a surgical procedure. I would like to take this opportunity, if I may, to place on record my sincere appreciation and thanks to the wonderful nursing staff and doctors for their kind treatment of me and my family, who were very frequent visitors.

Banyule City Council volunteer awards

Mr ELASMAR — I would like to put on the record my pleasure and congratulations to Banyule City Council for its ongoing support for volunteers in the City of Banyule. An awards ceremony held late last year, hosted by the mayor and CEO of Banyule, recognised volunteers in almost every field of endeavour for their commitment and service to the elderly citizens and the very young via sporting clubs within the community. Well done to all the community groups who received well-deserved awards.

Sturt Street, Ballarat

Mr MORRIS (Western Victoria) (15:14) — Labor's plan to destroy Sturt Street by closing six intersections to traffic and tearing up the median strip of our magnificent heritage boulevard to construct a bike path is nothing short of disgraceful. The arrogance of the Andrews government in imposing such a destructive plan on our community is almost beyond belief. Ballarat has spoken loudly and clearly about this ridiculous plan. Businesses, residents, motorists and indeed even local cyclists have said that Labor's plan to destroy Sturt Street must be abandoned. Daniel Andrews must stop bullying the community and immediately rule out proceeding with this plan. The message to Daniel Andrews is clear — hands off Sturt Street!

Australia Day

Dr CARLING-JENKINS (Western Metropolitan) (15:15) — This year I celebrated Australia Day in two different ways. First, I attended a good old-fashioned barbecue with Australian Conservatives members and friends, where we played Cory Bernardi's top 100 hits while enjoying each other's company.

Then I attended a formal citizenship ceremony in Moonee Ponds. It was truly inspiring to see the dedication that new Australians have for their country, a country we now share. One candidate had given birth only the previous day but insisted on being there to collect her citizenship certificate — now that is dedication. Clearly Australia Day means something important to them, just as Australia Day should mean something important to each one of us.

The ongoing war against Australia Day has brought out nothing but the worst in those who hate our culture, our system of government and our way of life. We have seen vandalism, we have seen hate speech, we have seen vile protests and we have even seen the City of Yarra ban its staff from using the term 'Australia Day' altogether. Such behaviour is a disgrace. It is un-Australian and it is a long way from the Australia we all should want, hope for and believe in. The purpose of Australia Day is to celebrate what makes our country great as we learn from the good and the bad of our past. Australia has come a long way, and we have every right to be proud and to celebrate together.

Latrobe Valley economy

Ms SHING (Eastern Victoria) (15:16) — I have a number of matters which I wish to raise today, all of which relate to the ongoing work being done to increase and drive community pride and pride of place throughout the Latrobe Valley region. It has been an absolute pleasure to see the Collingwood Football Club's ongoing investment as part of our ongoing commitment to the region. This is not just as a result of their recent camp, which has involved hundreds of people getting the benefit of the players' wisdom and knowledge, but also the knowledge of upcoming friendlies and the fact that elite sporting competition is coming to the valley as part of our medium to long-term investment in making sure that our kids have access the best possible opportunities for training, for better health outcomes and to see elite sporting competitions in their backyard.

Gippsland regional aquatic centre

Ms SHING — It has been fantastic to see that the time frames for the long-awaited aquatic centre are being brought forward so that people within the Latrobe Valley region can enjoy the benefit of this sporting facility well into the future.

Port of Sale cultural hub

Ms SHING — It has been really wonderful to see the opening of the port of Sale cultural hub, which was accompanied by a great smoking ceremony and welcome to country from Uncle Nicky and Uncle Ronald Edwards-Pepper. It was a great day which celebrated the unique culture we have within the Gunaikurnai community as well as the history of the area through the heritage of the first settlers to this part of Gippsland.

Gippsland schools

Ms SHING — It is fantastic to see that all of the brand-new preppies and new starters at Latrobe Valley schools have enjoyed their first week thus far, and we wish them all the very best in many of the new infrastructure facilities that we have provided with our record investment in education throughout this part of Gippsland.

Manningham bus services

Ms DUNN (Eastern Metropolitan) (15:18) — In June 2017 Transdev submitted a market-led proposal for a bus rapid transit (BRT) system from Doncaster to the CBD. In September 2017 it was revealed that this proposal had not made it to the second phase. On 25 November the Premier announced the state government had stolen Transdev's idea, but only in part. It would only provide dedicated lanes to the end of the Eastern Freeway and only as part of the proposed \$16.5 billion north-east link toll road. Therefore Manningham will get half of its bus rapid transit infrastructure seven years later than necessary and it will cost \$16 billion more than it should.

The market-led proposals process is exceptionally opaque, so it took a request by myself under the Freedom of Information Act 1982 to find out the specifics of the demise of the proposal. The outcome of that FOI request was revealing in what it did not say. It is clear from the documents that the BRT proposal was only considered at a level of officials, with the sign-off on its rejection provided by a deputy secretary. It was never considered by the Minister for Roads and Road Safety or the Minister for Public Transport, and it was

certainly never considered by cabinet, which is indicated by the fact that no documents were withheld on a basis of being cabinet in confidence.

It is clear that this government uses the market-led proposals process to suck up to big companies of its choosing. Transurban's West Gate tunnel project has the full force of cabinet behind it while other valid proposals are copied and rejected without reason. No market forces are allowed to be applied to the so-called market-led process. It is the outsourcing of decision-making and investment planning to sweetheart corporations. Shame on the Andrews government for shafting the people of Manningham yet again.

Wire rope barriers

Mr O'SULLIVAN (Northern Victoria) (15:20) — I would like to speak this afternoon in relation to the installation of wire rope barriers along many country roads. There is no doubt that road safety is very important, and the statistics show that accidents in regional areas are beyond what they should be. In the northern region wire rope barriers have been rolled out along the Hume Freeway, the Calder and also the Goulburn Valley Highway. Obviously this has been undertaken by the Transport Accident Commission in conjunction with VicRoads.

The barriers are certainly positive in terms of what they are trying to do, but some unintended consequences have occurred as a result of the rollout of these barriers. Anyone who rides a motorbike is very fearful of ever coming into contact with them if they come off. They are referred to in that fraternity as the cheese graters. Certainly the motorbike riders do not particularly like them as they see them as being dangerous.

The problem with the barriers that I am starting to see, and that many people are coming to talk to me about, is the fact that they are actually being put up too close to the road itself and there is not enough room for run-offs. We actually saw a fatality only in the last week where a lady died when she ran into one of these barriers. I think we need to have a better understanding of where these barriers actually need to be placed, and that needs to be much further away from the road so they can actually do what they are intended to do. It is a pity that the Minister for Roads and Road Safety said that anyone who questions these wire rope barriers is a banjo-playing dingbat.

Victoria Police

Mr BOURMAN (Eastern Victoria) (15:21) — Today I want to rise and congratulate Victoria Police on a job well done for the recovery of all of the firearms stolen during the armed robbery at O'Reilly's Firearms last week. It is a good indication of what good old-fashioned policing does, as opposed to victim blaming, and it is up to the courts now to make sure that these people get absolutely hammered.

Junction Oval, St Kilda

Mr LEANE (Eastern Metropolitan) (15:22) — Over the break from being in this place I took the opportunity to visit some of our hundreds of fantastic infrastructure projects that cover obviously public transport, roads, hospitals and sport. Speaking of sport, one of the projects I did get to visit just before it was finished was the Junction Oval project in St Kilda, which will be the new home of Cricket Victoria and also used as a community centre.

This is an amazing project. It will be the new home for Cricket Victoria and will be used exclusively for cricket as a sport. It has amazing new facilities and the surface of the oval is just spectacular. One of the things I was really impressed with was the female changing rooms and other facilities for females, who have embraced this sport. I think the standard has been set at a high level and that should be expected for all participants in high-level sport. I congratulate the Andrews government and Cricket Victoria on ensuring this is part of the facility. I am sure this and other facilities where we have ensured there are female changing rooms will help this government go down as the greatest government this great state has ever seen.

Government performance

Mr FINN (Western Metropolitan) (15:24) — 2018 is the year the west bites back. Sick to the back teeth of being treated by the Andrews government as second-class citizens, the people of Melbourne's west are waiting on their verandahs, baseball bats in hand, for November to arrive. The people of Caroline Springs and Deer Park are waiting to make this government pay for forcing them to live with a putrid stench that nobody should be forced to endure, to say nothing of the Andrews government's plan to expand the Ravenhall tip to a size that will be able to be seen from the moon. The people of Essendon are waiting to pay back this government for its flagrant disregard for the aesthetics and amenity of Buckley Street as it pushes ahead with digging Dan's ditch.

Wyndham's residents have not forgotten Ms Mikakos's youth justice jail proposed for Werribee South, nor will they forget the antics of Telmo Languiller in the Assembly or any of the other non-resident MPs who are alleged to represent them. Residents of the inner west are seething over the impact the Premier's West Gate tunnel will have on their lives. They are not happy, Dan. The good people of Sunbury are about to express their disdain for their invisible MP and the neglect that the Andrews government has heaped upon them by the truckloads. The time of reckoning is near. No longer will the people of Melbourne's west tolerate the shabby treatment meted out to them by a Labor government. In November this year it is more than the Dogs who will be rising up in the west.

Dr Collette Burke

Mr MULINO (Eastern Victoria) (15:25) — I was very pleased to attend the appointment of Dr Collette Burke as Victoria's first chief engineer. She will help oversee the state's record infrastructure pipeline. Dr Burke will provide expert advice to the Labor government on major project design and engineering. She has experience in both the private and the public sectors. She was appointed as director the VicTrack board in 2015 and is currently serving as the managing director of a major engineering consulting firm. Dr Burke is also a former national director of the National Association of Women in Construction. She will play a critical role in promoting women in the engineering profession. The new chief engineer role is based within the Office of Projects Victoria, a new expert body established by the Labor government to oversee the planning and delivery of Victoria's unprecedented pipeline of major infrastructure projects.

Geelong city deal

Mr MULINO — It was a great pleasure to see that an agreement has been reached between the Victorian government, the federal government and the City of Greater Geelong to develop a city deal for Geelong. Geelong is a city which is undergoing a period of significant transformation. During this transition there are many opportunities that Geelong can take advantage of: beautiful natural assets; a highly skilled workforce, particularly in relation to social insurance; and great schools and higher education institutions, many of which are of course receiving significant funding under the current state government.

The Victorian government has listened to the people of Geelong and will pursue the things that those who live in Geelong want in a city deal. We will seek to build on the region's natural assets through investments in

tourism and the visitor economy, such as a convention centre for Geelong and the Shipwreck Coast master plan. We also hope to capitalise on Geelong's specialisation in social insurance, its renowned higher education institutions and its proud history of manufacturing. The city deal presents an opportunity for all three levels of government to work together and with other stakeholders to help grow Geelong and the Great Ocean Road.

FIREARMS AMENDMENT BILL 2017

Committed.

Committee

Clause 1

Mr O'DONOHUE — Minister, the first question I ask is: why wasn't this committed in the last sitting week prior to Christmas?

Ms TIERNEY — I was just checking whether anything else had occurred, but the simple matter was that we ran out of time.

Mr O'DONOHUE — Well, actually we did not, Minister, because in your summation of the second-reading debate on 30 November you said words to the effect that you looked forward to working through the committee stage later that day. So I am perplexed as to why the government ran out of time given the statements from various government ministers about the importance of passing this bill in a timely manner.

Mr Rich-Phillips — On a point of order, Acting President, the minister has misled the house with her statement that the house ran out of time to consider this legislation in the last week of sitting. That is demonstrably untrue given the house on its final sitting in December last year actually commenced debate on the Oaths and Affirmations Bill 2017 purely to extend the sitting of the house to reach question time. It was in fact the government's desire on the final sitting Friday of December that the house be extended to reach question time at midday, and for that reason it brought on the Oaths and Affirmations Bill to pad out the sitting on that day. So the suggestion that there was insufficient time to proceed with this bill is patently false, and I ask the minister to correct the record.

Ms Shing — On the point of order, Acting President, Mr O'Donohue has made a number of claims which are based on his opinion and constitute nothing more than bald speculation, and in that regard I do not think there is a case to answer in relation to any

misleading of the house. The minister has provided the house with a factual account of the advice around not having sufficient time within the sitting time that was available to the house prior to the Christmas adjournment.

Mr Rich-Phillips — Further on the point of order, Acting President, Ms Shing referred to comments by Mr O'Donohue. It had nothing to do with Mr O'Donohue's comments. It was —

Ms Shing interjected.

Mr Rich-Phillips — I am on my feet. It had nothing to do with Mr O'Donohue's comments. It had everything to do with the minister's answer that we ran out of time, which is patently untrue.

Ms Shing — Further to the point of order, Acting President, as I indicated, while Mr Rich-Phillips was on his feet I was referring to Mr Rich-Phillips's bald speculation and offering of a personal opinion about the way in which matters transpired at the end of last year's sitting, and I erroneously referred to Mr O'Donohue in that regard. So again, I am happy to correct the record in relation to the matters that I first raised where I incorrectly referred to him rather than to Mr Rich-Phillips. Again, my point stands.

The ACTING PRESIDENT (Mr Elasmarr) — It became more than a point of order; I think it became a debate. Unless the minister would like to add or make any more clarification, we will continue.

Mr O'DONOHUE — On the point of timing, in the last sitting week this place passed the Crimes Legislation Amendment (Protection of Emergency Workers and Others) Bill 2017, the Drugs, Poisons and Controlled Substances Amendment (Pilot Medically Supervised Injecting Centre) Bill 2017, the State Taxation Acts Amendment Bill 2017, the Transport Legislation Amendment (Road Safety, Rail and Other Matters) Bill 2017 and the Domestic Animals Amendment (Puppy Farms and Pet Shops) Bill 2016. I take it, Minister, that all of those bills were deemed to be of more importance than the Firearms Amendment Bill 2017 as they took precedence in debate over this bill.

Ms TIERNEY — I will take that as a comment.

Mr RICH-PHILLIPS — Minister, is this bill a priority for the government?

Ms TIERNEY — This is a priority for the government. I hope that we have timely and efficient debate in the committee stage and we do not go through

a time-wasting exercise, which seems to be fairly common.

Mr RICH-PHILLIPS — Minister, if this bill is a priority for the government, given that it was introduced in the other place on 19 September last year, why was debate not proceeded with for some three sitting weeks in the other place, passing on 2 November?

Ms TIERNEY — There have been a number of discussions and a number of amendments from various parties within this chamber leading up to today and since September last year. Again I say it is now before the house in committee stage, and let us get on with it.

Mr RICH-PHILLIPS — Again, Minister, that is not a correct statement. The amendments were not before the house in the other place, but nonetheless the government chose to have the bill sit on the notice paper in the other place for three weeks before it passed and came to this place. After its introduction in this place it sat on the Council notice paper for two weeks before it proceeded to the second-reading debate, which was concluded on 30 November. So even before the introduction of any amendments the government stalled its own bill for three weeks in the lower house and then a further two weeks in the upper house and is now purporting that the bill is urgent despite having also then stalled it in the final week in December. Does the minister still maintain it is urgent given the six-week delay of the government's choosing since the September introduction?

The ACTING PRESIDENT (Mr Elasmarr) — Minister, would you like to add anything?

Ms TIERNEY — No, I do not. I have already dealt with this matter.

Mr BOURMAN — Minister, part of the purposes of this bill is to create the offences of possessing, carrying and using firearms in public places and on private property. That is currently in most instances an offence, depending on what you are doing. Why is this changing from a 'populous place' to a 'public place'?

Ms TIERNEY — I thank Mr Bourman for his question. This was a matter that I dealt with in points of clarification at the summation of the second reading, but nevertheless I am happy to go through this again. The term 'town or populous place' has never been defined. Victoria Police has a working definition of the term about places where people gather or frequent. This does not necessarily cover all areas, such as an area open to the public but not generally frequented such as an industrial estate or an area outside of a town. The

term 'public place' is taken from the Summary Offences Act 1966, and it is considered to be a well-known concept in criminal law.

Mr BOURMAN — Thank you, Minister. I actually had a lot of fun enforcing the Summary Offences Act 1966 and things like that, including the public places issue. Was there an issue that actually led to this needing fixing, or is it a fix on the fly?

Ms TIERNEY — Mr Bourman, I am advised that it came about following the callous shooting of Constable Ben Ashmole in 2015. Two offenders were in the vehicle, and a shotgun was produced and fired directly from the passenger side window in Constable Ashmole's direction while he sat in the driver's seat of a police vehicle. The prosecution was unable to produce evidence as to who actually fired the gun. The case proceeded on the basis of the complicity provisions of the Crimes Act 1958.

Mr BOURMAN — Thank you, Minister. There are some questions I will go into further on about the whole public place thing. Clause 1(a)(iii) states:

... further provide for VCAT review of Chief Commissioner decisions ...

Currently that is done by the Firearms Appeals Committee (FAC). Why is it being changed from that to VCAT?

Ms TIERNEY — The advice I have received is that VCAT is considered the appropriate forum to determine a review of the firearm prohibition order (FPO) and also licensing decisions that are based on the Chief Commissioner of Police refusing a licence application, or refusing to renew or cancelling a licence due to serious criminal behaviour. Hearings of the Firearms Appeals Committee are convened by the Department of Justice and Regulation, which provides secretarial services to the FAC. FPOs and licensing decisions based on serious criminal behaviour can be complex and involve handling sensitive information, requiring a high level of security. Unlike the FAC, VCAT has a fully functioning court-style registry system with appropriate and secure file storage arrangements, making it more appropriate to deal with sensitive, complex and confidential material.

Mr BOURMAN — Thank you, Minister. I can understand the FPOs going to VCAT. In fact I think they should probably go to the Magistrates Court, but that is another issue.

Ms Tierney — Yes, it is.

Mr BOURMAN — But I am not entirely convinced that the chief commissioner's decisions on licensing really belong there. It actually begs the question: what is going to become of the Firearms Appeals Committee?

Ms TIERNEY — Mr Bourman, I am advised that the regulatory breaches of the Firearms Act 1996 by licensed persons and fit and proper person considerations, such as the breaches of storage and transport requirements, will continue to be dealt with under the licensing scheme and the FAC.

Mr BOURMAN — Thank you, Minister. Is there a definitive list of what will and will not be dealt with by the FAC? I have had quite a few of my constituents ask this, so I would like to be able to hand them something.

Ms TIERNEY — I will see if I can get it.

I am advised that the licensing matters that are in the current act will stay with the committee and the other matters will go to VCAT. I am happy to provide that to you.

Mr BOURMAN — Thank you, Minister, if you could do that. It would just be easier if we could get a list of what is kept. I will quickly move on to the trafficable quantities of unregistered firearms. I know the answer to this, but I would like it on record. Why is it now going from three to two?

Ms Tierney — Sorry, what was that?

Mr BOURMAN — Why is the number of unregistered firearms going from three to two?

Ms TIERNEY — Thank you for your question, Mr Bourman. This is a straightforward request from Victoria Police (VicPol), who have been concerned about the number of firearms out there and who consider one firearm is enough.

Mr BOURMAN — Thank you, Minister. That is not really an answer, other than 'Victoria Police asked us to do it'. I will be honest: whilst I personally am not in favour of the current registration system, it is what we have and we need to abide by it. But what worries me is with a lot of pig farmers their grandad had a couple of old guns left out in the shed and eventually, for whatever reason, they surfaced. There is a massive difference between someone with a couple of old guns they do not know how to deal with and a career criminal in the business of supplying other career criminals with illegal guns. What comfort is there that grandma and grandpa are not going to get hammered with a firearms trafficking offence? That is not what I

would expect this to be all about, but they could well and truly get caught by it.

Ms TIERNEY — Mr Bourman, this is only about unregistered, not registered, firearms. Also remember VicPol still has the discretion as to what charges to bring, so I think that will cover off in terms of the scenario that you provided.

Mr O'DONOHUE — Can I just ask a follow-up question of the minister? What factors would VicPol consider in determining whether to exercise that discretion?

Ms TIERNEY — I thank Mr O'Donohue for his question. As with most situations like this, it will be dealt with on a case-by-case basis. The police will determine things based on offending history and convictions and the like.

Mr BOURMAN — One of my concerns, Minister, about the lack of an ongoing, 24/7 amnesty is that, as all of these numbers that prove a trafficable quantity of firearms get lower, it is actually dissuading people from handing in stuff because they think they are going to get nailed with a trafficking offence. I think as best as possible, rather than just saying 'on a case-by-case basis', it needs to be stated for the record who this is aimed at — that it is not aimed at the people trying to do the right thing. When I say 'trying to do the right thing', they may have come into these unregistered weapons through no fault of their own and are not quite sure what to do with them. There is not an ongoing amnesty, so they could get charged with trafficking firearms. I think you need to be very clear about what this bill is about.

The ACTING PRESIDENT (Mr Elasmr) — Minister, would you like to make any comment? If not, do you have any further questions, Mr Bourman?

Mr BOURMAN — I will move right along. I do not think I am going to get any joy out of my request from before. Moving on to subparagraph (v), 'to create offences for possession of parts and equipment for the purpose of manufacturing firearms', I will go into more details on this when we get further down the track, but is this not already illegal?

Ms TIERNEY — I thank Mr Bourman for his question. This also was dealt with in the second reading. Essentially the background is that in 2015 the government introduced new offences for illicit manufacture of firearms; however, those offences did not cover the possession of firearm parts or manufacturing equipment, so you could actually make a component of a firearm. The existing unlicensed

firearms manufacturing offence in the Firearms Act will be expanded to include the possession of firearm parts or manufacturing equipment for the purposes of manufacturing a firearm or other firearm part. The amendments better capture the preparatory steps in the manufacturing process. Manufacturing equipment, while undefined, should include both machinery and non-plant items, such as firearm moulds, as such.

Mr RICH-PHILLIPS — Minister, I have got a few questions I would like to go back to first principles on, but just following up one of the questions from Mr Bourman where he asked about the change to section 130 of the act in relation to offences of possession and the change to the use of ‘public place’ as the definition of the place where an offence occurs rather than ‘populous place’, you gave the example of a Constable Ashmole — I think that was the case — and indicated that under the current provisions police were unable to identify an individual offender, if I understood correctly, in that case where shots were fired from a vehicle. How is this provision in the bill going to change that? Given that is the rationale for this change to using ‘public place’, how would that change the Ashmole case?

Ms TIERNEY — I am advised that this new approach widens the definition and that VicPol, in the matter that was referred to, was concerned that it could not prosecute under ‘town or populous place’, the old definition.

Mr RICH-PHILLIPS — Because there was doubt as to where the offence occurred?

Ms TIERNEY — This was brought about, Mr Rich-Phillips, because there was doubt from Victoria Police whether the definition of ‘town or populous place’ was sufficient to be able to pursue the prosecution. They thought it potentially would not allow the case to go ahead.

Mr RICH-PHILLIPS — Thank you, Minister. I understood from your answer to Mr Bourman, perhaps incorrectly, that you indicated that in the Ashmole case police were unable to identify the perpetrator. I took from your answer that the reason the prosecution could not proceed was because they were unable to identify the perpetrator. Can you clarify the comments you made to Mr Bourman?

Ms TIERNEY — It is actually both. The reason it went back to the issue of ‘populous place’ was to try and deal with the issue of a lower penalty. Yes, it is a definition about a populous place, but it is also about making sure that you can apply a definition that

actually brings about a penalty that is not of a lower level.

Mr RICH-PHILLIPS — Thank you, Minister. I appreciate this offence does increase the penalty — and we can come to that subsequently when we get to the clause — but it is not clear how the penalty relates to changing the definition from ‘populous place’ to ‘public place’, using the summary offences definition. I want to focus at this point on the change in definition rather than the change in penalty — yes, the bill does increase the penalty — and just understand how that change in definition would have changed the outcome or the ability to prosecute in the Ashmole case.

Ms TIERNEY — I hope this clarifies. It was a 12-month summary offence, so on the populous place or township definition, the area where it happened was an industrial area and it was not necessarily going to be covered by this definition. That is why VicPol has asked for greater clarity and a greater scope in the definition.

Mr O'DONOHUE — Without interrupting the flow from Mr Rich-Phillips, I want to follow that up, Minister. Correct me if I am incorrect, but as I understand it that matter ended up being a plea from the accused and the matter was not actually tested at trial. The charges were reduced, and the penalty as a result was, I think, questioned by many in the community. Was the issue of ‘populous place’ part of the consideration in whether to proceed to trial with higher charges?

Ms TIERNEY — I thank the member for his question. The fact is that VicPol has seen this as a potential loophole in the future. That is why we have it in this bill before us today. On whether it did or did not deal with a particular matter that went to the court at the time, the overwhelming aspect to the need for this amendment is that VicPol feels it would get greater protection of VicPol members in their line of duty, and it has requested that this be included so that there is a better scope for protection on an ongoing matter.

Mr O'DONOHUE — No-one disputes what you are saying, Minister, but you are the one who cited the Ashmole case as a reason for the change. Now you are saying it is not really the reason for the change and it is about a whole range of other things. I suppose my question to you was: as I understand it, there was basically a plea deal done between the parties and the charges were reduced and, as I said, I think the community thought the subsequent sanction was inadequate, given the attack on the police. So I would

like you to clarify what role the Ashmole case had in this proposed change.

Ms TIERNEY — For the last time I will say that this was a case that raised the issue, and it raised the issue by way of VicPol coming to the government and asking us to get greater clarification in legislation for members of the force.

Mr O'DONOHUE — Minister, was that lack of clarity, as you describe it, part of the consideration in determining not to proceed to trial?

Ms TIERNEY — Again, at the time of the offence it only carried 12 months and it was a grey area. That is why VicPol has come to the government and asked that this be clarified through legislation.

Mr O'DONOHUE — Minister, your response to my question is about the penalty, but my question was about the populous place. You did not actually answer the question and I think we are talking at cross-purposes here. Mr Rich-Phillips in his previous question, which preceded this line of questioning, said let us park the issue of penalty for discussion at a later time. We welcome tougher penalties on this side, but that is not the issue we seek to discuss. Minister, can you answer the question I raised before on this issue of populous place versus public place? Was that part of the consideration of the Ashmole case not going to trial and an arrangement being struck where the charges were reduced and hence, what many consider, an inadequate penalty being given in that matter?

Mr O'Donohue — On a point of order, Acting President —

The ACTING PRESIDENT (Mr Elasmr) — Order! Minister?

Ms TIERNEY — I have nothing further to add.

The ACTING PRESIDENT (Mr Elasmr) — Mr O'Donohue, that is what I had in mind, and the minister clarified that.

Mr O'Donohue — She clarified nothing.

The ACTING PRESIDENT (Mr Elasmr) — Order! Minister, you had nothing further to say?

Ms TIERNEY — No.

Mr BOURMAN — Minister, I have a couple of things on the populous place thing. Unfortunately over time Constable Ashmole is not the only policeman who has been shot. I am wondering if this issue of populous

place versus public place has raised its head in Victoria's history at any other point in time?

Ms TIERNEY — Thank you, Mr Bourman, for the question. The fact of the matter is that the question that is being put is hypothetical, but in response to it I can say that it may have. We are unclear. We do not have that sort of data in front of us, but we can say that this is the first time that VicPol has come to the government and asked for this to be inserted.

Mr BOURMAN — It actually was not hypothetical. I do not have a problem with the context of what this is all about, which is trying to ensure prosecutions of people doing that sort of thing. However, it just seems strange to me that after all the time that Victoria has been a state, all of a sudden after a single shooting of a police officer this has led to a massive problem between populous place and public place. A public place is fairly obvious. It is where a member of the public can go as a member of the public. I am still just a bit curious as to how this came about. I will accept your answer that Victoria Police asked you for it, but then it raises another issue. Victoria Police do issue a populous place permit. Surely they must have some guidelines about what is or is not a populous place for the issue of those permits. Could we have an idea of what those guidelines would be?

Ms TIERNEY — So populous place has essentially been a working definition, as I understand it. It is mainly around built-up areas. It deals with vermin control, which I am sure you are pretty familiar with, Mr Bourman, and it also deals with areas where there might be historical re-enactments.

Mr BOURMAN — Thank you, Minister. I guess I am going to make a statement that there is no definition. One of the things that concerns me is that populous place permits are issued for places like Werribee Mansion where they might have a re-enactment, which is possibly not what you would normally call a populous place. So I am a little perturbed that over the period, however long that is, they have been issuing populous place permits there has been no actual definition and that they have just been using a running idea. It also begs the big question of whether populous place permits will still apply.

Ms TIERNEY — I am advised that they will remain for things like vermin control and historical re-enactments.

Mr BOURMAN — Thank you, Minister. The question then I guess is: what definition are they going to use? Are they going to use the new 'public place'?

definition, or are they going to use the running ‘we think it is’ definition?

Ms TIERNEY — It will be the new definition of ‘populous place’.

Ms BATH — My question relates to clause 22, but it also relates to clause 1 in relation to providing for a firearm prohibition order and specifically that it is an offence for individuals to visit places that have a firearm. There are a number of them that are quite specifically stated — a shooters club or a firearms collectors club — but there are others. Clause 22, which inserts new section 112O(1)(h), looks at the premises where firearms are stored, and I think there is some ambiguity around that. So a person who is on an FPO may well decide to go to a museum to have a look and enrich their lives and benefit and learn. Would a place like a museum that may store firearms come under paragraph (h) in terms of the prohibition order?

Ms TIERNEY — I thank Ms Bath for her question. What is central to this is where the firearm would be normally stored. An FPO subject being on the premises where firearms are normally stored would undermine the effectiveness of the FPO scheme, and allowing an FPO subject to be on premises where firearms are normally stored would undermine the effectiveness of the FPO scheme and the protection of the community.

Ms BATH — Thank you, Minister. I need some clarification around that. That means that the FPO order would preclude that person from visiting a museum where firearms are normally stored. Is that correct?

Ms TIERNEY — Yes.

Ms BATH — Thank you. Along the same lines then, Minister, if the person is on bail and having to report to a police station, and the police normally store guns at that station, would that be in breach of this order or would there be any ramifications around that, because the person would be entering that domain?

Ms TIERNEY — Again, this was dealt with in the second-reading speech. Common sense would dictate that a person would not be charged and the person could attend the station.

Mr O’DONOHUE — Just to follow on from Ms Bath’s line of questioning I think it is important, whilst appreciating the intent, to get clarity around its application. Ms Bath raised the examples of a museum and a police station. What about someone subject to an FPO visiting a farmer where there is a reasonable but not certain prospect that that farmer may have firearms?

Ms TIERNEY — Thank you, Mr O’Donohue. I am advised that prohibiting an FPO subject from certain locations is about managing the risk of an FPO subject accessing firearms. Allowing an FPO subject to be on a premises where firearms are normally stored would undermine the effectiveness of the FPO scheme and the protection of the community. I recognise that that is not definitive for you, but that is the advice I have received.

Mr BOURMAN — Minister, you said ‘where firearms are normally stored’, so am I to take it that the firearm does not necessarily need to be present? In my case I take all my guns to a dealer or whatever and then someone comes in with an FPO.

Ms TIERNEY — If we look at new division 5, new section 112O(1)(h), it says:

a premises where firearms are stored ...

Mr O’DONOHUE — I have a further question on that issue. Minister, further to the notion of ‘normally stored’, is that defined?

Ms TIERNEY — I am advised that it will be dealt with on a case-by-case basis. Like with many things that the police deal with, it will be dealt with on a discretion basis.

Mr O’DONOHUE — I have one further question on that. Minister, presumably that would then be a subjective test in the mind of the police officer. Will that test you described on a case-by-case basis, taking due consideration of all the circumstances, be in the mind of the police officer or will it be some form of test on the person who is the subject of the FPO? I am thinking, Minister, that there are certain parts of Victoria where firearms are more likely to be stored, whether that is on a residential premises or on larger premises. Is this person who is the subject of the FPO to take into account those sorts of factors when determining whether to visit a friend, family member, a business premises, a hospital et cetera?

Ms TIERNEY — Thank you, Mr O’Donohue, for your question. This is a new amendment, as we well know, and there is no definitive definition. As I said, it will operate in terms of the exercise of discretion on a case-by-case basis by the police officer. I also believe that in situations like this it is common practice for Victoria Police to develop policy around these matters so that there is clarity for the police officer.

Mr O’DONOHUE — Just on that, Minister, the second-reading speech talks about the development of policy by Victoria Police to implement these laws. Given the recent urgency or desire for the government

to see this bill passed, would I be correct in saying that those policies have been fully written and are ready to go so that proclamation can take place as soon as the bill receives royal assent?

Ms TIERNEY — There have been substantial discussions with Victoria Police, and I understand that there is an implementation working group that has been working effectively and which has a number of pieces of work underway.

Mr O'DONOHUE — When will that be finished?

Ms TIERNEY — It is a priority, and I am advised that that priority is being undertaken in a very deliberate way, but at this point in time I cannot give you a specific date, Mr O'Donohue.

Mr O'DONOHUE — So from your answer, Minister, it is not ready yet. Whilst you cannot give me a specific date, does the government anticipate that the policies and procedures to implement this legislation will be completed next week, next month, midyear or by end of year? I would appreciate some guidance in relation to when.

Ms TIERNEY — Again, it is a matter of priority for this government. We have asked for all of the work to be completed as soon as possible.

Mr O'DONOHUE — But, Minister, this bill was introduced to the Parliament in September, so why have those policies and procedures not been concluded, drafted or settled by now?

Ms TIERNEY — I have nothing further to add.

Mr BOURMAN — My apologies to the minister, but we are going to jump around a little bit. Clause 13, headed 'Power of the Chief Commissioner to cancel a licence', substitutes section 49(1)(f) and (fa) and provides that the chief commissioner can refuse a licence to a holder if 'the holder is no longer a fit and proper person on any other basis'. That is such a wide definition. Are there some guidelines that the chief commissioner will be working from?

Ms TIERNEY — Mr Bourman, this ground was introduced in 2003 to enable the chief commissioner to make a licensing decision based on covert investigations or intelligence operations associated with serious criminal activities. It is not about regulatory breaches.

Mr BOURMAN — Thank you, Minister. That is what I needed. My understanding is that once this bill goes through any issues someone has with the chief

commissioner's licensing and regulation decisions will go via VCAT. I am aware of instances where the Firearms Appeals Committee have made a decision that the wider police have just ignored. Are they going to be able to ignore VCAT's rulings as well?

Ms TIERNEY — Mr Bourman, we might have some differing views here, but we believe that Victoria Police does not ignore FAC decisions. Sometimes it can take time to give effect to FAC decisions.

Mr BOURMAN — Thank you, Minister. I can supply some evidence if anyone cares to look at it, but I am just hoping that they will not be in a position to ignore a VCAT ruling.

I would like to move on to some different things. From my perspective I have got pretty much what I wanted out of this. I now go to clause 16, 'Exemptions from Part 2'. Proposed section 54(1A)(c) states:

the person has not received any such instruction on more than 13 previous occasions ...

I put on the record that I am pleased that the government has changed the number of shoots for juniors from three to 13, because we were not going to get any real depth of talent, even in Olympic shooting, if a junior was only able to fire a handgun three times. My question is around the person who has not received instruction on more than 13 previous occasions. I know the answer, but I want this on record. Is that over their lifetime?

Ms TIERNEY — Yes.

Mr BOURMAN — Thank you, Minister. Isn't that patently unfair? Most clubs are not in the business of giving free memberships. Why wouldn't the government have put a time limit on it, even if it is 10 years or something like that? We occasionally have instances where members of Parliament come and have a shoot with us. Let us say they do it once a year. It is quite conceivable that after 13 years we are going to have a member of Parliament become a prohibited person for no other reason than they did the right thing. That obviously goes for the general public too.

Ms TIERNEY — I thank Mr Bourman for his question. Again, this was dealt with in the second-reading speech, but I do understand Mr Bourman wanting this to be put on the record. The limit on the number of unlicensed training shoots is about where the appropriate balance is for enabling a person to try out a sport and ensuring the licensing system is not evaded or subverted. Thirteen unlicensed shoots over a person's life gives juniors more

opportunity to try out the sport while not undermining the licensing system. Thirteen shoots also give adults ample scope to participate in events and functions involving supervised pistol shoots.

Mr BOURMAN — Thank you, Minister. I just want to put on record that I accept what the minister says but I do not accept that is a valid reason. I think what it is doing is just encouraging people not to try to do the right thing. I think a time limit — as I said, even if it is 10 years — which gives someone at least one and a third shoots per year would have been far more appropriate.

Mr RICH-PHILLIPS — Minister, there are a couple of things I want to follow up from Mr Bourman's questions but also some other matters of first principles. Just back on the issue of 'populous place' versus the proposed insertion of 'public place', being the Summary Offences Act definition, does the insertion of 'public place' represent a broadening of the area in which this provision will apply versus the current definition of 'populous place'?

Ms TIERNEY — I thank Mr Rich-Phillips for his question. The advice I have received is that, according to *Bourke's Criminal Law Victoria*, 'public place' is very broad. In essence 'public place' means a location where people are present or are permitted to frequent in their capacity as non-specified members of the community. Whether a place is a public place within the meaning of a particular statutory enactment has to be considered in the light of the context and the subject matter. Further, the concept of a public place is not static; it can change according to evolving societal standards.

Mr RICH-PHILLIPS — Thank you, Minister. Is the intention though with this to use the statutory definition of a public place out of the Summary Offences Act?

Ms TIERNEY — The answer obviously is yes, but it is not a definitive concept; it is an evolving concept.

Mr RICH-PHILLIPS — Thank you, Minister. So 'public place' will be beyond the definition of the Summary Offences Act, which is a very extensive — a page and a half in length — definition of 'public place'. I should put on record that 'public place' includes and applies to:

- (a) any public highway road street bridge footway footpath court alley passage or thoroughfare notwithstanding that it may be formed on private property;
- (b) any park garden reserve or other place of public recreation or resort;

- (c) any railway station platform or carriage;
- (d) any wharf pier or jetty;
- (e) any passenger ship or boat plying for hire;
- (f) any public vehicle plying for hire;
- (g) any church or chapel open to the public or any other building where divine service is being publicly held;
- (h) any Government school or the land or premises in connexion therewith;
- (i) any public hall theatre or room while members of the public are in attendance at, or are assembling for or departing from, a public entertainment or meeting therein;
- (j) any market;
- (k) any auction room or mart or place while a sale by auction is there proceeding;
- (l) any licensed premises or authorised premises within the meaning of the **Liquor Control Reform Act 1998**;
- (m) any race-course cricket ground football ground or other such place while members of the public are present or are permitted to have access thereto whether with or without payment for admission;
- (n) any place of public resort;
- (o) any open place to which the public whether upon or without payment for admittance have or are permitted to have access; or
- (p) any public place within the meaning of the words "public place" whether by virtue of this Act or otherwise ...

That is the statutory definition of public place, which I understand we are reliant upon. The threshold question, Minister, is whether that definition of 'public place' is intended to be and will be broader than the current definition of 'populous place' as it is understood in the current act.

Ms TIERNEY — As I have said, it includes a non-exhaustive definition based on what you have outlined — so 'any public place within the meaning of the words "public place" whether by virtue of this Act or otherwise'.

Mr RICH-PHILLIPS — Minister, the references to 'any park garden reserve or other place of public recreation or resort', would that include a sporting facility where people go for recreational purposes? Is that the intent of that?

Ms TIERNEY — It is not intended to capture unlawful activity, Mr Rich-Phillips. That is why there are exemptions in the offence.

Mr RICH-PHILLIPS — Can you give an example of lawful activity that would not be captured, Minister?

Ms TIERNEY — I am advised that an example of an exemption would be clause 25(3), new section 130(2A)(f):

a person who holds a licence under this Act, and who is possessing, carrying or using a firearm which the person is authorised to possess, carry or use in accordance with the licence and who is acting under a game licence under the **Wildlife Act 1975**.

Mr RICH-PHILLIPS — Minister, that example requires a game licence under the Wildlife Act 1975. To use another example, though, of a person undertaking clay target shooting, which does not require a permit under the Wildlife Act and which does take place at a place of recreation — there are a couple of definitions within public place of recreation which would cover a place where clay target shooting could take place — seemingly, on the face of it, that would become an offence under this provision.

Ms TIERNEY — I am advised that if the person was complying with their firearms licence that would be okay.

Mr RICH-PHILLIPS — Thank you, Minister. A person complying with their firearms licence — so there is nothing on a firearms licence that prevents a person now, to use the phrase in the bill, from possessing a loaded firearm. There is nothing on the licence that says you cannot possess a loaded firearm. So in possessing a loaded firearm, the person presumably is in compliance with their licence. Does that therefore override this provision about not carrying a loaded firearm in a public place? The definition of a public place is now going to be very, very broad, as outlined in the Summary Offences Act 1966.

Ms TIERNEY — No.

Mr RICH-PHILLIPS — Minister, which provisions of a licence does a person need to not be complying with to offend under this provision?

Ms TIERNEY — The advice I have received is that it will depend on the licence and the conditions of the licence.

Mr RICH-PHILLIPS — Minister, that just creates further confusion around this provision. Essentially you are saying if someone is complying with their licence they cannot be in breach of this provision.

Ms TIERNEY — Yes.

Mr RICH-PHILLIPS — So Minister, a person who holds a firearms licence and holds a permit to own a firearm would not be committing an offence if they possessed a loaded firearm in a public place et cetera?

Ms TIERNEY — The licence and the conditions in the act tell you what you can use your firearm for, as you know, Mr Rich-Phillips.

Mr BOURMAN — Minister, I am just going to go further on this particular provision. Under the heading ‘Offences as to possession, carriage or use of firearms in certain places’, it states:

(1A) A person must not possess a loaded firearm—

- (a) in a public place; or
- (b) in any other place with reckless disregard for the safety of any person.

We move on through everything else and then we get to subsection 2(A):

A person does not commit an offence under subsection (1), (1A) or (1B) if the person is—

- (a) a police officer ...

or an authorised person such as an IBAC officer, a member of another police force on duty, a person who holds a licence under this act who is a prison guard, a person who holds a licence under the act regarding the conservation of forest or lands and a person who holds a licence under this act who is possessing, carrying or using a firearm to which the person is authorised to possess, carry or use in accordance with a game licence and then a similar thing for a shooters licence. That is fairly specific. That says you cannot carry a loaded firearm in a public place unless you are covered by paragraphs (a) to (g), and paragraphs (f) and (g) basically say when you have a game licence or a shooters licence. As far as I can tell, just to paraphrase what Mr Rich-Phillips has been saying, if this should pass as is, should I want to walk down Bourke Street with a loaded gun, as long as I have got a shooters licence, I am good.

Ms TIERNEY — Again, persons will have to act in accordance with both their firearms licence and conditions and the other authority, permit, law or licence that applies to the use and carriage of a firearm. If a person strays outside the scope of the firearms licence or other authority, they potentially face prosecution.

Mr BOURMAN — Thank you, Minister. I will accept what you are saying is that they can get done for not acting within their licence, but my understanding is

they will not be able to be charged with having a loaded firearm in a public place because they have their exemption here. Is that correct?

Ms TIERNEY — The answer simply is no. You have to possess, carry or use in accordance with the licence.

Mr BOURMAN — Thank you, Minister. My understanding of the way things work, and I have got to admit I am still fairly new to this, is that should a bit of legislation get passed that contradicts a previous bit of legislation, the later set of legislation has precedence. Is that likely to cause an issue with this, where it may just override what is going on?

Ms TIERNEY — No, it starts afresh.

Mr BOURMAN — This is more of a statement than anything. I am still not convinced. What we have just done, other than doing something outside the conditions of their licence, is give people who have a game permit and a shooters licence — who are generally not the sort of people to do this, but we are not talking about probabilities; we are talking about possibilities — an out should they do something wrong. I strongly urge the government to reconsider this. I do not think that charging someone who is just doing something outside of their licence if they are carrying a loaded gun down Bourke Street is sufficient, because this actually gives them an exemption at least from the offence of carrying a firearm in a public space.

Ms TIERNEY — Again, I will take that as a comment, and the government strongly disagrees.

Mr RICH-PHILLIPS — Minister, when we started I was looking to talk about a couple of issues of principle around the legislation before we got into the detail, and we sort of diverged a bit from that. But can I ask you, in terms of the preparation of this legislation, who did the government consult with?

Ms TIERNEY — My understanding is that Victoria Police and the Victorian Firearms Consultative Committee (VFCC) were informed of the development.

Mr RICH-PHILLIPS — Thank you, Minister. A number of members of Parliament have received representations since late last year from a number of groups that are potentially affected by this legislation: most recently a representation from the Shooting Industry Foundation Australia, prior to that from the Combined Firearms Council of Victoria, earlier still from the Sporting Shooters Association of Australia in Victoria, and I recall also from Field & Game Australia. Did the government consult with any of those bodies?

Ms TIERNEY — Some of those bodies that you have just outlined, Mr Rich-Phillips, are bodies that are represented on the VFCC.

Mr RICH-PHILLIPS — Thank you, Minister, but just to be clear, you said the VFCC was informed of the proposal rather than consulted on it.

Ms Tierney — Yes.

Mr RICH-PHILLIPS — So those four industry bodies were not actually consulted in the development of the legislation?

Ms TIERNEY — Mr Rich-Phillips, I am advised that they were informed through the VFCC and that they in turn discussed the bill.

Mr RICH-PHILLIPS — Thank you, Minister. There was considerable commentary last week from the government about the importance of this bill in the context of an armed robbery which occurred at a gun shop, which has been well publicised and I understand has been the subject of arrests today. Given the commentary from the government last week about the importance of this legislation, how would the passage of this legislation last year have affected what occurred with that armed robbery at that gun shop last week?

Ms TIERNEY — I cannot comment on the specifics of what you have raised. Obviously VicPol are still investigating the matter, so I would err on the side of caution and not make a comment.

Mr RICH-PHILLIPS — I understand the minister's caution. I note that her colleagues, the Minister for Police in particular, were far less cautious last week in somehow suggesting this legislation would have had a role to play in preventing that armed robbery. It is not at all apparent how the passage of this legislation — the creation of new offences — would have prevented the commissioning of that armed robbery offence. Is it the government's view that the criminals involved and, to take it away from that particular instance to a hypothetical instance, would-be criminals are more likely to adhere to these provisions in the bill rather than the current provisions, which make armed robbery an offence?

The ACTING PRESIDENT (Mr Elasmr) — Any further questions?

Mr RICH-PHILLIPS — I note the minister's unwillingness to address that matter, even in a general sense without referring to last week's case. I would like to go to a couple of matters in the second-reading speech which the government has advanced as a

rationale for this bill. The first is the fourth paragraph of the minister's second-reading speech, which says:

However, the dangers of firearms in the community has changed and the existing mechanisms and powers in the act do not provide Victoria Police with sufficient powers to protect the community from the risk of harm associated with this type of firearm-related offending.

Minister, what are the changes that have occurred in relation to the dangers of firearms in the community that the government is referring to that have led to this legislation?

Ms TIERNEY — Well, I think it is quite obvious, Mr Rich-Phillips, that what we have seen is trading in guns and gun parts in particular and the manufacturing of parts of guns and moulds that seem to be more prevalent to the point where VicPol suggested there needed to be some tightening up. That is part of the reason we have this bill before us this evening.

Mr RICH-PHILLIPS — But, Minister, isn't the trading of illegal guns an offence already?

Ms TIERNEY — Yes, it is, but this is to close a loophole with respect to parts or components of guns and parts or components of tools that are used to manufacture firearms.

Mr BOURMAN — Minister, whilst we are on parts, in new division 1AA the definition of 'carry on the business of being a firearms dealer' includes but is not limited to the acquiring or disposing of firearms and firearm parts or cartridge ammunition. First of all, the definition of 'firearm parts' is actually quite important. Can we have a definition of what parts this is relating to?

Ms TIERNEY — The terms 'firearm part' and 'manufacture' are already in the Firearms Act 1996 and have never been defined. They will continue to have their ordinary and current meaning within the context of the act. Merely possessing a part or equipment does not establish the offence. The part or equipment must be possessed for the purposes of manufacturing a firearm or other part. Advice from VicPol — I have got to say I am getting a bit of an education here too — is that butt plates, cheek pieces and chokes would not be firearm parts as they are not necessarily for the firearm to function.

Mr BOURMAN — Thank you, Minister. At the risk of opening a very big can of worms, there is far more to a firearm than that. There are stocks, there are triggers and there are all sorts of things that are not currently regulated. You can own them without a licence. Without getting too deep into it, because we

could be here forever going through every screw and bit and piece, am I to take it that it is just the parts as defined or as interpreted now through the judicial system and precedent?

Ms TIERNEY — These provisions are the most defined they have ever been, I am advised, but the list that I provided you with just a moment ago is not exhaustive.

Mr BOURMAN — Thank you, Minister. One of the concerns I have is about the words just above the acquiring definition:

carry on the business of being a firearms dealer includes, but is not limited to ...

What else did the government have in mind when it wrote the 'is not limited to' provision?

Ms TIERNEY — I am advised that with carrying on the business of firearms dealer, it is the existing definition that will carry on.

Mr BOURMAN — Thank you, Minister. I will move on slightly. There is another provision here:

exposing or offering for sale any firearms, firearms parts or cartridge ammunition ...

What is the current minimum regulatory requirement — and I am not talking about safe storage. What licences are required for the sale of ammunition only at the moment?

Ms TIERNEY — It has been suggested that I take that on notice, and I am happy to do that.

Mr BOURMAN — Thank you, Minister. I will give you my understanding, and I would still like it taken on notice. As it is at the moment, you need a WorkSafe or an explosives permit, and that is pretty well it. I actually have been contacted by someone who coincidentally — and it is all in the timing — wanted to import some cartridge ammunition only. Up until recently the B709 authorisation for import form has been issued. This person only holds a dangerous goods permit in whatever function and they have never needed a dealer's licence. What concerns me now is that we have got gun clubs who do nothing but sell ammunition for a tiny profit to keep the club going and who may need to go from having a dangerous goods permit to a dealer's licence, which all of a sudden opens up a whole lot of extra stuff.

Ms TIERNEY — I am advised that we will take that on notice because of ammunition being quite different to the firearms.

Mr BOURMAN — Thank you, Minister. I would like that one fairly quickly because that one little provision could have a huge effect on a lot of gun clubs that are not selling to the general public. All they are trying to do is make it so that you can afford to go shooting.

Ms TIERNEY — Sorry, Mr Bourman, I was just checking on how quickly I could get that information for you, and the advisers are making calls as we speak.

Mr BOURMAN — Thank you, Minister. That could actually have an effect on how we vote on this because our constituents are people from gun clubs and things like that, and I do not think they would be happy to figure this out.

Whilst we are waiting for that I might move on to the equipment manufacturing provision under the proposed heading ‘Offence to manufacture firearms or to possess parts etc. for the purpose of manufacturing firearms’. Clause 19 inserts proposed section 59A(5), which states:

A person must not possess any equipment for the purpose of manufacturing—

- (a) a category A or category B longarm or a paintball marker; or
- (b) any part ...

and we will stick with the definition of ‘part’. Given that, despite media say-so, you do not actually need a 3D printer to make a gun and there is the old-fashioned way of doing it, which is with metalworking equipment, how does this legislation propose to establish that a lathe or a milling machine is going to be used for a firearm or a firearm part as opposed to making tubes or whatever?

Ms TIERNEY — Mr Bourman, in terms of the equipment there needs to be a link that the equipment is there for the purpose of manufacturing a firearm. So it is not just a lathe; there has to be a connection — a link.

Mr BOURMAN — Thank you, Minister. That is actually the point I am trying to make. A lathe can be used for many, many things; manufacturing firearms is only one of them. How is it proposed to establish that the said lathe or other machine is used or is going to be used for a firearm or part?

Ms TIERNEY — Again, it is a question of fact, and it depends on the circumstance. There might be other things around, like a mould or something else, where you can see that there is the manufacturing of firearms. It is common sense.

Mr BOURMAN — Thank you, Minister. Minister, you reminded me of a question I have been dying to ask for the last few months: what is a firearm mould?

Ms TIERNEY — A mould that has got the imprint of a firearm.

Mr BOURMAN — Thank you, Minister. There is no such thing as a firearms mould. You can mould maybe a plastic stock out of it. I do not profess to be a court-appointed expert in firearms, but I have been shooting now since I was 14, and that is unfortunately quite a long time ago. Until this bill came through — and I know the government is acting on the advice of Victoria Police — I had never seen, heard or even conceptualised a firearms mould, so I think it is very important that I be educated on this matter.

The ACTING PRESIDENT (Mr Melhem) — Minister? No. Any further speakers?

Mr BOURMAN — I am being serious. I think that someone needs to come up with an answer because there is no such thing. This is very serious legislation, and this has very serious ramifications down the track. I do not want a bad guy to get off on something that could and should be fixed. It is in the bill and I would like a definition.

Ms TIERNEY — The equipment has the ordinary meaning. It is about parts that can be identified as being parts of a weapon or a firearm. So it might be whatever is used for the trigger or other parts of it. It does not have to be a whole mould; it can be a variety of things that, in the understanding of how guns are manufactured underground, operate.

Mr BOURMAN — Thank you, Minister. Not to labour the point, but whoever is giving you advice from Victoria Police and who came up with this needs to go back to school or to use Google better, because I think they have put a humongous error in a very, very serious bill. For the moment I will hand over to someone else.

Mr RICH-PHILLIPS — Minister, I would like to take you back to the issue we touched on before of consultation and clarify the reference to the Victorian Firearms Consultative Committee. You indicated they were informed of the bill. Were they told what the substance of the changes was to be?

Ms TIERNEY — The advice I have received is yes.

Mr RICH-PHILLIPS — Minister, was a draft of the bill shared with the VFCC?

Ms TIERNEY — The advice I have received is no.

Mr RICH-PHILLIPS — Minister, is there any reason that an entity that is titled the Victorian Firearms Consultative Committee was not actually consulted on the contents of this bill?

Ms TIERNEY — Mr Rich-Phillips, I am advised that given the nature of the subject matter — that is, it is for serious criminality — the engagement with the VFCC was limited.

Mr RICH-PHILLIPS — Thank you, Minister — notwithstanding the potential impact that errors in this legislation can have on law-abiding firearm owners. Given the very reason the VFCC exists is that so consultation can take place to avoid unintended consequences which have adverse impacts on firearm owners, surely it would have been sensible for the government to have consulted with the entities that make up the VFCC before this legislation came forward, and given the government's comments about amendments to date, the need for amendments could have been avoided had that consultation taken place.

Ms TIERNEY — I am advised that members of some of the organisations on the VFCC met with VicPol and there was also ministerial representation after the bill was introduced in the Assembly.

Mr RICH-PHILLIPS — Minister, you know what the obvious question is going to be: which representatives of the VFCC met with VicPol?

Ms TIERNEY — I would need to take that on notice.

Mr RICH-PHILLIPS — Thank you. It is rather material to the consultation, so can that be provided before we conclude this committee stage? We still have a bit of a way to go, but obviously understanding which members were consulted is important.

Ms TIERNEY — Yes.

Mr RICH-PHILLIPS — Thank you, Minister. Minister, I would like to take you back to a couple of other statements made in the second-reading speech with respect to the firearm prohibition orders (FPOs), which we will get to in due course, and the policy rationale. The second-reading speech states:

Illegal firearm use causes significant harm in our communities. Victoria Police has told the government that, operationally, the current tools that exist to address firearm-related offending are no longer sufficient to prevent emerging kinds of firearm crime. FPOs will be used in scenarios where no other appropriate mechanism exists to prevent a person from obtaining a firearm ...

So the rationale given in the second-reading speech for FPOs is 'to prevent a person from obtaining a firearm'. How does an FPO prevent a person from obtaining a firearm?

Ms TIERNEY — The government's position is that we believe that this bill enlivens the search powers with significant penalties and acts as a deterrent to disrupt critical organisations.

Mr RICH-PHILLIPS — But, Minister, search powers will only act after the fact. The government's statement is that FPOs will prevent a person from obtaining a firearm in a way that the current Firearms Act does not. Can you explain again how FPOs prevent someone obtaining a firearm?

Ms TIERNEY — In addition to what I previously said, VicPol can act more quickly to address a particular risk, or if there is intel they can have enhanced search powers, and that does not have to be after the fact. They can be before.

Mr RICH-PHILLIPS — So, Minister, it is the government's view that the mere existence of search powers will prevent people obtaining firearms?

Ms TIERNEY — No.

Mr RICH-PHILLIPS — So what will prevent them obtaining firearms?

Ms TIERNEY — This is an omnibus bill that attempts to deal with serious offending in respect to firearms. It is not just one thing or two things; it is a range of things to create powers but also an environment so that people understand that the police have increased powers to undertake a number of activities to keep our community safer.

Mr RICH-PHILLIPS — Thank you, Minister, but it is not simply sufficient to say it is the vibe of the thing. This is a specific piece of legislation where the government has stated in the second-reading speech:

FPOs will be used in scenarios where no other appropriate mechanism exists to prevent a person from obtaining a firearm ...

You have spoken about the search powers which will be associated with FPOs. What you have not indicated is how the existence of FPOs will prevent a person from obtaining a firearm. This goes to the issues of the powers which are currently available under the Firearms Act. Part 2 of the current Firearms Act, division 1, creates a range of offences, the first of which is an offence for a prohibited person to possess, carry or use a firearm — a very clear, unambiguous offence —

and there are similar offences for non-prohibited persons to possess, carry or use firearms without a licence, be they longarms, handguns et cetera or unregistered guns. So there are a series of existing offences around the possession, carriage and use of firearms by prohibited persons, unprohibited persons and where the firearms are unregistered. If those provisions are not adequate to prevent people obtaining firearms now, how is simply creating a new provision of FPOs going to prevent people obtaining firearms if the existing provisions do not?

Ms TIERNEY — The Firearms Act does not contain measures to restrict access to firearms with respect to individuals who are not fit and proper or fall within a prohibited persons category. The prohibited persons scheme only applies after the event, relying on a person's critical convictions or court orders, and licensing decisions are only enlivened if a person applies for a licence. It is also important to state that there is also no need for a second search warrant.

Mr RICH-PHILLIPS — But, Minister, the current Firearms Act gives very broad discretion to the chief commissioner as to whether a firearms licence is granted to an individual on application. If a firearms licence is not granted to an individual on application, it is an offence for that person — in broad terms — to possess, carry or use a firearm. So it is not at all clear what the FPO provisions to prevent a person accessing a firearm will do that does not currently exist with the chief commissioner's discretion around determining who is a suitable person to hold a firearms licence now and therefore not likely to offend against the possession, carriage and usage provisions of the current act.

Ms TIERNEY — It still relies on a person making an application for a licence, and the FPO does not rely on any licensing scheme because it is based on intelligence.

Just by way of context, I think it is important that I also mention the effect that FPOs have had on crime in New South Wales. There have been recent New South Wales media reports on the New South Wales scheme which have demonstrated the success of the New South Wales police force use of FPOs to deter and disrupt illicit firearms markets, organised crime groups and intergang violence.

New South Wales police advise that shooting incidents across New South Wales metropolitan and regional areas have decreased by 45 per cent for the period of 2011 to 2016, and New South Wales police have informed Victoria Police that FPOs have been

successfully issued in relation to counterterrorism investigations, against outlaw motorcycle gangs and against other high-risk individuals.

Whilst the New South Wales Ombudsman's 2016 review noted that it was too early to tell if FPO search powers were an effective tool, the use of FPOs should not be looked at in isolation. Victoria Police advises that they are intended to be used as part of a suite of investigative and disruptive tools to target organised crime and gangs.

Mr RICH-PHILLIPS — Thank you, Minister. The information about New South Wales is interesting. It is certainly contested. The New South Wales crime statistics agency have a very different view on trends in gun crime in New South Wales compared to the statistics that you have quoted from the New South Wales police, but that is a peripheral issue to the function of FPOs. You referred to the fact that the chief commissioner can only disallow a licence if an application is made, but the point there is that it is illegal to possess a firearm in broad terms if a person does not have a firearms licence. So perhaps to go back to first principles, can you confirm, Minister, that under the current Firearms Act if you do not have a firearms licence it is illegal to possess, carry or use a firearm?

Ms TIERNEY — That is correct. However, for category A or B it is only two years or 120 penalty units. An FPO subject faces 10 years imprisonment.

Mr RICH-PHILLIPS — Minister, irrespective of the maximum sentence that can be imposed, the fact is that it is currently an offence for an unlicensed person to possess, use or carry a firearm, so what are we getting through the creation of FPOs? The licensing criteria give the chief commissioner very broad discretion as to who he denies a licence to. Presumably there would not be a single person that VicPol intends to impose an FPO on who would currently hold a firearms licence.

Ms TIERNEY — I am advised that what is before us is not dealing with the licensing scheme. A licensing decision relies on the person making the application, and I would just refer you back to previous responses I have made on this matter.

Mr RICH-PHILLIPS — Yes, Minister, this bill is not about the licensing regime, but if you do not hold a licence, it is illegal to possess a firearm. Is that correct?

Ms TIERNEY — As I said before, yes, that is correct.

Mr RICH-PHILLIPS — So through the FPO regime you are proposing to create an offence to make it illegal to possess a firearm. What is the difference?

Ms TIERNEY — There are tiered penalties depending on the type of firearm and the status of the person — essentially if they are a prohibited person or not. The FPO scheme gives the harshest penalty and does not rely on the person's status or the type of firearm.

Mr RICH-PHILLIPS — So this is an issue about penalties, is it, Minister, to merely increase the current penalties for possession, carriage and use of a firearm by an unlicensed person?

Ms TIERNEY — Yes, as I have said, that is part of it, plus the search powers. As I have said, this is part of a suite of tools that police can use for serious criminal groups.

Mr RICH-PHILLIPS — But the FPO applies to an individual not a group, does it not, Minister?

Ms TIERNEY — Yes, it applies to individuals who can be members of serious criminal groups.

Mr RICH-PHILLIPS — Thank you, Minister, There is nothing in the FPO provision which would suggest that people who should not possess firearms are any less likely to possess them under the FPO regime than they are under the current regime; is that correct, if you possess a firearm without a licence? You are creating another offence of possessing a firearm without a licence. There is nothing in there that suggests that it is going to be any more successful in preventing people from illegally having firearms or having illegal firearms.

Ms TIERNEY — The answer is no, and again I draw you to the contextual comments around New South Wales in terms of the environment that is created as a result of the sorts of work, activities and tools for the police.

Mr RICH-PHILLIPS — Thank you, Minister. That actually takes me to the next point about New South Wales. The second-reading speech says:

The Victorian FPO scheme is modelled on the successful NSW scheme and takes into account the NSW Ombudsman's 2016 review of the NSW FPO search powers.

Minister, are there policy differences between the Victorian scheme and the New South Wales scheme?

Ms TIERNEY — The New South Wales Ombudsman's 2016 review made 15 recommendations,

and as I understand it, while the New South Wales government has not responded formally to the recommendations the Victorian scheme has been modelled having regard to a number of the recommendations. I am happy to go to eight of them.

Mr RICH-PHILLIPS — Thank you.

Ms TIERNEY — Giving a person an opportunity to immediately surrender firearms or items when served with an FPO is recommendation 1. That is new section 112P, 'Offence to fail to surrender firearms or firearm-related items on service of order'.

The second amends the New South Wales Firearms Act 1996 to make it clear that it is lawful to conduct an FPO search immediately following the service of the order. That is recommendation 2, covered by new sections 112P and 112R.

The third power is the power for police to search any person, not just an FPO subject, found in or on premises whom police reasonably suspect has a firearm, firearm part or ammunition. That is recommendation 6. New section 112S covers the search of a person accompanying an FPO subject.

The fourth point is to amend the definition of 'premises' under the New South Wales Firearms Act to enable police conducting searches to search vehicles parked on those premises as reasonably required. That is recommendation 7. New section 112Q relates to the search of premises, vehicles, vessels or aircraft.

There is then a recommendation to amend the New South Wales Firearms Act to provide that an FPO expires five years from the date it is served. That is recommendation 8. New sections 112D and 112J, headed 'Duration of order', provide for 10 years for adults and five years for children aged 14 to 17 inclusive.

There is a recommendation to amend the New South Wales Firearms Act to empower police to seize firearms as a result of an FPO search. That is recommendation 14. New sections 112Q, 112R, 112S and 112T deal with seized items.

There is a recommendation to amend the New South Wales Firearms Act to require a further independent, objective evaluation of the effectiveness of FPO search powers. That is recommendation 15, covered by new division 4 of part 10A.

There is also a recommendation to amend the New South Wales Firearms Act to make it clear that search powers can be exercised if reasonably required for the

purposes of detecting firearm offences. That is recommendation 3, covered by new sections 112Q, 112R and 112S.

Mr O'DONOHUE — I just have a follow-up question to Mr Rich-Phillips's. The New South Wales Ombudsman's report recommended that firearm prohibition orders be limited from the current unlimited period of time to a five-year period of time. Why hasn't the Victorian government picked up that recommendation in this legislation?

Ms TIERNEY — I note that this is the subject of an amendment that will be submitted by the opposition later in the committee stage where it seeks to reduce an FPO from 10 to five years for all individuals. The government's view is that the result of reducing the length of an FPO from 10 to five years would be to significantly increase the administrative burden and cost to Victoria Police. It is the position of the government that this will divert Victoria Police's focus from the critical work of disrupting serious and organised crime.

Mr O'DONOHUE — Thank you, Minister, for that response. It does not necessarily deal with the recommendation of the Ombudsman, but I will move on. I suppose the general point is that the government has picked up some recommendations but not others from the New South Wales Ombudsman's report. Minister, I note your response that having an FPO expire after five years would create an administrative burden for Victoria Police, but given that the FPO, as it is proposed in this legislation, will provide the person who is the subject of an FPO with the opportunity to have a review of the FPO, isn't it likely that that administrative burden will be negligible?

Ms TIERNEY — I have just been advised that Victoria Police have considered that and that it is their opinion that that will not be the case.

Mr O'DONOHUE — I am pleased that Victoria Police has considered it. Has the government considered it?

Ms TIERNEY — Obviously we work in conjunction with the police and talk to them about operational matters and what needs to be put in place to make the force sufficient and cost-effective.

Mr O'DONOHUE — Minister, I wish to return to the working group you mentioned earlier. Who is on the working group and how many times has it met this year?

Ms TIERNEY — Mr O'Donohue, we do not have that information to hand. I have asked if we could get that information for you. I am cognisant of the fact that I was advised that we could get you information on a previous occasion at a certain time and that was not delivered. I am not in a position on this occasion to give you a time on that. However, I have provided Mr Rich-Phillips with a time on the other matter.

Mr O'DONOHUE — Minister, noting the challenges of time, if that information could be provided prior to the conclusion of the committee, that would be helpful for the deliberations of the committee, as it would if, as part of seeking that information, any clarity could be provided around the previous question I asked around when the necessary policies and procedures will be settled to enable the proclamation of the bill and for it to be operable once it passes.

I will move on to a different issue now. We have been putting the issues on the table during clause 1 rather than working through the bill, so I will continue in that vein. In response to a question from Mr Bourman about the role of the Firearms Appeals Committee, you said words to the effect that VCAT has a fully functioning court-style register more appropriate to deal with such complex matters. I put it to you, Minister, and to the government that, yes, VCAT does have a fully functioning court-style register, but what would be better than a tribunal with a court-style register is a court that actually has a court register that has the capacity to deal with the issues that form part of this bill and in particular, in relation to the appeals process, in relation to the issuing of a firearm prohibition order. Again, this is the subject of amendments from the opposition. It is the view of the opposition that a court is the appropriate body to deal with an appeal for such an important and serious matter as a firearm prohibition order. Given your answer to Mr Bourman, wouldn't it be better to have a court itself, rather than a tribunal with a court-style register, that has the capacity and consistency that comes from a court?

Ms TIERNEY — This matter is also contained in an amendment that will be put forward by the opposition. The government does not support that amendment. I am sure that the issue will be canvassed when we get to that amendment.

Mr O'DONOHUE — Minister, why does the government believe that VCAT is a better avenue than the Magistrates Court for an appeal?

Ms TIERNEY — We believe that VCAT is more appropriate than the Magistrates Court to review decisions to issue FPOs. We believe that VCAT

commonly reviews administrative decisions. That is its core function. As a result it has a legislative framework in place which makes clear how reviews will be handled. By contrast, the Magistrates Court is very rarely provided with the power to review decisions like these and does not have such laws and procedures in place. We believe that if the opposition's amendments were to proceed, great uncertainty would be created regarding how such reviews would actually operate. There would also be uncertainty on critical issues, including the type of review, the powers of the court and the evidence that it can rely on. So they are some of the things that the government believes. There are a number of other points that will be raised when the amendment is debated.

Mr BOURMAN — I am sorry to do this to you again, Minister, but I am going to move to something else. The opposition has got its stuff that it wants to deal with; I guess I have got mine.

Getting back to definitions, there is a 'firearm related item' definition under new section 112A, which is on page 12. We have got 'a part of a firearm', 'cartridge ammunition' and 'a silencer', which are all good. Then the definition includes 'an attachment for a firearm' and 'an accessory for a firearm'. There is a lot of stuff you can put on a gun that you could use for many, many things — torches and so on. My concern — and this is not necessarily for the people that firearm prohibition orders are put on — is bracket creep. It is a case of needing to be very careful that this does not end up going towards other uses. So what sorts of attachments or accessories did the government want to prohibit people from having?

Ms TIERNEY — In terms of definitions, 'firearm related item' will be defined in the Firearms Act to mean a part of a firearm, cartridge ammunition, a silencer or an attachment or accessory for a firearm. 'Accessory' and 'attachment' are not defined. This is to provide flexibility for police, given new and emerging devices that can be used as firearms. In relation to the definition of 'firearm related items', the Firearms Act defines some of the firearm related items — for example:

cartridge ammunition means ammunition having a bullet or other projectile and a priming device fixed to or enclosed in a cartridge case which is composed wholly or partly of material other than paper ...

...

silencer means any instrument or thing by means of which the sound caused by the discharge of a firearm is rendered less audible, whether the instrument or thing forms part of the firearm or is or can be affixed or attached to the firearm ...

The act does not define the other terms but would ordinarily include the following examples. 'Firearm part' includes barrel; trigger mechanism; grip; the firearm action, being gas piston, bridge bolt or block — I am sure you are familiar with this terminology; revolving cylinder; magazine; and firearm stock or slide. 'Accessory' includes firearm tripods, stands and ammunition reloaders. 'Attachment' includes optics such as a scope; sights; sound moderators; devices that convert the capabilities of a firearm to burst, semiautomatic or fully automatic; pistol to carbine conversion kits; and folding, detachable and adjustable stock.

Mr BOURMAN — Thank you, Minister. I find it a little mind-blowing that I can walk into a shop without a licence and buy optics and reloaders and possess them with no licence quite legally, but they are defined in this bill. Again, I do not really care about terrorists or outlaw motorcycle gang people, but the problem we have from my perspective is that this may one day be used against us. It seems to me that this is a way of making something that is legal illegal through another avenue, and I am really not sure how that is going to be enforceable. If you can buy something without a licence, then I do not know how you can be prohibited from having it.

Obviously that is more of a statement. I do not expect any response from the government on that, but I think it would behove the government at some point in time, before this gets tested in court, to get a far better definition, because stuff like bipods, reloaders and things like that are almost nothings. It is very strange to have them in here.

Mr O'DONOHUE — This may be an appropriate time to move my amendment to clause 1, which, as we have previously discussed in other questions, seeks to change VCAT to the Magistrates Court as part of our contention that the appeal mechanism should be to a court, not the tribunal. I move:

1. Clause 1, page 2, line 1, omit "VCAT".

Mr BOURMAN — I have heard the government's explanation for why it figures the Magistrates Court is not a better idea, but I do not agree with it. We are also talking about some very violent offenders, which VCAT may or may not have a system in place to deal with, whereas I know that the Magistrates Court does. We are talking about a warrantless search here. We are talking about some very, very serious powers, and I think the Magistrates Court is at a higher level and would be a far more appropriate place to deal with this.

Ms SPRINGLE — The Greens will be opposing this amendment.

Ms PULFORD — As my colleague Minister Tierney has outlined in the discussion that has been occurring for some time in this committee stage, I will for the record again state the government's position. We are opposing Mr O'Donohue's amendment. We believe that VCAT is a more appropriate body than the Magistrates Court to review decisions to issue FPOs. VCAT commonly reviews administrative decisions; that is indeed its core function. As a result it has the legislative framework in place which makes clear how reviews will be handled. By contrast, the Magistrates Court is very rarely provided with the power to review decisions like these, and as such it does not have such laws and procedures in place.

If the opposition's amendments were to proceed — that is, if they were successful today — great uncertainty would be created regarding how such reviews would operate. There would be uncertainty on critical issues, including the type of review, the powers of the court and what evidence it can rely on. Importantly, it is clear that there will be some decisions to make an FPO which will be based on criminal intelligence such as the identity of police informants, police methodologies and instructions, and information regarding ongoing investigations or the prosecution of an offence. It is not unusual for VCAT to deal with sensitive, confidential or intelligence information across the broad range of application types that it deals with. Under the bill the chief commissioner will be able to rely on existing mechanisms to protect the confidentiality of such information. Even where sensitive police information is the basis for issuing an FPO, VCAT may still have access to all relevant information when conducting the merits review and can adapt proceedings while having regard for the public interest. Such a framework is not in place for use by the Magistrates Court and the house amendments do not create one.

Finally, providing for a review by VCAT does not exclude the courts from reviewing FPO decisions. Review decisions by VCAT can be appealed to the Supreme Court, and judicial review is also available. Further, several senior members of VCAT are also judges of the County Court or the Supreme Court. For those reasons we will be opposing Mr O'Donohue's amendment. We do not want the kind of uncertainty that we believe it would create. That is why we are proposing to proceed as we planned through the legislation as it has been presented by the government to the house.

Ms PATTEN — Thank you, Acting President, and I appreciate you allowing me to speak briefly on

Mr O'Donohue's amendment. I support this amendment. I find this bill largely problematic in many aspects. I find that it is incredibly discretionary in that once a firearm prohibition order has been made it allows police officers, without warrant or consent, to enter and search the premises of the person subject to the firearm prohibition order. I do think that there needs to be a good level of oversight here, and I do think that extending that level of oversight to the Magistrates Court is worthwhile. I think if you look at the statement of compatibility on this bill, on my reading it concedes that this piece of legislation is not proportionate to the limitations of human rights under the Victorian charter.

I would argue that in some way heightening the bar in the way that Mr O'Donohue's amendment does allows for a greater level of justice and a greater level of oversight. We have seen similar legislation in New South Wales, and I have been listening to the debate on that this afternoon, where they have executed about 2500 separate searches under the firearm prohibition order. I believe they have found firearms, ammunition or firearm parts, whatever that definition may be, in only 2 per cent of occasions, so I will support this amendment.

The ACTING PRESIDENT (Mr Melhem) — I will put the question on the amendment moved by Mr O'Donohue which omits reference to VCAT in clause 1(a)(iii) and also that will test Mr O'Donohue's amendments 5 to 9 and 11 to 28.

Committee divided on amendment:

Ayes, 20

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

Noes, 20

Dalidakis, Mr	Mulino, Mr
Dunn, Ms	Pennicuik, Ms
Eideh, Mr	Pulford, Ms
Elasmar, Mr	Purcell, Mr
Gepp, Mr	Ratnam, Dr
Hartland, Ms (<i>Teller</i>)	Shing, Ms
Jennings, Mr	Somyurek, Mr (<i>Teller</i>)
Leane, Mr	Springle, Ms
Melhem, Mr	Symes, Ms
Mikakos, Ms	Tierney, Ms

Amendment negated.

Clause agreed to.

Clause 2

Mr O'DONOHUE — Minister, clause 2(1) provides that part 1 of the new firearms act comes into operation the day after the day on which it receives royal assent. Part 3 comes into operation 10 years after the day on which part 2 comes into operation, and clause 2(3) states that subject to clause 2(4) the remaining provisions of the act will come into operation on a day or days to be proclaimed, with a default commencement date of 30 September 2018. Noting your answer to the previous question about timing and the work of the working group, can you give the committee any advice about whether it is anticipated the commencement date will be before 30 September this year?

Ms TIERNEY — The answer is yes.

The ACTING PRESIDENT (Mr Melhem) — The answer was given by the minister, and my understanding is the answer to your question is yes — you missed that.

Mr O'DONOHUE — That is good news. Can you provide any further detail about when the key parts of the bill will be proclaimed?

Ms TIERNEY — The advice I have received is no, I cannot give greater clarity on an actual date, but the priority is sooner rather than later.

Mr O'DONOHUE — Thank you for that answer, Minister. Would it be reasonable to expect the bill will be proclaimed by the middle of this year?

Ms TIERNEY — I am personally not in a position to provide you with any further information than what I just have, but it is the priority of the government to get this proclaimed as soon as it can.

Business interrupted pursuant to sessional orders.

Sitting extended pursuant to standing orders.

Committee resumed.

Clause agreed to.

Clause 3

Mr RICH-PHILLIPS — I use clause 3 just as a convenient opportunity to ask the minister if she has been able to get the information around which of the consultative committee members met with VicPol.

Ms TIERNEY — Senior VicPol members and representatives from the minister's office — that is, the

Minister for Police, Minister Neville — met with firearms stakeholders. Present were representatives from the Combined Firearms Council of Victoria and the Sporting Shooters Association of Australia Victorian branch.

Mr RICH-PHILLIPS — Thanks, Minister. Can you clarify the timing on that, given the consultation matter is one of interest — whether that was after the bill was introduced?

Ms TIERNEY — It was shortly after the bill was introduced in the Assembly.

Clause agreed to; clauses 4 to 19 agreed to.

Clause 20

Mr BOURMAN — I move:

Clause 20, lines 26 to 32, omit all words and expressions on these lines and insert—

“(1) For section 101(1) and (2) of the Principal Act **substitute**—

“(1) A person must not publish or cause to be published an advertisement which advertises that a firearm is offered for sale unless—

- (a) the person is a licensed firearms dealer and the advertisement contains the person's dealers licence number; or
- (b) the advertisement contains a statement that the proposed sale is to be arranged by or through a licensed firearms dealer.

Penalty: 40 penalty units.”.

(2) For section 101(3) of the Principal Act **substitute**—

“(3) A person must not publish or cause to be published an advertisement which advertises that a firearm is offered for sale unless the advertisement contains—

- (a) the serial number of the firearm; and
- (b) where the firearm is being offered for sale by, or on behalf of, a person who is not a licensed firearms dealer— the firearms licence number of that person.

Penalty: 10 penalty units.”.

(3) Section 101(5) of the Principal Act is **repealed**.”.

Surprisingly I am having a lot of difficulty getting buy-in from the government on my amendment. Silly me, I thought that a national firearms agreement, as much as I dislike it, meant it was national and that we would all do our best to have at least a reasonably even playing field as far as firearm laws go. The context of

my amendment is that I want to be able to advertise for sale on the internet, subject to certain provisions which are actually the same provisions as in print media, in Victoria, which is the only state where you are currently not allowed to. Ironically what I am trying to do is help along the national firearms agreement.

Having met with people from Victoria Police, I find the reasons they have given me for why they do not support it are just farcical. But they are what we have. I will be clear: this is no change, no watering down, no nothing except allowing us to do what the rest of the country does. You still need to take your firearm to a dealer to have it changed. You still need to get a permit to acquire. Absolutely nothing changes. It is really just trying to drag that tiny little bit of our act into the 21st century. I commend my amendment to the house and urge that instead of fighting silly wars we spend more time on things like firearm prohibition orders, which are going to actually have a decent effect.

Mr O'DONOHUE — The opposition will support Mr Bourman's amendment, as we did when he brought a similar proposal to this place which passed this place and I note has languished on the notice paper in the other place since that time. We think it is a sensible amendment. As he describes, it just brings to Victoria what already occurs in other jurisdictions in Australia, and we support it.

Ms PENNICUIK — The Greens will not be supporting the amendment put forward by Mr Bourman for the reasons we have articulated before. We do not want to see the sale of firearms being more widely publicised. I know the police have talked about the concern they have about Mr Bourman's amendments, with the addition of addresses where firearms are kept, given the problem with the theft of firearms from premises where they are kept. I also note this bill clarifies the point I have made before — that it has never said a publication has to be a printed publication. This bill actually clarifies that publication includes publication on the internet by a registered firearm dealer.

Ms TIERNEY — I take this opportunity to outline the government's position with respect to this amendment, and that is that under the Firearms Act 1996 as it stands a person who wishes to advertise a firearm for sale online or in a newspaper can do so by asking a dealer to place an advertisement on their behalf. A private individual can place an advertisement in a club magazine or commercial shooting sports magazine. Under the bill individuals will also be able to advertise in such magazines that are published online. The amendments moved to the bill by Mr Bourman

would remove restrictions on where private advertisements — that is, not through a dealer — to sell firearms can be placed. Instead they would require that the advertisement by people other than licensed dealers contain a statement that the sale must occur through a licensed dealer along with the serial number of the firearm and the licence number of the person placing the advertisement.

We believe that it is not appropriate to further relax restrictions on the advertising of firearms for sale. In relation to the proposed amendment, we believe the benefits of circumventing a dealer when advertising online are outweighed by the risks associated with allowing detailed information about the location of firearms to be widely posted online. So we will not be supporting the amendment.

The ACTING PRESIDENT (Mr Elasmr) — Members, you may be aware that a new sessional order says the division bells will ring for 4 minutes, but my understanding is that there is an agreement between all parties, until we move to the new offices, that it will remain at 3 minutes. I am sure the President will give more clarification about this.

Committee divided on amendment:

Ayes, 21

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

Noes, 19

Dalidakis, Mr	Mulino, Mr
Dunn, Ms (<i>Teller</i>)	Pennicuk, Ms
Eideh, Mr	Pulford, Ms (<i>Teller</i>)
Elasmr, Mr	Ratnam, Dr
Gepp, Mr	Shing, Ms
Hartland, Ms	Somyurek, Mr
Jennings, Mr	Springle, Ms
Leane, Mr	Symes, Ms
Melhem, Mr	Tierney, Ms
Mikakos, Ms	

Amendment agreed to.

Amended clause agreed to; clause 21 agreed to.

Clause 22

Ms TIERNEY — I move:

Clause 22, page 15, lines 7 and 8, omit “an order under this section” and insert “a firearm prohibition order”.

This essentially deals with a typographical error in proposed new section 112F. The section currently states that the chief commissioner may delegate the power to make an FPO under this section — i.e., section 112F. However, the power to make the order is new in the section 112D, not 112F. Without the change there is a small risk that the courts could read the section narrowly, which could lead to the courts invalidating an order made by a delegate of the chief commissioner, so I have moved that amendment.

Mr O’DONOHUE — On the basis of the minister’s guarantee that this is correcting an administrative error, the opposition will not oppose this amendment.

Amendment agreed to.

The ACTING PRESIDENT (Mr Elasmr) — Mr O’Donohue, are you still going ahead with your amendments 2 to 4 to clause 22?

Mr O’DONOHUE — I will proceed with the amendments.

Mr RICH-PHILLIPS — While Mr O’Donohue is looking at the amendments, can I ask the minister: in relation to the offences which are created by provision 112C, which are offences in relation to the disposal of a firearm to an individual to whom a prohibition order applies, how is a person likely to know that an FPO has been applied against another person? Is that going to be publicly disclosed on a register or through some other mechanism that would make it that a person could know that?

Ms TIERNEY — I am advised that it will not go on a public register, it will be a question of fact. But if they do not have a licence, this is a red flag.

Mr RICH-PHILLIPS — I thank the minister for the answer, but I am not sure what she means by ‘if they do not have a licence, it is a red flag’. Can she expand on what she was talking about?

Ms TIERNEY — The advice I have received is that to sell a firearm you must have a licence, so if they do not have a licence, then it means a red flag will show up.

Mr RICH-PHILLIPS — Thank you, Minister. Minister, can I give you another example? This provision applies not only to the sale of a firearm to a person but also to disposing of or giving a firearm — and there is a question there around what is meant by disposing of as distinct from giving — and also a person enabling or permitting another person to possess, carry or use a firearm. Under the existing Firearms Act it is permissible for a licensed person to provide instruction — training — to an unlicensed person by way of demonstration. Perhaps the best example of this is the pollicie shoot hosted by Field and Game Australia on an annual basis, where members of Parliament are invited to partake in clay target shooting — unlicensed persons under the supervision of licensed persons. If a member of Parliament had an FPO, this provision would potentially be engaged simply by allowing a person to participate and use a firearm. Obviously in that instance the person of course does not have a licence, or could not be expected to have a licence, so how in those circumstances could a person be expected to know whether the other party had an FPO?

Ms TIERNEY — This may assist. I am advised that the exemptions for unlicensed shoots such as the pollicie shoot do not apply to an FPO subject. I am also advised that the person must know that an FPO applies, and this is an intentional mental element which will depend on the facts at play.

Mr RICH-PHILLIPS — Thank you, Minister. That takes us back to where we started, which is: how is someone going to know that another party has an FPO if it is not published in a register? You used the example that if a person is unlicensed, your advisers believe that that is the basis for an assumption that the person has an FPO, but there are many circumstances where a person is not going to have a licence and also is not going to be subject to an FPO.

Ms TIERNEY — There are two elements. One is, again, you cannot dispose of a firearm to a person unless they have a licence. An FPO subject will not have a licence. On the other point that you raise in terms of how are you to know, you would know through the police, the person telling you or yourself knowing.

Mr O’DONOHUE — I move:

2. Clause 22, page 15, line 10, omit “Commissioner; or” and insert “Commissioner.”.
3. Clause 22, page 15, lines 11 to 28, omit all words and expressions on these lines.

4. Clause 22, page 15, lines 29 to 31, omit “, *Assistant Commissioner, commander, chief superintendent and superintendent*” and insert “*and Assistant Commissioner*”.

In doing so I make the following observations. The threshold or the power to issue an FPO needs to be balanced against Victoria Police’s ability to respond quickly to a situation. This is a balancing act that we are talking about here: who can issue an FPO, who is it delegated to within Victoria Police and what impact will that delegation have on the ability of Victoria Police to respond rapidly to a situation while at the same time ensuring that the delegation is senior enough to provide confidence and to reflect the serious powers that sit behind the FPOs in the first place?

The bill proposes that the chief commissioner, the three deputy commissioners, the two deputy secretaries, the 15 assistant commissioners, the 12 commanders and 17 superintendents out of 92 across Victoria Police — in other words, 50 people — be given the ability to issue an FPO. The opposition, in considering that balancing act between the significance of these powers and providing Victoria Police with the ability to respond in a timely way to situations that may warrant the issuing of an FPO, seeks to raise that delegation so that it is assistant commissioners or higher. We have done so considering that that retains that power with 19 people — the 15 assistant commissioners, the three deputy commissioners and the Chief Commissioner of Police. As I understand it, one of those members would be available, as Victoria Police currently operates, on a 24-hour-a-day basis.

I think it is appropriate that given the seriousness of these powers that we are considering today the delegation be limited to those senior members of the force. That is not in any way to be disrespectful or disparaging of the other members that the government contemplates being able to issue an FPO, but I think it is important when the Parliament is delegating these powers that they are delegated judiciously and in a way that reflects the extent of those powers. So I move amendments 2 to 4 in my name to limit the delegation to assistant commissioners of Victoria Police, deputy commissioners of Victoria Police and the chief commissioner of Victoria Police.

Mr BOURMAN — I will just say that I will be supporting the amendments. These are very, very serious, very wideranging powers. If you read the Scrutiny of Acts and Regulations Committee reports and things like that, there are a number of human rights issues, which is not normally my forte. The point is that the higher end of the tree needs to be responsible for these things, and I think it is appropriate to keep the

decision-making for an FPO at a much higher level than is in the bill.

Ms PENNICUIK — I have a question on these amendments in terms of the delegation of the power by the chief commissioner. In fact the chief commissioner has the power but can delegate that power to the ranks, as outlined in the bill. Could you outline for the committee how many police personnel that would involve? There is also a class of civilian secretaries. If you are going to do that, that is fine. The other is the mechanism by which the declaration of an FPO by one of those delegates is communicated to the chief commissioner.

Ms TIERNEY — In terms of the last bit, I will seek advice from the box. Effectively we will not be supporting these amendments because we believe they will only serve to constrain the ability of Victoria Police to move quickly and effectively against serious and organised crime.

The positions that Victoria Police is proposing will have the ability to issue these orders are the chief commissioner, three deputy commissioners, the two deputy secretaries, 15 assistant commissioners, 12 commanders and 17 superintendents — that is, four regional operation support positions, one transit and public safety command operations support position, five crime command, four intelligence and covert support command, two counterterrorism commands and one family violence command. That is 17 of 92 superintendents. This is a total of 50 senior positions of 18 592 positions. It represents 0.27 per cent of the entire organisation.

This group is the senior echelon of leadership in Victoria Police. Further reducing this number will substantially reduce the effectiveness of the bill, the government argues. The change will mean less timely issuing of FPOs and a reduced effectiveness. We believe it will have an impact on Victoria Police’s operating model and their ability to keep the community safe. A reduced delegation will also limit the ability of Victoria Police to issue an FPO when a shooting occurs and parties are known to police but are not assisting.

Most of these incidents occur outside of business hours and are quickly followed up by retaliatory shootings. The amendments would mean that a duty assistant commissioner would be rostered on out of hours to issue an FPO in response. In contrast, by allowing delegation to superintendents of relevant divisional commands, the bill provides police with a flexibility to quickly respond to rapidly emerging matters.

In terms of the commissioning, I will get some advice. In response, the advice is that this is an operational matter for Victoria Police. I am advised that Victoria Police regularly hold extensive command meetings where topical issues are discussed and debriefs occur. I accept that that does not really go to the matter that you raise; however, I am prepared to take that on notice. I am not familiar with how the delegation would actually work and how people would be notified, but I am more than happy to pursue that and provide that information to you.

Mr RICH-PHILLIPS — Minister, under Mr O'Donohue's proposal for the delegation to extend to deputy commissioner and assistant commissioner ranks there would still be, with the chief commissioner, 19 senior officers who could issue FPOs. Now, the FPOs carry with them enormous powers and enormous infringements upon the rights of an individual to whom an FPO is issued, and we would suggest that having 19 officers in the senior ranks who could issue those FPOs would be sufficient. But I guess in making that statement I would have to ask the minister: how many FPOs has VicPol indicated to the government that it intends to issue in the first instance?

Ms TIERNEY — The fact is that we do not know at this point in time how many, but this proposal has actually been proposed by VicPol themselves. They believe that this is the way, in terms of their operational needs, that they would be able to deal with this matter expeditiously.

Mr RICH-PHILLIPS — Minister, notwithstanding the convenience for Victoria Police, it would be helpful to have an understanding of the extent to which these FPOs are to be used. The second-reading speech, and indeed much of the commentary on the committee stage, has suggested that these are to be used in extreme circumstances — the worst of the worst, if you like. Under the coalition's proposal, under Mr O'Donohue's proposal, there will be 19 people with the power to issue FPOs. The government is saying that it needs to have 50 people with the power to issue FPOs, including two civilians, two non-sworn people. So I guess the question is: why do you need 50 people? Surely Victoria Police would have given the government some estimate of the number of FPOs it would seek to issue in the first instance when this proposal came forward to government. It is hard to understand how the government could bring forward proposed legislative change like this without having any understanding of how widely VicPol intend to apply it.

Ms TIERNEY — It is my understanding that they have not provided that, but what has happened is that

there has been an assessment made in terms of the spread of hours over a 24-hour cycle with shift arrangements and the geographic complexities of Victoria being covered as well as those areas where there are significant operations already in place. They were covered off in the 17 superintendents that deal with crime command, intelligence, covert support and counterterrorism. So that is the assessment that has been made, and obviously we will see whether that is adequate when it comes into operation.

Mr RICH-PHILLIPS — Minister, I must say I find it extraordinary that the government has no understanding whatsoever as to how many FPOs Victoria Police intend to issue in the first instance. The fact that the minister has referred to the availability of officers on rosters and the availability of offices across a geographic spread and across different portfolio areas suggests that the issuing of FPOs, in the view of Victoria Police, is going to be a routine matter rather than a matter of exception, which is how the issuing of FPOs has been presented to the Parliament.

Given that there has been some indication that Victoria Police have informally given an indication to various parties as to the number of FPOs that will be issued and that that number extends into the low thousands, can the minister confirm whether the government has any indication at all from Victoria Police as to the magnitude of the number of FPOs that they would like to issue in the first instance?

Ms TIERNEY — As Mr Rich-Phillips was on his feet one of the advisers in the box was being proactive, and I will find out the answer. I hope this does provide some assistance, although it does not provide the definitive that Mr Rich-Phillips is seeking. Victoria Police will be focusing on organised crime groups such as outlaw motorcycle gangs, Middle Eastern organised crime groups and other high-risk individuals. Based on initial police advice and intelligence — and this is not over a specific time period; I do not have that degree of information — it is possible, I am advised, that there would be as many as 2000 individuals that could become subject to an FPO.

Mr RICH-PHILLIPS — Thank you, Minister. That seems to be consistent with anecdotal suggestions that have come from Victoria Police. Minister, can I ask you to clarify that in respect to the delegations you indicated, I think, two officers in the executive service to whom delegation could be extended. The most recent Victoria Police annual report shows that there are 21 executive officers in Victoria Police; two at the grade of EO1, six at the grade of EO2 and 13 at the grade of EO3. Can you clarify the number of executive

officers to whom a delegation is available under this provision?

Ms TIERNEY — I am advised that for Victorian public service staff only two executives will be delegated the power.

Mr RICH-PHILLIPS — Minister, just to be clear, two is the intention of the chief commissioner as distinct from the capacity to delegate to all executive officers?

Ms TIERNEY — That is definitely the intention.

Mr RICH-PHILLIPS — Thank you. So potentially, Minister, the chief commissioner could change his mind and delegate to all executive officers under this bill, which would be 21 people that can be recipients of the delegation if the chief commissioner chooses to grant it.

Ms TIERNEY — I am advised that the policy decision is that it will only apply to two deputy secretaries within VicPol.

Mr RICH-PHILLIPS — Thank you, Minister. That does not take away from the fact that the powers could be delegated to all executive officers. The question, though, is: why is it necessary for the chief commissioner to give a delegation to unsworn members, being the executive officers?

Ms TIERNEY — This might not satisfy you, Mr Rich-Phillips, but the position of the government is that the group I outlined is the senior echelon of the leadership of VicPol and further reducing this number will substantially reduce the effectiveness, we believe, of what is being proposed. It will mean issuing less timely FPOs and reduced effectiveness. There has been a decision that basically believes that this would impact on VicPol's operating model and their ability to keep the community safe if we were to reduce the number of the categories outlined.

Mr RICH-PHILLIPS — Minister, are you able to inform the committee what positions the two civilian office-holders hold that will be receiving the delegations? Presumably it is not the deputy secretary of finance.

Ms TIERNEY — The two specific unsworn positions in Victoria Police are the deputy secretary of corporate and regulatory services and the deputy secretary of infrastructure. Again, they form part of the executive command with the deputy commissioner and the chief commissioner.

Mr RICH-PHILLIPS — Thank you, Minister. When I said it would not be the deputy secretary of administration and finance, it appears it actually will be. That is on the record, thank you. Acting President, I have some further questions on this clause that do not relate to Mr O'Donohue's amendment, so I seek your guidance as to whether you would like me to address those matters now before Mr O'Donohue's amendments are dealt with.

The ACTING PRESIDENT (Mr Elasmr) — It is your call.

Mr O'DONOHUE — Can I just ask a question? Minister, further to Mr Rich-Phillips's question about the two non-sworn deputy secretaries within Victoria Police who will have the power to issue an FPO, are there any other comparable examples where non-sworn members have a power such as the one contemplated by this bill?

Business interrupted pursuant to sessional orders.

Sitting extended pursuant to standing orders.

Committee resumed.

Ms TIERNEY — For one of the deputy secretaries — I believe the deputy secretary for corporate and regulatory services — that person sits on top of the licensing and regulation division, which is responsible for firearms regulation. But more to the general point that you raise, we are not familiar with other situations. This is new ground, and as I said, New South Wales is still to respond to the review that was conducted in their state.

Mr O'DONOHUE — Thank you, Minister. Just one follow-up to that: is it your understanding that in New South Wales non-sworn members do not have the power or ability to issue an FPO?

Ms TIERNEY — I am advised that that is the case.

Mr RICH-PHILLIPS — Minister, I would like to ask you about proposed clause 112E, which sets out the considerations for the making of a firearm prohibition order. This provision states:

The Chief Commissioner may make a firearm prohibition order only if the Chief Commissioner is satisfied that it is in the public interest to do so—

- (a) because of the criminal history of the individual; or
- (b) because of the behaviour of the individual; or
- (c) because of the people with whom the individual associates; or

- (d) because, on the basis of information known to the Chief Commissioner about the individual, the individual may pose a threat or risk to public safety.

So any one of those four elements is grounds on which the chief commissioner may make an FPO. Is it necessary for the chief commissioner to have a belief that the subject of the FPO is seeking access to a firearm?

Ms TIERNEY — No.

Mr RICH-PHILLIPS — Thank you, Minister. Is it necessary for the chief commissioner to believe the subject has ever sought access to a firearm or had access to a firearm or had any association with a firearm?

Ms TIERNEY — The advice that I have received is that it could be a factor in terms of knowing someone's history but it is not a prerequisite.

Mr RICH-PHILLIPS — Thank you, Minister. That goes to the issue that FPOs can be made under this provision in respect of a person who has never had an association with a firearm or a desire for an association with a firearm. During the course of the second-reading debate I used the example of Ms Pennicuik as someone who, I suspect, has never owned a firearm or sought to own or use a firearm but nonetheless on the basis of association with other people, hypothetically could be the subject of an FPO, notwithstanding the fact that she has no interest in, likelihood of or history of ever seeking or using a firearm. Is that correct?

Ms TIERNEY — Again, the criteria for making an FPO have been left in broad terms in order to provide the chief commissioner with operational flexibility to proactively and quickly respond to fluid serious criminality, intricate criminal enterprises and counterterrorism-related operations. Given the variabilities of conduct within these groups, the grounds provide a high degree of flexibility. Victoria Police will develop policies for consistent application of FPOs.

Mr RICH-PHILLIPS — Thank you, Minister. The minister is obviously quite right that these criteria do provide very broad discretion to the chief commissioner or his delegate in the issuing of FPOs. What is the government's intention, particularly with respect to paragraphs (c) and (d) in proposed new section 112E, which allow the commission to make an FPO because, given the people with whom the individual associates or on the basis of information known about the individual, the individual may pose a threat or risk to public safety? Obviously that is a very broad criterion and it does not require a serious threat or a serious risk.

It allows for any threat or any risk, which effectively could encompass any individual.

Ms TIERNEY — Again, Mr Rich-Phillips, the issues surrounding the two examples that you raise will be subject to the development of policies so that there can be consistent application, but it also will be developed to create a clear understanding on which interventions can take place in those sorts of examples that you have provided.

Mr RICH-PHILLIPS — Thank you, Minister. Would a person who has been involved in protest activity — a serial pest, a pitch invader, the nut that was hanging off the roof here back in December protesting about logging, I think it was — and would those types of activities potentially fall foul of element (c) and element (d) of this provision with respect to associates? People that are serial protesters et cetera regularly disrupt community events. Would that type of behaviour fall within the elements that are defined in this provision?

Ms TIERNEY — Mr Rich-Phillips, Victoria Police will be focusing on organised crime groups such as outlaw motorcycle gangs, the Middle Eastern organised crime groups and other high-risk individuals. We are talking about very serious crimes that are placing this community at risk.

Mr RICH-PHILLIPS — Thank you, Minister, and I accept your point on that. The difficulty with this provision though is that it is not limited to people in those cohorts, and the government has also decided to support these powers being delegated to quite a deep level within Victoria Police across a very broad spectrum. The minister has indicated they will be applied with guidelines which as yet have not even been drafted. Essentially the government is asking the Parliament to accept that we intend that Victoria Police will use these powers for serious organised crime — by outlaw motorcycle gangs, Middle Eastern crime gangs et cetera — as indicated by the minister, but the reality is that the breadth of the provisions means they could be used inappropriately and vexatiously across a whole other cohort of people for inappropriate purposes. What assurances can you provide that they will only be used in the cohorts the minister has referred to, when they are drafted in such a way that they are broad, they will be delegated to a deep level and the guidelines have as yet not been drafted?

Ms TIERNEY — The guidelines are being drafted, and I have no further information to add at this point in time.

Mr RICH-PHILLIPS — So it is essentially a situation of ‘Trust us’, Minister? We do not have the guidelines, you are unable to provide an indication of when they are to be completed and you can provide no certainty as to how this provision is going to be used.

Mr O’DONOHUE — Perhaps in an effort to assist Mr Rich-Phillips and the minister I should say that the minister has tweeted in response to a tweet from me that she anticipates the bill will be operational in May, so in three months time. Presumably it will take another three months for those guidelines and necessary protocols to be finalised.

Mr RICH-PHILLIPS — Can I just follow up on Mr O’Donohue’s point? Earlier in this committee stage we had the minister at the table indicate that she was unable to provide advice as to when those guidelines would be finished. Yet we now have the minister in the other place tweeting that everything will be in place by May. Can the minister explain how her advisers were unable to provide that advice yet the substantive minister in the other place has been able to provide that information via a tweet?

Ms TIERNEY — Was the tweet from the Minister for Police?

Mr O’DONOHUE — Yes.

Ms TIERNEY — Good. Well, enjoy the good news. May is great. Why come in here and complain about May? It is a fact that the senior minister responsible in this area has been able to provide that information. That is great.

Mr RICH-PHILLIPS — It is great that we have the information. What is not great is that we had a minister at the table representing the government on this piece of legislation, with advisers presumably from the department and Minister Neville’s office in the box providing information, unable to provide an answer to that question a couple of hours ago. Yet the minister in the other place is able to tweet the information, which could not be provided to this house, which is considering this legislation. It would be good if the government could provide an explanation as to why Minister Neville was able to tweet the information which could not be provided to this Council.

The ACTING PRESIDENT (Mr Elasmarr) — Minister, any comment?

Ms TIERNEY — No.

Mr O’DONOHUE — Following on from Mr Rich-Phillips, if the minister is to follow up

Mr Rich-Phillips’s question, the obvious other question to follow up is: given the bill was introduced in September last year, why is it going to take from September 2017 through to May 2018 to enable the policies and procedures necessary for the bill to be operational to be drafted so the bill can be proclaimed? It seems an inordinate amount of time, particularly given the focus that it has received in recent days.

Ms TIERNEY — That line of questioning was submitted right at the beginning of this committee stage, which started at around a quarter to 3. I think the matter has been dealt with.

Committee divided on amendments:

Ayes, 20

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

Noes, 20

Dalidakis, Mr	Mulino, Mr
Dunn, Ms	Pennicuik, Ms
Eideh, Mr (<i>Teller</i>)	Pulford, Ms
Elasmarr, Mr	Purcell, Mr
Gepp, Mr (<i>Teller</i>)	Ratnam, Dr
Hartland, Ms	Shing, Ms
Jennings, Mr	Somyurek, Mr
Leane, Mr	Springle, Ms
Melhem, Mr	Symes, Ms
Mikakos, Ms	Tierney, Ms

Amendments negatived.

Mr O’DONOHUE — I move:

- Clause 22, page 17, lines 22 to 30, omit all words and expressions on these lines and insert—

“A firearm prohibition order remains in force for a period of 5 years from the day on which it is served on the individual.”.

The amendment I am moving seeks to reflect the recommendation of the FPO review by the Ombudsman in New South Wales. Currently there is not a time limit on the life of an FPO in New South Wales, but the Ombudsman there has recommended that it be reduced to five years.

This amendment seeks to reflect that recommendation. The bill before us proposes a maximum five-year duration for an FPO for a juvenile but for adults that the FPO be in place for 10 years with a review mechanism

at the midpoint, or at five years. For simplicity and to reflect the advice of the recommendation of the Ombudsman in New South Wales, and for the simple fact that five years gives Victoria Police a significant period of time to do what they wish to do pursuant to the FPO and of course an FPO can be renewed if the test is met again, it is the view of the Liberal-Nationals coalition that a five-year time frame for an FPO simplifies the regime, is reasonable, still gives Victoria Police a significant period of time to do what they wish to do pursuant to the FPO and, importantly, reflects the recommendation of the New South Wales Ombudsman.

It is interesting to note that the government has cherry-picked various recommendations. They make quite a deal about implementing some of the recommendations of the New South Wales Ombudsman. It is still not clear to me why they are not accepting this important recommendation. I believe the administrative burden on Victoria Police would be minimal, particularly given the appeal mechanism contained in the bill, and a five-year period is a significant period of time in and of itself. With those words, I move this amendment and look forward to the support of the house.

Ms TIERNEY — I wish to inform the house formally that the government will not accept this amendment. In doing so I have advised the house through the committee stage what the government's position is. We believe that there is an increased administrative burden by reducing it down to five, and we also believe that it will divert Victoria Police's focus away from the critical work of disrupting serious organised crime.

Mr RICH-PHILLIPS — Minister, how can the remaking of an order after five years impose an unreasonable administrative burden on Victoria Police?

Ms TIERNEY — We believe that the paperwork involved, the chasing up and every other such thing will create a burden. We are more focused on and interested in the serious elements that are committing serious crime in our community. That is our focus.

Mr RICH-PHILLIPS — Why was that seemingly the one recommendation that came from the New South Wales Ombudsman's report in terms of variations from the New South Wales model that the government did not accept when earlier in the committee stage you based so much of the rationale on the differences with New South Wales being the Ombudsman's recommendations? Why not this one?

Ms TIERNEY — I have already provided an explanation in relation to that, and in terms of the recommendations, at least this government is responding to the Ombudsman's report. We are yet to see what the coalition in New South Wales is going to do, leaving it to us to lead the charge again and be innovative.

Mr RICH-PHILLIPS — Putting aside Mr O'Donohue's amendment for a moment, I would like to ask the minister a question around FPOs, which effectively prohibit a person subject to an FPO going into certain places. Proposed section 112O to be inserted in the Firearms Act provides that an individual who an FPO applies to must not enter or remain on any of the following — Minister, there is a list of eight different locations that the subject of an FPO is not allowed to go on or remain on, and they are premises where a firearms dealer is located, a shooting range, a handgun target shooting club, a firearms collectors club, a shooting club, a place where handgun target shooting takes place, a paintball range and premises where firearms are stored. It then adds a prescribed premises, and subsection (2) in this provision states:

Premises that may be prescribed for the purpose of subsection (1)(i) are premises where the presence of an individual to whom a firearm prohibition order applies is a risk to public safety and order.

Does that provision mean — whether it is prescribed by the chief commissioner or by regulation — a premises which is not associated with a firearm may be prescribed for the purposes of this provision? Secondly, who makes that prescription? Is it by regulation or is it a prescription that will be made by the chief commissioner?

Ms TIERNEY — I am advised it will be through the regulations.

Mr RICH-PHILLIPS — Thank you, Minister. So that would apply to a class of premises rather than to individual premises — shopping centres, for example?

Ms TIERNEY — It could be both, Mr Rich-Phillips.

Mr RICH-PHILLIPS — Thank you, Minister. Is there any requirement for a prescribed premises to have an association with firearms in the way that the other premises all have an association with firearms?

Ms TIERNEY — The answer is no; it is as drafted.

Mr RICH-PHILLIPS — Thank you, Minister. Where does the government envisage this provision would be used? Given there is a very comprehensive

list of premises where firearms are located, where the subject of an FPO will not be entitled to go, where does the government envisage using this power to prescribe other places?

Ms TIERNEY — Of course this will be a matter for consultation with VicPol, but what is envisaged would include things, for example, like bikie clubhouses.

Mr RICH-PHILLIPS — Thank you, Minister. Minister, I would like to move on to the search provisions which are contained in proposed section 112Q, and are also similarly carried forward in 112R and 112S, which provides that:

- (1) A police officer, without warrant or consent, may exercise any of the powers —

for the search —

... if the exercise of the power is reasonably required to determine whether an individual to whom a firearm prohibition order applies has acquired, possesses or is carrying or using a firearm or firearm related item ...

That element does not require reasonable suspicion. The police officer does not need to have any reason to believe the FPO subject has a firearm. They have the capacity to search to merely ascertain whether they do. Why is there not a requirement that the police officer have reasonable suspicion before exercising the search power?

Ms TIERNEY — What are the grounds for searching FPO subjects and their premises: I will try and provide some information in respect to that. Once an FPO is served on the individual, police officers will be able to use new warrantless search powers in relation to the person, premises and/or vehicles under their control or management, as well as vehicles where the FPO subject is a passenger. The search powers are enlivened if a search is reasonably required for the purposes of determining whether the FPO subject has acquired, possesses or is carrying or using a firearm or firearm-related item in contravention of the Firearms Act.

This standard is drawn from the New South Wales scheme, and while it has not been definitively determined by the higher courts, it is a broader standard than the more common threshold of reasonable belief or suspicion. These are objective tests where police need to point to some form of evidence or information as the basis for making the search. The New South Wales Ombudsman found there was a level of confusion as to the meaning of 'reasonably required'. However, the New South Wales Ombudsman recognised this was intended to operate as a lower threshold and was a

useful tool enabling police to search in some circumstances where they previously could not. Victoria Police has indicated in line with New South Wales police that it will develop documented robust internal procedures to ensure a methodical approach to searches. These procedures will be set out in a number of documents, including the Victoria Police manual and the chief commissioner's instructions provided under the Victoria Police Act of 2013. These set out mandatory standards that must be complied with, and failure to do so can result in management or disciplinary action.

Mr RICH-PHILLIPS — Thank you, Minister. That confirms there is no need for suspicion that a person is carrying a firearm or breaching a firearm prohibition order. The police officer merely needs to be of the view that it is necessary to search to ascertain whether that is being breached. Essentially any person subject to an FPO who is carrying anything — bags et cetera — or has clothing that could conceal a firearm could be subject to a search even where there is no suspicion that they are carrying a firearm.

Ms TIERNEY — I will take that as a comment.

Mr RICH-PHILLIPS — Well, I will ask you then, Minister: is that the case?

Ms TIERNEY — I have answered the question.

Mr RICH-PHILLIPS — Minister, you have indicated that the threshold is lower than the ordinary threshold. Why is it necessary to have a lower threshold for search in this scenario than the ordinary scenario where reasonable suspicion is required?

Ms TIERNEY — Mr Rich-Phillips, the reason is that this bill is particularly focused on serious organised crime.

Mr RICH-PHILLIPS — Thank you, Minister. Where does the bill refer to serious organised crime?

Ms TIERNEY — The bill deals with a whole range of serious crime in a range of ways throughout the bill. To say that it does not deal with serious crime I think is misleading. We have talked now since 2.45 on a whole range of serious crimes and the reasons why this bill is before the house today. If Mr Rich-Phillips tries to go back and prosecute that it is not about serious crime because it is not worded in a way that he wants, I am sorry but I will just have to disagree with him.

Mr RICH-PHILLIPS — Thank you, Minister, but it has been a big focus in the committee stage this afternoon that the powers in this bill are very broad.

The government has indicated its intention with the application of those powers to outlaw motorcycle gangs and Middle Eastern crime gangs, which is supported, but the reality is the bill is in no way constrained to those cohorts. The bill is one of general application. FPOs can be applied very generally to people with no criminal history and no exposure to firearms or any intention to acquire firearms. The minister has asserted that the bill is about serious organised crime, so I ask: is there anywhere in the bill where its application is constrained to circumstances of serious organised crime?

Ms TIERNEY — There are many elements of this bill that enable police to be more flexible, more nimble, more reactive and more responsive to a range of circumstances, but particularly in terms of counterterrorism, serious crime and serious organised crime.

Mr RICH-PHILLIPS — I am not going to labour the point, but I just place on the record and note that the minister was unable to identify any instance in the bill where its scope is limited to serious organised crime rather than of general application.

Minister, I would like to ask you about the scope of the search powers which apply to premises, vehicles, vessels, aircraft et cetera. There is a separate provision in the bill in relation to searching people who are, to use the term, ‘accompanying’ a person who is subject to an FPO. Does the capacity to search a vehicle, vessel or aircraft extend to other people who are in the vehicle, vessel or aircraft and their belongings?

Ms TIERNEY — This is an issue about third parties being included in police search powers. The power to search a third party who is in the company of an FPO subject was drawn from a recommendation of the New South Wales Ombudsman’s review of the New South Wales FPO scheme. There is some confusion under the New South Wales scheme in relation to the basis upon which a third party can be searched. There could be instances where these third parties are involved in firearm-related offending or have unlawful firearms in their possession. The power to search these third persons has been limited to align with the existing warrantless search powers. As such, police will only be able to search these persons if they reasonably suspect the person has committed an offence against the Firearms Act and is in possession of a firearm or related item.

Mr RICH-PHILLIPS — Thank you, Minister. That is helpful. Just to round out that question, though, can you just confirm that a person who happens to be in

a vehicle, vessel or aircraft is not subject to search simply by being in the vehicle, vessel or aircraft?

Ms TIERNEY — That is correct.

Mr RICH-PHILLIPS — And the second element therefore is: what is the extent of a person accompanying a person subject to an FPO? What does it mean to be ‘accompanying’? What proximity of relationship is needed to be subject to the accompanying person search provisions?

Ms TIERNEY — I am advised that it will have its ordinary and current meaning and it will also depend on the particular facts of the circumstances.

Mr RICH-PHILLIPS — Thank you, Minister. I take it then that it would not extend to unrelated parties who may be on a vessel, aircraft et cetera.

Ms TIERNEY — Correct.

Committee divided on amendment:

Ayes, 20

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

Noes, 20

Dalidakis, Mr	Mulino, Mr
Dunn, Ms	Pennicuik, Ms
Eideh, Mr	Pulford, Ms
Elasmar, Mr	Purcell, Mr
Gepp, Mr	Ratnam, Dr
Hartland, Ms	Shing, Ms
Jennings, Mr	Somyurek, Mr
Leane, Mr (<i>Teller</i>)	Springle, Ms (<i>Teller</i>)
Melhem, Mr	Symes, Ms
Mikakos, Ms	Tierney, Ms

Amendment negated.

Amended clause agreed to; clauses 23 to 42 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.

GenesisCare

Ms LOVELL (Northern Victoria) (20:24) — My adjournment matter is for the Minister for Health, and it centres on the real-life story of Shepparton woman Camella Malone and the need for the Andrews Labor government to provide adequate support for the planned GenesisCare radiotherapy centre to ensure treatment is affordable for all patients in Shepparton. Will the minister commit to providing adequate funding to ensure all public patients will be able to access publicly funded radiotherapy services at the planned GenesisCare facility in Shepparton so that patients like Camella can access affordable radiotherapy treatment locally?

Camella Malone is 58 years old and has two adult children. She lives with her son in Shepparton. Camella was diagnosed with breast cancer in March 2017 and had an extensive 13-week course of chemotherapy in May 2017. Because of the long course of chemotherapy, Camella took three months to recover before undergoing a mastectomy last November. Since her operation Camella has been preparing for a challenging course of radiotherapy, which commences this week in Bendigo. Camella will have one treatment per day, five days a week, in order to finally defeat her cancer.

As I said, Camella lives with her son, who travels regularly as an interstate truck driver, so she lives alone for the majority of the time. Camella is also an animal lover, being the proud owner of two dogs. Her dogs are her world, and to care for them properly Camella will travel every day to Bendigo from Shepparton to receive her radiotherapy treatment. That is an over 240-kilometre round trip every day for five weeks to get the treatment she needs to defeat her illness.

When I spoke to Camella, she made it clear that she would be unable to afford treatment at a private radiotherapy facility in Shepparton, reinforcing to all of us the importance of state government funding for the planned GenesisCare facility. Thankfully Camella's prognosis is excellent, and her doctors are confident that she will return to full health after her course of radiotherapy. I would like to thank Camella for sharing her cancer journey.

The recent coverage in the Shepparton media telling the real-life stories of cancer patients highlighted the need for radiotherapy treatment to be made available locally to those who need it, so the news that private health provider GenesisCare has been granted a licence to establish radiotherapy services in Shepparton has been welcomed by the entire local community. But the job is not finished, and it is imperative that the Andrews Labor government enter into an agreement with GenesisCare to ensure that the planned radiotherapy services are affordable and available to all patients.

Will the minister commit to providing adequate funding to ensure that all public patients will be able to access publicly funded radiotherapy services at the GenesisCare radiotherapy facility in Shepparton so that patients like Camella can access affordable radiotherapy treatment?

The PRESIDENT — In respect of that adjournment item I understand that the story is different but I think I may have heard a remarkably similar request in a previous adjournment item. Could you assure me that in fact the request that you have made of the minister is actually different to that in previous adjournment matters?

Ms LOVELL — President, as you know, I have been raising this matter for a long time. I always make sure the adjournment matter is different by actually bringing into the house a new angle for the story — so each time that I am raising it it is on behalf of a new constituent. Certainly it is different wording.

The PRESIDENT — Yes, but introducing a different story of a different person does not make it a different request of the minister. The request that you have made of the minister is in respect of funding, and it is my recollection — and I stand to be corrected — that in fact you have previously sought similar assurances on funding. As I said, to simply showcase that particular request in the context of a different person's experience is not sufficient to pass that adjournment test of not having the same adjournment item. Are you able to assure me that in fact the request for funding is different to what my recollection is?

Ms LOVELL — Could I rephrase that, President?

The PRESIDENT — You may rephrase.

Ms LOVELL — I have requested funding in the past and I have not had a single response from the Minister for Health on this issue despite having raised it numerous times, so my request of the minister is: will she provide me with a response as to whether she will provide funding for the planned GenesisCare facility in

Shepparton so that all patients can access publicly funded radiotherapy treatment?

The PRESIDENT — I will accept it on this occasion. I would just advise all members that there is a six-month rule in terms of bringing the same matter or a very similar request to a minister in respect of the action sought on an adjournment.

Mr Ondarchie — Did you accept it?

The PRESIDENT — Ms Lovell has now phrased it by seeking a response that has apparently not been forthcoming to this point, which I will accept.

Elishacare

Mr LEANE (Eastern Metropolitan) (20:30) — My adjournment matter is directed to James Merlino in his role as Minister for Emergency Services. It is regarding a fantastic group called Elishacare that do some great work around Croydon, and all of the east, I have got to say — the outer east. A lot of their work is helping people who may have some addiction problems to get on their feet and also helping them to get accommodation. In recent years Elishacare has been operating out of the old Croydon fire station. Recently the Metropolitan Fire Brigade (MFB) have decided that the old station is excess to their needs. It has been leased from the MFB by Elishacare, which is obviously a concern for them. The request I would make of the minister is that he please meet with Elishacare to see if anything can be arranged to assist them in continuing to do their great work, whether it is at that particular location or somewhere nearby. If there is anything that his ministry or his department can do to help this organisation that, as I said, does fantastic work, that would be appreciated.

VicForests

Ms DUNN (Eastern Metropolitan) (20:32) — My adjournment matter tonight is for the Minister for Energy, Environment and Climate Change. VicForests has plans to log coupes near the town of Mirboo North. In response the community has come together and formed a campaign called Preserve Our Forests. The steering committee of the campaign has written to the Minister for Energy, Environment and Climate Change detailing inadequacies in the consultation process implemented by VicForests, the failure to consider the impact on the economic development of the town, results of a comprehensive survey of vulnerable fauna species which shows the presence of greater gliders and powerful owls, and a high risk of failing to comply with the timber code of conduct, including during

regeneration. The action I seek is for the Minister for Energy, Environment and Climate Change to heed the requests of the Preserve Our Forests campaign to stop native forest logging in Mirboo North.

Gormandale and District Primary School bus service

Ms BATH (Eastern Victoria) (20:33) — My adjournment matter this evening is for the Minister for Education, the Honourable James Merlino, and it relates to a school in my electorate. The action I seek from the minister is for him to meet with the principal of the Gormandale and District Primary School, Ms Christine Robinson, and a representative of Public Transport Victoria (PTV) in the area to facilitate an extension of the current school bus run along Merrimans Creek Road in Gormandale. Equidistant between and many kilometres from Yarram and Traralgon, Gormandale is a small rural community 2½ hours east of Melbourne. Currently the school population has a base of 48 students. With a town population of approximately 450 people, the main source of income for the residents in the surrounding district is farming, dairy farming, other farming pursuits and local timber.

In its current form the school bus route does not extend the entire length of Merrimans Creek Road, and the last accessible stop available to students is located on the corner of Lays and Merrimans Creek roads. The final stretch of road is not serviced by bus, and there are six students who live down the end of that road and have to travel over 6 kilometres to reach this bus stop. Their parents are dairy farmers, and of course when you are transporting your children to meet the bus it is in peak time, when most parents would be at the cowshed undertaking milking and the like, so this is most inconvenient for the families.

The school's request for an extension was reviewed by the transport special cases consideration panel but was declined by PTV on the grounds that there is an inadequate turnaround at the end of Merrimans Creek Road. In accordance with the school bus policy, feeder services usually transport small groups of students who would otherwise be severely disadvantaged. Furthermore, the minimum criteria of six students in isolated areas is met in this case. It is in this regard that a minibus could be requested to enable the students to get to and from the school. Alternatively the end of Merrimans Creek Road needs to be modified to allow a suitable and safe turnaround for the current bus.

Ms Christine Robinson has certainly identified and the families of those children have identified some positive

ways to solve this problem. Students in isolated areas should not be disadvantaged, and I ask the minister to meet with Ms Robinson and the PTV representative in that area to solve this problem and get those fantastic students to school.

Western Metropolitan Region employment

Mr MELHEM (Western Metropolitan) (20:36) — My adjournment matter is directed to the Minister for Industry and Employment, the Honourable Ben Carroll. The Victorian government is delivering employment support for jobseekers who are facing barriers to employment. It is also providing the extra support needed for the long-term unemployed or those at risk of long-term unemployment through the extensive range of Jobs Victoria programs. The main program currently operating is the Jobs Victoria Employment Network, which funds 51 employment support services across Victoria. This policy is achieving excellent outcomes for those involved.

The relevant services are tailored to the specific needs of jobseekers and their local area. The focus on localised support has allowed this program to achieve great things in the west. Brimbank saw 523 people registering for support services, with 197 placed in employment. Wyndham had 447 utilising these services, with an amazing 234 placements. The successful implementation of these activities has resulted in outcomes for almost 6000 jobseekers in the first year of the program. Of these, more than 2650 have been placed into employment — 686 in western metro municipalities alone. However, I highlight to the minister that Australian government data continues to show that Melbourne's western suburban region has the highest unemployment rate in the state, at 9 per cent. The trends around youth unemployment are also deeply concerning.

The action I seek is that the minister advise me of what further actions have been taken by the Victorian government in tackling unemployment, particularly youth unemployment, in Melbourne's west.

Sunbury car parking

Mr FINN (Western Metropolitan) (20:38) — I wish to raise a matter for the attention of the Minister for Local Government. Parking has been a major issue in Sunbury for as long as I can remember. Going back to the days when I was the member for Tullamarine in another place it was an issue, and it has grown significantly since then. That is going back 20 years, believe it or not, but it is still a significant issue.

As I go around Sunbury and speak to the local traders with the Liberal candidate for the Assembly seat of Sunbury, Cassandra Marr — as I have done over recent times — just about every trader in Sunbury has said their number one issue is parking. Even the Hume council, which it has to be said does not really take a great deal of notice of what happens in Sunbury or indeed to Sunbury, has picked up on this. They have put forward a solution of sorts in that they are proposing that the 60-minute parking zones in certain areas be cut to 30 minutes. This has caused more than a ripple of concern among traders in the area, because clearly that is not going to help anybody who actually wants to go and shop or wants to go to a restaurant. Sunbury does have quite a vibrant restaurant precinct these days. I think local traders are fully justified in being very concerned not just for the areas in which the council is proposing the 50 per cent cut but that it would extend to the possibility that the cut in parking times could spread right through the town. This, I have to say, would in my view mean the death of business in Sunbury. I think that is a view that is widely held by traders in Sunbury.

This is a proposal that is being put forward by the Hume City Council without much thought. I do not think they have really gone through this in any great detail at all. It is something that indeed drew many traders and residents together at a public meeting last week that unfortunately I was not able to get to, but Mrs Marr was there and she informed me that there was huge concern from those present.

I am asking the minister to intervene in this particular matter and to sit down with the Hume council, or at least get her office to sit down with the Hume council, and offer them some counselling on this particular matter with a view to overturning this recent decision, because if it continues in the manner proposed, it will be a disaster.

Gippsland rail services

Ms SHING (Eastern Victoria) (20:41) — Mr Finn is a hard act to follow. The matter I wish to raise this evening is for the attention of the Minister for Public Transport, and it relates to the work which is being undertaken at this point in time along the Pakenham rail corridor and which has in fact caused a number of reconfigurations of public transport services for people on and along the Gippsland line. This has meant that there have been delays and there have been extensive disruptions and changes to the plans which have been set out in timetables and temporary readjustments to the timetables.

We do have some significant works going on along the Gippsland line, and we are in fact in the process of continuing the level crossing removals along the Pakenham rail corridor to deliver a more reliable service for V/Line trains that are travelling through to the metropolitan area. However, the changes which have occurred in recent times, along with increased traffic volumes and changes to other parts of the road and rail network, have in fact often made this journey to the metropolitan area a particularly difficult or lengthy one for commuters. This has in a number of instances resulted in delays and people being inconvenienced often to an extent which has caused much personal dismay and frustration.

What I would seek from the minister is that she give positive consideration to any and all measures that might alleviate the frustration, including by reference to further information to be provided to commuters about the progress of works being undertaken on the Gippsland line as we duplicate sections of track and as we involve ourselves in providing additional services, extra car parking areas and additional platforms along the Gippsland line, but also that she consider ways in which compensation might be provided to commuters who have in fact suffered, as regular travellers along the line into the metropolitan area, inconvenience or disruption to a significant extent and in a way which justifies special consideration above and beyond the ordinary disruption protocols that apply and that are regulated by the network.

I would also seek that the minister meet with the Gippsland V/Line Users Group again — I note that she has in fact been more than prepared to continue discussions and engagements with them on what public transport users along the line need — so that we can make sure that the benefit of any outcome that might be delivered is able to be conveyed as quickly and as accurately as possible to travellers along this part of the line.

Buch Avenue, Epping

Mr ONDARCHIE (Northern Metropolitan) (20:44) — My adjournment matter tonight is for the Minister for Police, and it concerns an area in my electorate of Northern Metropolitan Region known as Buch Avenue in Epping. It somewhat resembles one of those stereotypical industrial precincts that we see in the movies where there is crime, there is violence and there is damage. It actually does represent that. I toured there just before Christmas last year and met with some business owners who, quite frankly, were frightened to go outside their businesses because of the level of

violence, street crime and things that are happening in that area. If you can picture that —

Mr Finn — Gangs?

Mr ONDARCHIE — Well, it seems, Mr Finn, that there could be. One of the traders there is allegedly attracting unsavoury people that could well be classified as gangs in that area. When you tour the street one of the businesses is using the street to park vehicles and dump wrecked vehicles, with dumpmasters and all those sorts of things. There is rubbish strewn across the street. Other traders have gone to that particular business and said, ‘Would you clean up this street and take the cars off?’ and all that sort of stuff, and have been met with violence, so much so that their employees are nervous to go beyond the fences of their own businesses. At Christmas time one of those particular businesses in the area that allegedly attracts unsavoury characters had about 20 people having drag races up and down the street.

There were about 20 people — hoons — using that street as some sort of hoon-pad. They were dragging cars up and down it. The police attended; a male and a female police member turned up. They were attacked and their car was attacked, so they withdrew. They came back sometime later with another police vehicle. I believe a sergeant was involved, so it was a 265 vehicle, and they were attacked as well. So the police, because of a lack of resources in that area, withdrew both vehicles and let that street take it the way it is.

I have spoken regularly to some of the legitimate traders in the area and they are frightened, they are nervous and they do not know what to do. They have actually spoken to the council about coming up to clean up the street and book the cars that are parked there, but the council officers, I understand, will not go up that street unless they have a police escort. That is how bad it is.

My adjournment matter seeks, for the benefit of legitimate traders and employees in Buch Avenue, Epping, that the minister advise me through Victoria Police about what they are going to do to clean up that street and make it safe for all involved.

Responses

Mr DALIDAKIS (Minister for Trade and Investment) (20:46) — We have had adjournment matters this evening from Ms Lovell to the Minister for Health regarding radiotherapy in Shepparton and asking the minister to respond to previous adjournment matters

on radiotherapy in Shepparton; from Mr Leane to the Minister for Emergency Services regarding Elishacare; from Ms Dunn to the Minister for Energy, Environment and Climate Change regarding logging in Mirboo North; from Ms Bath to the Minister for Education in relation to a bus extension for Gormandale and District Primary School; from Mr Melhem to the Minister for Industry and Employment in relation to youth unemployment in the west; from Mr Finn to the Minister for Local Government in relation to parking in Sunbury; from Ms Shing to the Minister for Public Transport in relation to compensation for Gippsland V/Line commuters; and from Mr Ondarchie to the Minister for Police in relation to Buch Street, Epping.

We also have 62 written responses to adjournment debate matters previously raised.

The PRESIDENT — On that basis the house stands adjourned.

House adjourned 8.47 p.m.