

**PROOF**

**PARLIAMENT OF VICTORIA**

**LEGISLATIVE COUNCIL**  
**DAILY HANSARD**

**Wednesday, 9 August 2017**

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The Honourable LINDA DESSAU, AC

## **The Lieutenant-Governor**

The Honourable Justice MARILYN WARREN, AC, QC

## **The ministry**

(from 10 November 2016)

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Deputy Premier, Minister for Education and Minister for Emergency Services .....	The Hon. J. A. Merlino, MP
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Minister for Agriculture and Minister for Regional Development .....	The Hon. J. L. Pulford, MLC
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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 Barber, Mr Bourman, #Ms Dunn, Mr Eideh, Mr Finn, Mr Gepp, Ms Hartland, Mr Leane, #Mr Melhem, Mr Ondarchie, Mr O’Sullivan and #Mr Rich-Phillips.

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

**Standing Committee on Legal and Social Issues** — #Mr Barber, #Ms Crozier, #Mr Elasmr, Ms Fitzherbert, #Ms Hartland, Mr Morris, Mr Mulino, Ms Patten, Mrs Peulich, #Mr Rich-Phillips, Mr Somyurek, Ms Springle and Ms Symes.

# participating members

### **Legislative Council select committees**

**Port of Melbourne Select Committee** — Mr Barber, 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 Staikos and Ms Thomson.

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

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

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

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**FIFTY-EIGHTH PARLIAMENT — FIRST SESSION**

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**Deputy President:**

Mr K. EIDEH

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The Hon. G. JENNINGS

**Deputy Leader of the Government:**

The Hon. J. L. PULFORD

**Leader of the Opposition:**

The Hon. M. WOOLDRIDGE

**Deputy Leader of the Opposition:**

The Hon. G. K. RICH-PHILLIPS

**Leader of The Nationals:**

Mr L. B. O'SULLIVAN

**Leader of the Greens:**

Mr G. BARBER

Member	Region	Party	Member	Region	Party
Atkinson, Mr Bruce Norman	Eastern Metropolitan	LP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
Barber, Mr Gregory John	Northern Metropolitan	Greens	Morris, Mr Joshua	Western Victoria	LP
Bath, Ms Melina <sup>1</sup>	Eastern Victoria	Nats	Mulino, Mr Daniel	Eastern Victoria	ALP
Bourman, Mr Jeffrey	Eastern Victoria	SFFP	O'Brien, Mr Daniel David <sup>6</sup>	Eastern Victoria	Nats
Carling-Jenkins, Dr Rachel <sup>2</sup>	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 <sup>7</sup>	Northern Victoria	Nats
Dalla-Riva, Mr Richard Alex Gordon	Eastern Metropolitan	LP	Patten, Ms Fiona	Northern Metropolitan	ASP
Davis, Mr David McLean	Southern Metropolitan	LP	Pennicuik, Ms Susan Margaret	Southern Metropolitan	Greens
Drum, Mr Damian Kevin <sup>3</sup>	Northern Victoria	Nats	Peulich, Mrs Inga	South Eastern Metropolitan	LP
Dunn, Ms Samantha	Eastern Metropolitan	Greens	Pulford, Ms Jaala Lee	Western Victoria	ALP
Eideh, Mr Khalil M.	Western Metropolitan	ALP	Purcell, Mr James	Western Victoria	V1LJ
Elasmarr, Mr Nazih	Northern Metropolitan	ALP	Ramsay, Mr Simon	Western Victoria	LP
Finn, Mr Bernard Thomas C.	Western Metropolitan	LP	Rich-Phillips, Mr Gordon Kenneth	South Eastern Metropolitan	LP
Fitzherbert, Ms Margaret	Southern Metropolitan	LP	Shing, Ms Harriet	Eastern Victoria	ALP
Gepp, Mr Mark <sup>4</sup>	Northern Victoria	ALP	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Hartland, Ms Colleen Mildred	Western Metropolitan	Greens	Springle, Ms Nina	South Eastern Metropolitan	Greens
Herbert, Mr Steven Ralph <sup>5</sup>	Northern Victoria	ALP	Symes, Ms Jaclyn	Northern Victoria	ALP
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Wooldridge, Ms Mary Louise Newling	Eastern Metropolitan	LP
Lovell, Ms Wendy Ann	Northern Victoria	LP	Young, Mr Daniel	Northern Victoria	SFFP
Melhem, Mr Cesar	Western Metropolitan	ALP			

<sup>1</sup> Appointed 16 April 2015

<sup>2</sup> DLP until 26 June 2017

<sup>3</sup> Resigned 27 May 2016

<sup>4</sup> Appointed 7 June 2017

<sup>5</sup> Resigned 6 April 2017

<sup>6</sup> Resigned 25 February 2015

<sup>7</sup> Appointed 13 October 2016

**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;

SFFP — Shooters, Fishers and Farmers Party; V1LJ — Vote 1 Local Jobs



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09:30:00

**Wednesday, 9 August 2017**

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

## PETITIONS

**Following petitions presented to house:**

### Police resources

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

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

the most recent data released by the Crime Statistics Agency Victoria on 15 June 2017 that shows crimes across Victoria are up 18.17 per cent;

crime in the Stonnington City Council area has risen 22.4 per cent since the Andrews Labor government came to office; and

only one vehicle is available to police at Prahran police station and one at Malvern police station.

We therefore call on the Minister for Police to review and reverse the government's policy of centralising police resources, which removes local resources with local knowledge. The government needs to put police resources where they can respond to and protect local communities.

**By Mr DAVIS (Southern Metropolitan)  
(237 signatures).**

**Laid on table.**

### Ballarat railway station precinct

To the Legislative Council of Victoria:

The petition of residents of Ballarat and district, Victoria, draws to the attention of the house that we:

do not support the permanent transfer of land at the Ballarat station to a private developer; and

do not think that the construction of a 'hotel', exhibition centre and retail on the site will activate the site with people and integrate with the CBD.

The petitioners therefore request that the Legislative Assembly of Victoria reject the current development plan proposed by Regional Development Victoria for a hotel and convention centre and apply the \$25 million already in the state budget for the site to convert the historic goods shed to a bus interchange, provide formalised public car parking for over 500 cars and build an underpass with stairs and lifts to all train and bus platforms for DDA compliance.

**By Mr MORRIS (Western Victoria)  
(914 signatures).**

**Laid on table.**

*Honourable members interjecting.*

09:35:00

**The PRESIDENT** — Can I indicate that I will not tolerate interjections about matters that may have some currency in the media. They are not to be pursued in this place, unless you want to make a substantive motion.

### Voluntary assisted dying

To the Legislative Council of Victoria:

That the undersigned call on the Victorian Legislative Council to strongly oppose the introduction of euthanasia or physician-assisted dying in the state of Victoria by the state Labor government supported by the Greens and the Sex Party.

The case for euthanasia is based on fake facts: euthanasia and physician-assisted dying is not just an expression of personal autonomy, pain can be managed with proper medical care and palliation and there can never be safeguards against medical misdiagnosis, medical mishaps, accidents or malice.

The undersigned call on the Premier, Daniel Andrews, and the state government to not proceed with the introduction of physician-assisted dying/euthanasia until there has been a state or national plebiscite on this critical human issue.

**By Mrs PEULICH (South Eastern Metropolitan)  
(691 signatures)**

**Laid on table.**

**Ordered to be considered next day on motion of  
Mrs PEULICH (South Eastern Metropolitan).**

### ARARAT RURAL CITY COUNCIL

#### Commission of inquiry

**Mr DALIDAKIS (Minister for Small Business,  
Innovation and Trade), by leave, presented report.**

**Laid on table.**

**Ordered to be published.**

### PAPERS

**Laid on table by Clerk:**

Auditor-General's Reports on —

Internal Audit Performance, August 2017 (*Ordered to be published*).

V/Line Passenger Services, August 2017 (*Ordered to be published*).

Statutory Rules under the following Acts of Parliament —

Building Act 1993 — No. 81.

Magistrates' Court Act 1989 — No. 82.

Subordinate Legislation Act 1994 —

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

Education and Training Reform Act 2006 —  
Ministerial Order in relation to the Victorian  
Institute of Teaching Schedule of Registration Fees  
2017–18.

09:40:00

## MINISTERS STATEMENTS

### Local Roads to Market

**Ms PULFORD** (Minister for Agriculture) — I would like to update the house on our government's efforts to support farmers in the south-west of Victoria through better roads and better access to their markets. Our Local Roads to Market projects are upgrading intersections, strengthening pavements and widening and re-aligning the roads our agriculture sector relies on.

In the Glenelg shire we are contributing \$480 000 towards the cost of upgrading 18 intersections, paving the way for more efficient dairy pick-ups. The local dairy industry says improving width, sight distance and pavement strength at these intersections will significantly improve transport routes and access to markets. That reduces costs for producers. In the Moyne shire the government is investing \$841 333 to improve intersections along Woolsthorpe-Hexham Road, a strategic link for freight vehicles. The funding will help realign the intersection of Woolsthorpe-Hexham Road and Hexham-Ballangeich Road, reconstruct the intersection with Bostocks Road and widen and improve road pavements.

We are also providing \$195 000 towards a study to identify and prioritise future road and bridge infrastructure upgrades in the south-west that will improve the freight network and directly benefit dairy producers and processors. The Barwon south-west dairy supply chain study will be conducted by Corangamite Shire Council, with partners including Moyne Shire Council, Colac Otway Shire Council, Southern Grampians Shire Council, Warrnambool City Council and the Great South Coast Group. This will help Victorian dairy farmers continue to shine above and beyond the rest of Australia and indeed the world. We are doing what is necessary to keep them in that position.

Across Victoria we have now funded 29 projects with a total value of \$22.2 million across 26 local government authorities through the Local Roads to Market program.

This program is making improvements where it counts — sealing Victoria's bumpy gravel roads, fixing tight and dangerous intersections, and strengthening bridges to get our great dairy and other agricultural products to market quickly and in top-quality condition.

### Caring Dads

**Ms MIKAKOS** (Minister for Families and Children) — I rise to update the house on how the Andrews Labor government is continuing to reduce family violence in our community by ensuring that perpetrators of family violence are held accountable for their behaviour. Recently I was pleased to visit the Children's Protection Society in Heidelberg to announce the expansion of the trial of Caring Dads. Caring Dads is an early intervention pilot program aimed at fathers experiencing drug or alcohol abuse and involves voluntary group sessions over 17 weeks where they learn parenting skills and about the impact of family violence on their children as well as the importance of having a respectful relationship with their children's mother. The Andrews Labor government is investing \$4.6 million over four years in the program, with an additional \$1 million contributed by philanthropic partner Gandel Philanthropy.

The Children's Protection Society has already been trialling this in Heidelberg, and it will now expand to the Latrobe Valley and to Werribee. Caring Dads was developed in Canada and is currently delivered in Ireland, the United Kingdom, Sweden, the Netherlands, Germany and the United States, and it has shown tremendous success.

09:45:00

It was wonderful to hear personal stories from the men who have been assisted by this program already. One man was able to improve his parenting skills so much that after his child's mother died he was able to care for his child full-time and prevent her placement into out-of-home care. Workers who run this program have spoken of dads who were so engaged in the program they brought other dads along who they knew would benefit. The program reprioritises the parenting of these fathers who have often been focused on themselves and their partners in the past, and this is really about teaching them to look at these issues through a child-centred lens and develop an understanding of how their actions and behaviour affect the emotional and physical development of their children.

This is part of our government's response to the Royal Commission into Family Violence recommendation 92, which speaks about the need for an expanded and diverse range of perpetrator interventions. Our government is very much committed to ending family

violence and implementing all the recommendations of the royal commission, and I note that Matthew Guy is yet to say what he would do in response to the royal commission's report.

### **Woomelang shopping precinct**

**Ms PULFORD** (Minister for Regional Development) — I rise to update the house on some activities in the communities of Yarriambiack, Woomelang in particular, which as this Parliament is no doubt aware have recently been suffering from the impacts of drought. Whilst we have had some rain over recent times the financial consequences of dry conditions certainly can last a lot longer. This has been tough on many, and while the agricultural community is often on the front line of drought impact we know that this also impacts entire communities.

In 2015 as part of our drought response Regional Development Victoria, in consultation with the Yarriambiack Shire Council, identified the Woomelang shopping precinct upgrade as a priority project that would give the community of Woomelang an economic boost but also a confidence boost as well. As a result, \$100 000 was made available to Yarriambiack Shire Council for the \$128 000 upgrade of the shopping precinct. This was, as I said, part of the Victorian government's \$27 million drought response package via the rural development stream of the Regional Infrastructure Fund.

The Woomelang and District Development Association contributed \$15 000 cash and \$13 000 in kind, and I would like to congratulate the association on its contribution — no small achievement in a community with a population of around 200 people. The upgrade includes the development of a vacant block that was located in the precinct next to the community-owned cafe and grocery store into a piazza-style meeting place. Works include the installation of a large sheltered space, car park, amenities and landscaping.

I am very pleased to be able to announce to the house today that this project is now finished and open for business, and locals are using and enjoying the benefits of the upgrade. I know that the new member for Northern Victoria Region, Mark Gepp, is also happy about the conclusion of works, as I am sure is Ms Symes. So to members: please be sure next time you are in the Woomelang area to stop by to see this wonderful project.

## **MEMBERS STATEMENTS**

### **Nick Paraskavas**

**Mr BOURMAN** (Eastern Victoria) — I am just going to make a small mention of having attended Nick Paraskavas's funeral recently. It was an uplifting occasion as well as a sad occasion, because it was clear that Nick had touched everyone's lives. The picture that was up there at his funeral was exactly how I remember Nick. He was there like he was just about to crack a joke. It is at times like these I reflect that we are not the only people that make this chamber run. We are not the only people who make the state run, and we should really appreciate the staff that help us.

### **Nick Paraskavas**

**The PRESIDENT** — I did not make comment yesterday because of the way proceedings ran, but I do note that a number of members have made statements and I certainly join with them and with the sentiments that they have expressed, but can I also just thank all those members of the chamber who were available and were able to attend the funeral last week. It was a very strong contingent of members of Parliament, and that sent an important support message to the staff — Nick's colleagues in this place — and of course to his family and friends.

Nick will be missed. The speed of his illness was tragic in terms of the battle that he had and the courage that he showed in that battle, which ultimately he did not win. But there is no doubt that Nick was a very valued member of this place, and as I said I would thank particularly members who, where they were available, made arrangements to attend that funeral and support everybody who was there.

### **Victorian Comprehensive Cancer Centre**

09:50:00

**Ms WOOLDRIDGE** (Eastern Metropolitan) — Sorry to change the tone a bit, but it is important that it is said that Daniel Andrews stands condemned for his management of the Victorian Comprehensive Cancer Centre (VCCC). There have been 42 beds cancelled at Peter Mac Private, and what we have learned just in the last few weeks is that of the 160 beds — 160 beds were always Victorian Comprehensive Cancer Centre beds — 20 per cent, 32 beds, have been taken from cancer and devoted to another disease. These are beds in a ward at the Royal Melbourne Hospital that were designated as expansion space, and it was disappointing that they had not yet been opened and used, because of course the Royal Melbourne has the longest waiting list for elective surgery of any hospital in Victoria.

There were 32 beds, an empty shell, and the government has now announced that they will be used for stroke patients. Stroke patients do need additional services, but these are beds of the Victorian Comprehensive Cancer Centre, and it is outrageous that those beds have been taken from Victorians with cancer to be used for another disease. Invest in stroke beds with another mechanism, because the Victorian Comprehensive Cancer Centre, between the Peter Mac and the Royal Melbourne, was very clearly to be the premier institution for cancer. Yet 20 per cent of its beds have now gone, and Daniel Andrews absolutely stands condemned. There have been 42 beds cancelled for private cancer patients, and now 32 beds have been taken and devoted to another disease. He is undermining the VCCC through his actions.

### Nick Paraskavas

**Ms HARTLAND** (Western Metropolitan) — I would like to use my members statement today to give thanks for the life of Nick Paraskavas — it is a particularly difficult name to say — on behalf of the Greens. I had actually known Nick for 30 years because his parents ran the milk bar on Cowper Street in Footscray, which played a large role in the life of our neighbourhood. Not only was it a place to get milk and papers, but it was a chance to chat to Margaret, Nick's mum, who would always know everything that was happening locally. Nick and Fiona took over the running of the shop and the good food continued, especially Nick's famous lemon ricotta cake, which nobody has ever been able to get the recipe for.

Nick always helped in local campaigns — you could leave leaflets there and people would know to come and pick them up there to letterbox the neighbourhood — and more than once Nick would be the media spokesman for the neighbourhood. One of those campaigns was about the most bizarre idea that they would open up Bunbury Street, which had a train tunnel running underneath it, to turn it into an open cut so they could run double-stacked container trains through it, which would of course have physically divided our community. Nick did a great job as the media spokesman for us on that one, and during the funeral there was a wonderful photo of him standing outside the milk bar.

I had not seen Nick for a few years because we had moved from Footscray to West Footscray, so I was very pleased to see Nick had become an attendant here at Parliament. We just picked up the friendship where we had left it, because it was always very easy to be friends with Nick. Nick always had a smile and was

willing to help us at any time, like all of the attendants in this place.

Nick's illness came as a shock to me and I think to everybody in this place, but not surprisingly he dealt with it with dignity and grace and was open about what was happening, which I think made it easier for all of us to deal with. Nick knew that we all cared about him, but I saw staff, such as Greg Mills, who was dealing with his own grief, step up to the mark to support not only Nick and Fiona, his wife, but all the other staff as well. Nick's funeral was huge, and it told us how many people cared about him. We heard about his sense of humour, his great cakes and his love for Fiona and his family. We also saw that he was a good bloke who went far too early.

### Nick Paraskavas

09:55:00

**Ms MIKAKOS** (Minister for Families and Children) — I wish to make some similar comments. It is with immense sadness that I wish to make some remarks about the passing of a dear friend, Mr Nick Paraskavas, who passed away on 17 July following a short illness. I was extremely shocked and saddened to learn of Nick's passing, as I was of the suddenness of his illness.

Nick was a great friend and admired colleague of staff and members across both sides of this chamber as well as in the other place, and that has been evident to all of us from the moving tributes we have heard about Nick already. Nick was a friendly face that will be sorely missed in the corridors of this building, particularly on late sitting nights. Nick was always eager to help us and he was always keen for a chat. I certainly enjoyed having discussions with him and a friendly chat when he came into my office and in the corridors around this place. I will sorely miss him.

There are many individuals that contribute to the smooth running of this Parliament, and Nick was certainly one of them. The role that Nick played, indeed the role that all of our parliamentary attendants play, cannot be understated. They are here well before many of us arrive in the morning and they are almost always the last to leave this place. I know that the attendants group will feel Nick's absence greatly.

I will always appreciate the support that Nick gave me and my staff, and my staff speak very, very warmly of Nick as well. He was a well-respected and valued attendant in this Parliament from 2011 onwards and will be greatly missed. I thank all the staff for their support of all of us as members. Particularly at this difficult time I want to encourage them to look after

themselves and each other. To Nick's wife, Fiona, his sisters and his extended family, I take this opportunity to express my deepest sympathies and condolences to you and also to all the friends and colleagues of Nick. May he rest in peace.

### Clayton police station

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — In March this year Victoria Police were forced to cut services at Clayton police station, with operations reduced to two members providing counter services only during weekday business hours. The decision to cut services followed a Police Association Victoria review which deemed the Clayton police station to be unsafe and not fit for purpose after falling into significant disrepair.

Cuts to police services and the slashing of capital expenditure on police facilities are typical of the Andrews government's failure to effectively resource Victoria Police in the face of unprecedented crime rates across the state. The Andrews government has failed to provide the desperately needed funding required to deliver upgrades to the Clayton police station. This failure by the government places the continued operation of the Clayton police station in doubt, with a real threat of closure looming.

The Liberal-Nationals coalition has committed to providing funding to upgrade the Clayton police station so that it can resume providing the services that the community expects and demands. I call on the government to match the coalition's upgrade pledge and immediately commit to provide the required funding to Victoria Police. Our police deserve to be able to work in a safe environment, and the Clayton community deserves assurances from the government about the future of their local police services.

### Homelessness

**Ms PENNICUIK** (Southern Metropolitan) — This week is Homelessness Week. There are certainly few issues more serious than being homeless — having nowhere to stay, nowhere to sleep, nowhere to keep your things, nowhere to eat your meals, nowhere to shower or wash your clothes, nowhere to go home to or to call home. Homelessness Australia reports that there are currently 105 237 people in Australia who are homeless, or 49 out of every 10 000 people, 0.5 per cent of the population or 1 in every 200 people. Fifty-six per cent are male and 44 per cent are female. Twenty-five per cent are Aboriginal and Torres Strait Islander Australians and 30 per cent were born overseas. Thirty-seven per cent are under 18 years of

age and 17 per cent are under 12 years of age. These figures are sobering.

Homelessness Australia reports that 22 789 people in Victoria are homeless. This has increased by almost 21 per cent since 2006. People are staying in improvised dwellings, in tents or they are sleeping out. They are staying in supported accommodation for the homeless, in other households temporarily, in boarding houses or in severely overcrowded dwellings.

In an article in the *Guardian*, as part of its 'No fixed address' series, David West wrote:

The closest feeling to having nowhere to stay for the night is that of a broken heart. It is a feeling of abandonment, of rejection and loneliness. When you are homeless you feel rejected by all, not just by another.

Homelessness can happen to anyone, and it is happening to more and more people every day. It is a social crisis that we must get on top of lest we end up like America, with millions of people living on the streets.

### Nick Paraskavas

10:00:00

**Mr MULINO** (Eastern Victoria) — In my members statement today I would like to express my sadness at the passing of Nick Paraskavas. Firstly, I would like to pass on my condolences to Nick's wife, his extended family and his many close friends. I also wish to express that, even in the relatively small amount of time that I spent with Nick, he left an indelible impression. He was someone who I think I can fairly say was universally appreciated for his generosity, his kind spirit and his genuineness.

Nick's funeral was a moving and fitting tribute to him and a celebration of his life. For me it also provided a number of unexpected insights into Nick: his lifelong sense of adventure; his culinary skills; and his capacity for creating mischief on younger and older siblings alike — a critically important component of all well-functioning families. Hearing the words of those who were closest to Nick reinforced all of the good things that I had experienced, and those words added so many additional layers, most of which I was not surprised to hear.

I only gained a small window into Nick's life through our shared experiences here, but I consider it a privilege. I will miss Nick, and like many people in this place, I will remember him with great fondness.

### Ballarat sports and events centre

**Mr MORRIS** (Western Victoria) — I was thrilled recently to hear that the federal government has provided the \$10 million in required funding to see the Ballarat sports and events centre come to fruition. The Ballarat sports and events centre, as Mr Ramsay well knows, has been a project well over a decade coming. Ms Pulford would well know that if the state government had properly funded the project, it would have come to fruition much earlier than now, but it was left to the federal government to save the day. So it was \$10 million from the federal government, and I take this opportunity to congratulate Peter Eddy, the CEO of Ballarat Basketball, who has been an absolute power and force in advocating for this important project for well over a decade, along with Mark Valentine and Nick Grylewicz. They have been a powerhouse in ensuring that this project came to fruition, not only for Ballarat Basketball but also for netball and volleyball, as well as many other sports and endeavours at this site.

This new facility will provide a centre not only for the high-level sporting endeavours that happen in Ballarat but also for junior-level basketball and others as well. This is a great outcome that has come to fruition through the federal government's funding, and I would also like to acknowledge the strong support of the patron senator for Ballarat, Jane Hume, who did an excellent job in ensuring that this funding was made available.

### Sea Lake tourism

**Mr GEPP** (Northern Victoria) — I rise today to talk about a recent visit I made to Lake Tyrrell, a Victorian natural wonder just outside of Sea Lake in Victoria. I had the very great pleasure of representing Minister Pulford, who was unfortunately fogbound in Ballarat on the day, to announce \$2.3 million in funding from the Andrews Labor government for Victoria's largest salt lake. The \$2.58 million project is expected to see visitor numbers grow from 42 000 a year to more than 192 000 by 2025. The project will deliver new facilities at the lake and create six jobs during construction. Once complete, it is forecast to contribute more than \$6.9 million to the local economy. It is in this spirit that people like Jane Stacey, who grew up by the lake, showed great determination to see the project become a reality. I congratulate all of those from the local community who worked hard to achieve this fantastic outcome, and I look forward to seeing further success at Lake Tyrrell and Sea Lake.

### Sea Lake hardware store

**Mr GEPP** — I might also add that whilst in Sea Lake I visited the local hardware store and chatted to Bruce, the store manager. This really is a great story. Only a short number of years ago it seemed the Sea Lake hardware store would close, but not in this town. The locals rallied together and established a co-op, and I am pleased to report to the house that this year they turned a healthy profit.

### Right to farm

**Mr RAMSAY** (Western Victoria) — In my members statement today I want to draw the attention of the Parliament to the huge pressures that farming families face as traditional food production land now competes with different land uses. I was reminded of this over the weekend as I tried to mediate a bitter dispute between neighbouring well-established farming families, with one side trying to preserve the right to farm unhindered and to protect the lifestyle they have known over generations and competing with other farming families who want to maximise the use of their land by embracing the opportunity of new land uses — in this case, a wind farm and the establishment of a quarry.

This competition for land use will be a fact of life for our traditional food production areas, and that is why appropriate planning zones, right-to-farm legislation and even the enforcement of environmental overlays, like the clunky and overly bureaucratic native vegetation laws, need serious review and changes to ensure that the impact on our food producers is kept to a minimum.

While Melbourne staggers under a population weight that is now impacting on the livability of those that choose to live in Victoria's largest city and as peri-urban slowly marches into traditional farmland, different pressures arise from changes in land use. We have an important role as legislators to walk the fine line of planning for changes in land use while also protecting and respecting the rights of our food producers that invariably will have to work and live alongside new land use activities that may well be legitimate in their own right.

My respect for others was seriously challenged at the start of this week, but as long as you are true to your principles, beliefs and those that you represent, the challenges for those seeking alternate land use activities will hopefully be governed by laws that do command respect, compassion, understanding and common sense.

10:05:00

## State Emergency Service

**Mr EIDEH** (Western Metropolitan) — I rise to pay my respects to the hardworking volunteers of the State Emergency Service (SES). Last week our state experienced some of the wildest and coldest weather we have seen in a while. In fact the SES responded to 1125 incidents on Saturday, 31 July, when much of Melbourne was affected by destructive and dangerous winds of up to 107 kilometres per hour. Their team of volunteers attended call-outs for 446 damaged buildings and 342 downed trees that day. The SES also played an important role in evacuating residents during the recycling plant fire in Coolaroo a few weeks ago.

SES volunteers do so much more than just attend call-outs during severe weather. They are there to help us on site, whether it be rain, hail or shine. They are constantly in dangerous situations to ensure that we remain safe. The work of an SES volunteer may sometimes go unacknowledged. I wish to acknowledge all volunteers of the State Emergency Service and their commitment to putting the needs of others in the community first. I commend their hard work throughout the community and across the state, and I am sure that honourable members in this house also are extremely grateful for their tireless, selfless work.

## Shepparton youth foyer

**Ms LOVELL** (Northern Victoria) — I was honoured to recently attend the first birthday celebrations of the official opening of the Shepparton Education First Youth Foyer. I am particularly proud of the three Education First Youth Foyers in Victoria, as I not only wrote the policy that created the program but I also funded the building of the three facilities during my term as Minister for Housing.

During the celebrations resident Jess gave an emotional speech on the impact the youth foyer has had on her life. Jess came to the foyer as a homeless year 12 student on the brink on dropping out of school. But in a safe environment and with the support of wonderful staff headed by manager Anita McCurdy Jess has thrived and is now studying a bachelor of community services and master of social work at La Trobe University. Jess also very proudly informed us that she is working and is no longer Centrelink dependent.

The Shepparton youth foyer not only provides a safe place for students to live but encourages them to become involved in their local community. Students have been involved in numerous activities, including volunteering at the Undera Park Speedway, cleaning up local rivers and bushland, coaching a junior soccer

team, raising money for the Blue Ribbon Foundation and making blankets and beanies for the homeless. Recently students ran a trivia night and participated in the Run Melbourne event, raising \$2300 for the Berry Street foster care program. One resident currently studying media has produced a video on behalf of the homelessness network that will be exhibited at TAFE to coincide with Homelessness Week.

I congratulate Anita and her staff on the tremendous work they are doing with some of Shepparton's most vulnerable youth, and I wish all students and staff at the Shepparton Education First Youth Foyer a wonderful first birthday and a bright and prosperous future.

## Minister for Families and Children

**Ms CROZIER** (Southern Metropolitan) — It did not take long into the parliamentary winter break before it was revealed that the Minister for Families and Children, Jenny Mikakos, had in fact misled Parliament after saying that pizzas had not been delivered to Parkville and Malmsbury. In fact it was revealed through FOI that young offenders were treated to \$15 000 —

**Mr Morris** — On a point of order, President, I am sorry to interrupt but I cannot see a minister in the house.

**The PRESIDENT** — The minister has to be in sight.

**Ms CROZIER** — May I start again?

**The PRESIDENT** — Yes.

**Ms CROZIER** — Thank you, President. It did not take long into the parliamentary winter break when it was revealed that the Minister for Families and Children, Jenny Mikakos, had in fact misled Parliament after saying that pizzas had not been delivered to Parkville and Malmsbury. In fact it was revealed through FOI that young offenders were treated to \$15 000 in takeaway food and that 50 takeaway feeds for the year were given to young offenders. That is about one takeaway feed each week. With rising energy prices and the increase in taxes of over 20 per cent that Daniel Andrews has burdened Victorian households and businesses with, most Victoria families will be questioning the real priorities of the Andrews government and how it is that young offenders are getting so many takeaway meals on such a regular basis. 10:10:00

So while the cost of living for Victorians goes up, so too for the Victorian taxpayer does the cost of youth

justice under Jenny Mikakos. The true costs however are unknown because Jenny Mikakos and Daniel Andrews, despite their promises to the Public Accounts and Estimates Committee, have not made known the cost of the botched court cases to Victorians. Well, we are still waiting on those costs. If there was nothing to hide, then let Victorians know. But how can you trust a word this Premier says? After all, he told Victorians just before the 2014 election that there would be no new taxes and that the east–west link contract was not worth the paper it was written on. Victorians know that not to be true, because \$1.2 billion of taxpayers money was wasted. Victorians also know that this is a man who takes advice and support from Peter Marshall and John Setka, whose conduct, character and association with others say it all. It is something that Mr Andrews should explain.

### **United Muslim Sisters of Latrobe Valley**

**Ms BATH** (Eastern Victoria) — The United Muslim Sisters of Latrobe Valley (UMSLV) provide an opportunity for women from many cultural backgrounds and religions to share stories and ideas to improve cultural understanding. On Sunday, 16 July, I had the pleasure of attending the United Muslim Sisters of Latrobe Valley fourth annual Eid festival at Old Gipps town in Moe. The group's president, Arfa Khan, the UMSLV executive and Relationships Australia, with the support of Victoria Police and the Latrobe City Council, are to be congratulated for bringing people together to share their culture and stories with the wider community. Through sharing comes understanding; through understanding common bonds of friendship are born. It often begins with a smile and a willingness to engage. It was great to see the Latrobe City Council mayor, Kellie O'Callaghan and Cr Sharon Gibson, who are always very positive in relation to inclusivity within the shire.

### **Friends of Morwell National Park**

**Ms BATH** — On 16 July I accompanied the Friends of Morwell National Park on their nesting box survey, a digital camera survey of 80 tree nesting boxes. We saw into the secret lives of sugar gliders snuggled on beds of dried leaves out of the freezing cold winter's morning. On any given survey the nesting boxes are home to between 40 and 60 sugar gliders, some antechinus and other native mammals. Congratulations to Matt, Mike, Greg, Rosie, Ken, Shane and all the passionate custodians of this lovely national park so close to Churchill. The national park is a wonderful place for families to be out in nature while only being minutes from the major centres of Churchill, Morwell and Traralgon.

## **GAME MANAGEMENT AUTHORITY AMENDMENT BILL 2017**

### *Statement of compatibility*

#### **Mr YOUNG (Northern Victoria) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:**

I, Daniel Young, table the following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 ('charter act'), I make this statement of compatibility with respect to the Game Management Authority Amendment Bill 2017 ('the bill').

In my opinion, the Game Management Authority Amendment Bill 2017 (the bill), as introduced to the Legislative Council, is compatible with human rights as set out in the charter. I base my opinion on the fact that this bill does not engage any of the rights set out in the Charter of Human Rights and Responsibilities Act 2006.

Daniel Young, MP

### *Second reading*

#### **Mr YOUNG (Northern Victoria) — I move:**

That the bill be now read a second time.

Today I am pleased to introduce legislation that will strengthen the role that the Game Management Authority has in the management of hunting and the public land in which hunting so often occurs. Since its establishment in 2014, the Game Management Authority has been held back by its own act due to the limited nature of its functions and objectives. The potential for such a body is of enormous value to hunters in this state and cannot be overstated. But the ability to deliver must be supported by its legislation and appropriately recognised and funded by the government of the day.

Hunting in this state has quite a significant history and is of great cultural importance. Indigenous people have hunted the native wildlife for thousands of years and have sustainably used wildlife for food, clothing and spiritual needs. The first settlers relied on hunted food, and over the years, as migrants from all corners of the globe have made their way to Australia, they too have brought with them their own customs and traditions from various hunting cultures.

Today, hunting occurs mostly with the use of firearms, and in the state of Victoria there are more than 200 000 licensed firearm owners. More than 50 000 of them hold licences to hunt game species which include duck, quail, deer and other introduced game birds.



10:15:00 It has been determined through a study commissioned by the DEPI in 2013 that hunting is worth more than \$400 million a year to the Victorian economy. This is a significant contribution, but more important is the fact that a large portion of this is a direct contribution to regional areas. When broken down into local government areas, hunting makes some astonishing contributions to local economies. For example, hunting accounts for 2.5 per cent of the Mansfield local government area's economy. For the Murrindindi and Gannawarra local government areas, hunting makes up 1.2 and 1.6 per cent of their economies respectively.

Now dollar figures may not mean much to some people, but what does mean a lot to those areas is jobs. At the time of that report there were an estimated 1115 full-time equivalent jobs generated directly by hunting-related expenditure, with 1268 jobs created through flow-on employment. That gives a total of 2382 jobs in the state.

So why do so many people get involved in hunting? There are many reasons for someone to take up this activity and it is different for each person. Much of that comes down to how they were introduced to hunting, with the rest being what the individual wishes to achieve. For me personally I was introduced to hunting by my father. It is a longstanding and proud tradition in my family, one that I hope I can share with my children when they are old enough. Like many others, sharing the experiences of hunting with friends and family is of utmost importance and often more important than hunting success.

When talking of certain species, hunting for food is the aim. Wild-harvested duck and quail are delicacies that cannot be found in any restaurant. And whilst venison often graces the tables of such establishments, it always seems to taste better when you know that the ultimate in free-range harvest was achieved by taking a deer from our similarly untamed high country.

Many people such as my esteemed colleague Mr Bourman will tell you that they hunt in order to throw their hat in the ring to protect our native environment. Pest control is often most effective when employing hunting tactics and methods. In fact a recent parliamentary inquiry has taken place to determine just how much of a role hunting has and should have in the state's management of pests and introduced species. The hunting of pests can be either to protect the native landscape or to protect livestock and agriculture, as performed by many of our farmers.

In the end it does not really matter which motivation involves someone in hunting, the government of the

day must still recognise that there is significant contribution as a result of this endeavour. Similarly, we acknowledge also that there are many areas where hunting activities cross paths with others. So proper management is needed, and that is why we support the Game Management Authority in its current role but also wish to see it enhanced in order to improve opportunities for hunters.

The Game Management Authority was established in 2014 in order to provide for a legislative basis for a new, independent statutory authority to regulate game hunting and improve game management outcomes in Victoria. It was a step in the right direction but in reality feedback on this framework is that it does not allow for the Game Management Authority to have any real or proactive role in game management or the wider management of public lands.

I consider that the GMA has over the past three years achieved quite a bit given the limited resources available and their restrictive statement of expectation. With only 18 staff and a budget of just \$5 million, the GMA has been able to administer licensing and provide material to the state's 50 000 game licence holders. It has also begun to identify areas in need of improvement, such as the information provided in the GMA's audit of state game reserves.

This audit found that of 199 state game reserves 137 do not have management plans despite a requirement in the Wildlife Act 1975 to do so. Furthermore, 180 SGRs have no infrastructure beyond fencing and signage. Only 20 had water infrastructure that was capable of delivering water to the reserve, an important factor in any wetland. Signage was found to be ambiguous and inconsistent, with only 16 per cent correctly signed as state game reserves. Four state game reserves were landlocked and inaccessible without landholder permission and up to 16 were totally fenced off and/or locked.

Given that the primary use of state game reserves is waterfowl hunting, the GMA must have a stronger role in the management of these reserves. One hundred and thirty-two reserves have been found as not being used for any other activity than waterfowl hunting. In fact the reason many of these reserves even exist is due to the historical input of duck hunters from the 1950s. It was the conservation efforts of those hunters at the time that led to the government's purchase of the first state game reserves. There are now 18 RAMSAR-listed wetlands in the state game reserves system, and I would at this point like to acknowledge the past and continuous work of individuals and hunting organisations in the conservation of our wetlands.

10:20:00 Moving forward we believe that the Game Management Authority should have sole management of Victoria's state game reserves, but they must be first given the legislative ability and resourcing to do so. This bill, however, is to simply bring the Game Management Authority in line with the newly established Victorian Fishing Authority.

In 2016, the government introduced a bill that would establish a similar statutory authority responsible for the management of Victoria's fisheries sector. It would be tasked with managing recreational pursuits and commercial ventures, as well as administering licensing and compliance for the fisheries sector. When introducing the Victorian Fisheries Authority Bill 2016 the government drew on the parallels between the proposed authority and the GMA. In recognition of that notion and of the great work by the government to bring us the Victorian Fisheries Authority, this bill seeks to further standardise the function and objectives of the two authorities.

The bill will create four new objectives for the GMA:

- to optimise the social, cultural and economic benefits of game hunting;

- to support the development of recreational game hunting;

- to support the development of commercial game hunting; and

- to work cooperatively with game-hunting bodies in territories and the commonwealth.

These are consistent with the objectives of the Victorian Fisheries Authority.

The bill will also amend the functions of the Game Management Authority by firstly inserting a new function to inform and educate game hunters and the public about rights and obligations in relation to game hunting.

The bill will simplify the functions of the authority in relation to compliance by amending its functions to that which is consistent with the Victorian Fisheries Authority.

The bill will also create new functions for the GMA:

- to provide advice to the minister or secretary to assist in the development of strategic policy or legislation in relation to the development or management of game hunting in Victoria; and

to administer grants approved by the minister in relation to game and game hunting.

These are also consistent with the functions of the Victorian Fisheries Authority.

Finally, the bill will require the GMA to publish ministerial directions on its website and in the *Government Gazette* within 14 days of receiving the direction. Again this is consistent with the Victorian Fisheries Authority.

These changes will allow the Game Management Authority more scope to better deliver on the government's *Sustainable Hunting Action Plan*. We at the Shooters, Fishers and Farmers Party fully support a plan that involves actions to provide sustainable hunting for the long term and expansion of hunting opportunities.

When aiming to improve hunting opportunities, a key area of focus should be access to public land. Many issues have been identified that are keeping people out of areas able to be hunted. This ranges from poor track maintenance or boat access to boundary confusion and lack of signage. Infrastructure improvement is paramount, but access to information is also vital to inform hunters where and when access is available.

Rules and regulations surrounding what kind of hunting can occur in certain areas also need to be addressed. It is astonishing that in state game reserves the hunting of pest animals is not allowed. At the outset these were literally areas of land purchased for the purpose of hunting, yet only some game species can be hunted at certain times of the year. In recognition of the problems we face from invasive rabbits and foxes among others, options need to be explored to allow hunting of pests in state game reserves.

Existing areas where hunting is permissible should not be the extent of any change. There are many areas of state and national park where hunting could take place in a safe, sustainable manner and could also provide positive outcomes in pest control. Hunting is already recognised as an economic boon for regional Victoria and should be expanded to all places where it would be appropriate to do so. Land tenure in itself should not be a reason to disallow hunting.

The use of game is also an important aspect of what hunting is all about. We have many restrictions on how we can use game meat obtained through hunting and a thorough investigation is needed to find ways in which to expand on this. Deer numbers are growing in Victoria and so too are harvest numbers for the average hunter. But there is only so much venison one man and

his family can eat. Options must be explored for the use of this resource in a commercial setting. Wasting an animal is not the aim of a hunter. If we are to encourage the reduction in deer numbers needed, an outlet must be found for the harvest. The same could also be said for kangaroos.

Both the government and the Game Management Authority must work with hunting stakeholders to implement the changes needed to improve hunting in this state and, with this bill, a newly emboldened Game Management Authority will be perfectly poised to do so.

I commend this bill to the house.

**Debate adjourned on motion of Ms PULFORD (Minister for Agriculture).**

**Debate adjourned until Wednesday, 16 August.**

10:25:00

## **CRIMES AMENDMENT (RAMMING OF POLICE VEHICLES) BILL 2017**

*Second reading*

**Debate resumed from 21 June; motion of Mr O'DONOHUE (Eastern Victoria).**

**Mr GEPP** (Northern Victoria) — I rise to speak on the Crimes Amendment (Ramming of Police Vehicles) Bill 2017. We are concerned with the bill that is before the house today. We think there are a number of deficiencies within it. We think it is poorly defined. We think it is narrow in scope and fundamentally not practicable.

The bill does not provide a definition for what constitutes the act of ramming, surprisingly. With no definition of course the courts will interpret the offence having regard to the ordinary meaning of the word, including the possibility of the dictionary definition. The Oxford dictionary defines 'ram' in the context of a vehicle as meaning 'to be driven violently into (another vehicle or vessel) in an attempt to stop or damage it' or to 'crash violently against something'. This may suggest that merely nudging or reversing into a police vehicle, for example, would not be captured by the offence, although it may depend on the particular circumstances, so this leaves considerable uncertainty around what actions are covered by the proposed new offence until such time as the courts can provide an interpretation.

It is also unclear whether a police vehicle only applies to motor vehicles. Other provisions in the Crimes Act 1958 define a vehicle to include a motor vehicle,

aircraft or vessel. In terms of the scope of the proposed bill, the bill will not cover incidents involving police officers who are not on duty or police vehicles being driven by a protective services officer (PSO), police custody officer (PCO) or any unsworn police employee, and the bill privileges police property over police employees.

The opposition's bill will have no bearing on incidents where the police vehicle is able to take evasive action and avoid a collision. The bill will have no bearing on incidents where the officers are outside of the vehicle. This will create an absurd situation where an offender who drives at police officers on foot would only be impacted if they hit the officers' unoccupied police vehicle.

It is also completely impracticable. The bill is silent on issues of intent, giving rise to some uncertainty around the scope of the offence. For example, it is not clear whether a person must have intended to ram the police vehicle or whether it would be sufficient that the person was aware there was significant risk that they could ram the police vehicle — that is, they were acting recklessly.

It is not clear whether the person must have known that the vehicle they were ramming was a police vehicle or whether they were aware that there was a substantial risk that the vehicle was a police vehicle. Such a distinction is important particularly given that the offence can apply to unmarked police vehicles. For example, it might be difficult to prove that a person knew an unmarked vehicle without its lights on was a police vehicle in the absence of evidence to the contrary.

I want to speak a little bit about the Leader of the Opposition in relation to this, given the events in the last 24 to 48 hours. It is somewhat surprising that this has been preceded with today. You cannot claim to be supporting police when the leader is having supper with key figures in the criminal underworld. Every day police officers put their lives —

**Mr O'Donohue** — On a point of order, Acting President, Mr Gepp in his speech so far has been talking about the narrow scope of the bill, and I agree this is a discrete bill dealing with a very serious issue. He is now straying way beyond that in dealing with or referring to matters in the media in the last 24 to 48 hours. I would ask him to focus on the bill before the house.

**Ms Pulford** — On the point of order, Acting President, Mr Gepp is barely 4 minutes into his

contribution. He is outlining the government's response on Mr O'Donohue's bill. I understand that members of the Liberal Party have some issues that they are a little sensitive about this week, but I think it is custom and practice in this place to allow the first speaker to move into the general policy remit of the area that is in question, and Mr O'Donohue certainly avails himself of that longstanding precedent in the house on a very regular basis.

**Mr Morris** — On the point of order, Acting President, the President earlier today made a very clear point in saying that these types of comments were out of order and would not be canvassed in the house. There was a very clear direction from the President just an hour or so ago — less than an hour ago — and a very clear indication that this is something that should not be canvassed in the house, and I certainly endorse Mr O'Donohue's point of order.

**Ms Pulford** — On the point of order, Acting President, the President was simply making a point of reminding members that casting aspersions about individual members requires a substantive motion. Mr Gepp's comments were very broad and general in their nature and I do not think offend the suggestion or the rulings the President has made on previous occasions on this matter or his comments from earlier this morning.

**Mr Finn** — On the point of order, Acting President, Mr Gepp has made what I would regard as a slur on the Leader of the Opposition in the other place. Well, you can shake your head as much as you like, Acting President, but he has and I ask him to withdraw.

**The ACTING PRESIDENT (Mr Melhem)** — Order! Mr Finn, withdraw your remark. I was consulting with the Clerk about trying to clarify the point you are making, and you are just making a remark about what I may or may not be doing, so I ask that you withdraw.

**Mr Finn** — I call it as I see it, Acting President, but I withdraw out of your sensitivity, because I know you are a petal. Mr Gepp has made what I regard as a slur on the Leader of the Opposition in the other place, and I ask you to ask him to withdraw.

10:32:30 **The ACTING PRESIDENT (Mr Melhem)** — After hearing everyone I reiterate the President's comment from this morning in relation to individual members: any comments on the recent matter, particularly relating to the Leader of the Opposition, should be subject to a substantive motion. I accept that and I will reinforce that. Mr Gepp, it is important that

you get back to the bill — I do not think you have strayed from the bill, but I ask you to focus on the bill. I appreciate that members will make no reference to the other matter, particularly the one Mr Finn raised. That is subject to a substantive motion should members want to talk about it.

**Mr GEPP** — Thank you, Acting President. The point that I was making was that every day our police officers put their lives on the line to investigate and take down organised crime operations. They are often put in harm's way when they do this, as we know. We know that some of the very high-profile and seriously violent offending that police have been tackling head-on, such as armed robberies and motor vehicle theft, is being coordinated by organised crime groups. We know that in arresting these violent offenders some police officers have been injured in that process. Are those opposite really going to say to those injured police officers that they have their back while at the same time they are actually breaking bread with some of these people? There is an individual that the former chief —

**Ms Fitzherbert** — On a point of order, Acting President, the member has just reflected on all of those opposite and made an assertion about behaviour that is incorrect, and I ask him to withdraw.

**The ACTING PRESIDENT (Mr Melhem)** — Order! In relation to asking a member to withdraw, it is only when a member names a specific member, so I cannot ask Mr Gepp to withdraw because he was making a general comment — he did not name a specific individual. Mr Gepp, I ask you to come back to the content of the bill.

**Mr GEPP** — Thank you, Acting President. Police only make orders —

**Mr Morris** interjected.

**The ACTING PRESIDENT (Mr Melhem)** — Order! Mr Morris, your side has a number of times raised points of order about Mr Gepp making comments about members on your side. You have done exactly the same thing. I just caution you that next time there is a point of order to actually pull Mr Gepp back to the bill and not talk about other members I will not be that kind — it is a two-way street.

**Mr GEPP** — What we know is that police only make orders when they have information that leads them to conclude that an individual threatens the integrity and the operation of the casino or race meets. For the benefit of those opposite, that is code for money laundering and standover tactics. We say that the Liberal Party's law and order agenda, in light of a

number of recent events, is absolutely in a shambles, and in particular that the shadow spokesperson has botched this particular bill.

I want to talk a little bit about the claims of the opposition in relation to supporting police. Their claims are hollow. They have spent the past seven years actively undermining Victoria Police (VicPol). In government they compromised the operational independence of police. For seven years they waged war with Victoria Police, and the community is less safe because of their irresponsibility.

Let us look at this record in detail. In government their first police minister was a dud. He did not know what his own staff were up to; how could anyone expect him to know what was happening on the police beat? Contrast that with the wonderful Minister for Police that Victoria has today. Their first police minister was saying one thing on one hand, and then his police advisor was conspiring against the command. It was a recipe for disaster, and that is exactly what happened. You had the government's lead police advisor actively undermining the Chief Commissioner of Police of the day.

**Mr O'Donohue** — On a point of order, Acting President, I appreciate the point made by the minister in a previous point of order — that for a lead speaker for the government there is some latitude — but I again make the point that this is a very narrow bill, as pointed out by Mr Gepp, and he is now canvassing issues that have absolutely no relevance whatsoever to this legislation and no connection whatsoever to this legislation. I ask you to bring him back to the bill that is before the house.

**The ACTING PRESIDENT (Mr Melhem)** — I do not uphold the point of order on the basis that these issues have been subject to debate in this house on a number of occasions in the last six months. I think all members have taken the liberty to expand on these issues, so my understanding is that Mr Gepp as the lead speaker, and because the bill falls within the crime portfolios, has the right to talk on these matters.

**Mr Finn** — On a point of order, Acting President, I am sure that if I rose to speak on this bill and I spent a good portion of my address speaking about what Christine Nixon did to the Victorian police force under the stewardship of the Labor Party, you would draw me back to the bill. I think it is only fair, only reasonable, that you show even-handedness in this area and ask Mr Gepp to return to the bill as well.

**Ms Shing** — Further on the point of order, Acting President, I note that given the incessant nature of interjections, which in and of themselves have been found on a number of occasions to be unparliamentary, it is well within Mr Gepp's scope to be able to take up those interjections in the course of his contribution.

**The ACTING PRESIDENT (Mr Melhem)** — There is no point of order.

**Mr GEPP** — Thank you, Acting President. Of course this all goes to why this bill is a dud. Their record is completely relevant to this debate. You cannot stand up here in this place today, given your recent track record, and purport to have the back of Victoria Police (VicPol) because your record simply does not support that.

10:40:00

You also had the then Parliamentary Secretary for Police and Emergency Services, the member for Benambra in the Assembly, secretly taping conversations with the then police minister and Deputy Premier. That is the level of dysfunction those opposite had at the top of the police portfolio. Senior police were resigning. They were being sacked or they were walking away in disgust at a government that had messed up law and order and fundamentally compromised the operational independence of VicPol. It is all in the public domain in all of its terrible detail. The Rush report, the *Crossing the Line* report and the Ombudsman's inquiry are all in the public domain.

This kind of political interference — this bungling — has an impact in the real world. How could you expect a police minister to argue for more funding for Victoria Police when he was so compromised at the time? There was no new investment in frontline police for four years, no leadership and no credibility.

The next police minister unfortunately was even worse, the then member for Scoresby, now the member for Rowville, in the Assembly. He was a Treasurer for the first two years of the Liberal government who did not fund any new police. He was even less effective as a police and emergency services minister, sleepwalking through the last two years — no new police, no leadership and no credibility, but some good tennis games along the way apparently. The four years of the Liberal government were wasted years. There were no new police and a leadership team in crisis.

They have learned nothing since those wasted years. We regularly have members from the other side who criticise local commanders about operational decisions. We have the shadow spokesperson for police who likes to quote section 10 of the Victoria Police Act 2013

when it suits him. In *Hansard* of 18 August 2016 he said:

... under the Victoria Police Act 2013 the chief commissioner has absolute discretion about the allocation of police resources ...

He is a shadow spokesperson who regularly poses for photos with police and smiles and nods his head when he is briefed by police commanders, but then he flip-flops and undermines police. He goes out and tells people there is something wrong with Victoria Police. He encourages vigilantes. He calls for political interventions in police operations. He goes out and he supports people who have an active vendetta against Victoria Police. He supports a group that wants a retired New South Wales police officer to review Victoria Police. Imagine that. He thinks that a state with a history of police corruption and bungling royal commissions could teach us here in Victoria, where there has never been the need for a royal commission into police.

We have a shadow Treasurer who has tweeted that VicPol make operational decisions based on political factors. In doing so he attacked the integrity of the hard-nosed detectives in crime command. He has actually gone out publicly and said that they have made decisions based on political factors, an outrageous comment. These are detectives who track down offenders without fear or favour.

Then we have the Leader of the Opposition in the Assembly, a man who has demonstrated that he thinks family violence is a second-order issue and a man who has the gall to criticise our specialist police officers. He did not seek a briefing from police, for example, about the Malaysian incident. He still has not sought —

**Mr O'Donohue** — On a point of order, Acting President, the speaker has canvassed a range of issues which I actually think are incorrect. Regardless of that, again these issues — the Malaysia Airlines incident — have nothing to do with the ramming of police vehicles. On the issue about vigilantes, I am not even sure what that is about. None of these issues that are being canvassed have absolutely anything to do with this legislation whatsoever. I would ask you, Acting President — he has now been speaking for nearly 20 minutes — to draw him back to this very discrete piece of legislation.

**The ACTING PRESIDENT (Mr Melhem)** — Mr Gepp, I ask you to go back to the bill.

**Mr GEPP** — Thank you, Acting President. This is all context and background to the scope of the bill. It is

important that we understand the context and background to the drafting of this bill. I am not surprised that those opposite do not want to hear some of this, because it is a bit of a shameful track record I have got to say.

He has still not sought a briefing from the police on the Malaysian incident. He says he is the shadow police spokesperson, but he is still yet to reach out to police.

**Mr O'Donohue** — On a point of order, Acting President, the member is now flouting a ruling. You asked him to return to the bill, and he is continuing with his pre-prepared, slavishly read speech, word for word with no regard to the ruling you have made. I would ask you to again draw him back to this bill.

**The ACTING PRESIDENT (Mr Melhem)** — Can I just make this point? I accept the opposition making lots of points of order about this issue, and I think we have wasted about 10 minutes on points of order. But similarly I ask you, Mr Gepp, to please focus on the bill. Having said that, I go back to the earlier point: I think the speaker is allowed to talk about crimes and law and order. Mr O'Donohue, in your second-reading speech, I think you went beyond what the bill has stated, as have various other speakers. But I ask Mr Gepp to confine his speech to the bill and Victorian issues. I think the sooner we let Mr Gepp finish his contribution — it will be another 40 minutes. Mr Gepp, resume your contribution.

**Mr GEPP** — Thank you, Acting President. I will come to some more specific details about the bill and what the government is proposing to do shortly. I will get there soon, because the bill as it is presented has got more holes in it than a cracked lobster shell.

**Mr O'Donohue** — That was pathetic.

**Ms Shing** — Take up the interjection. He thinks that is pathetic. He thinks that Mr Guy's conduct is pathetic. Is that what is being said?

**Mr GEPP** — I agree that the conduct is pathetic, and there is a lot of explaining to do in relation to that particular matter that we shall not continue with.

What I do want to now talk about is what we, the government, are proposing, and what we are doing to make sure that Victoria Police has the powers and resources that they need to perform the great service that they provide to the Victorian community. Last December we released our community safety statement. It recognises that all Victorians have the right to feel safe and be safe in their homes, their workplace, their business, on transport, in public and in their

10:47:30

neighbourhoods, but it does more than that. It is a comprehensive strategy to begin to turn around the harm being caused in the community. It is a plan for policing. At its heart is a record investment in police officers on the front line. This investment is based on a sophisticated new police staff allocation model — SAM — that Victoria Police has developed in consultation with the Police Association (TPA) and which the government has endorsed.

The new SAM moves us away from the boom and bust nature of police recruiting to an evidence-informed base that makes sure Victoria always has the police force it needs. The staff allocation model takes account of population growth, but it does more than that as well. It also takes account of the law enforcement assistance program (LEAP) database and the computer-aided dispatch and traffic incident system, along with other variables, to get a much better picture of the sorts of demands being placed on police and where those demands are. It is the linchpin of our \$2 billion community safety statement.

These numbers prove that it is only Labor that funds police numbers here in Victoria, but the community safety statement is about more than just police numbers. It is also about capability, with the government investing in a dedicated 24-hour police assistance line for non-emergency calls and a reporting website so that Victorians can contact police when and where they need to; rolling out automatic numberplate recognition technology to 220 highway patrol vehicles, up from six, to crack down on dangerous and unauthorised drivers; modernising and expanding the Victoria Police air wing, with three new helicopters and one fixed-wing aircraft; and building a new training facility for Victoria Police's special operations group, bomb squad and critical incident response team. It also includes \$10 million worth of youth crime prevention grants and an expansion of the Victoria Police Kokoda youth engagement program.

Police will also have new powers to fight crime, and that includes the government giving police the power to take DNA samples without a court order from people suspected of committing an indictable offence — increasing the number of DNA samples analysed by police from 7000 to 70 000 — and introducing new laws to ban the payment of cash for scrap metal to target organised crime, new laws around synthetic drugs and ice trafficking and new laws targeting drive-by shootings, including firing into a house, building or stationary vehicle.

We are also about protecting from harm those that protect us — our police and our emergency services

workers — and we have announced a two-step process to protect our police and emergency services workers. The first is the development of comprehensive legislative reforms to crack down on offenders who harm or seek to harm a police officer or emergency services worker. This will be a comprehensive set of reforms brought before the house later this year. It is being developed in consultation with Victoria Police and the Police Association of Victoria, and the work has already commenced, but what we are also doing is introducing tough new laws in the coming weeks to protect our dedicated police and emergency services workers from violence and harm where offenders use a motor vehicle to threaten or cause harm.

Let us be very clear: the Andrews Labor government is doing more than introducing a tokenistic, unworkable standalone offence like the one currently being debated — one that does not even define what ramming is and that places a higher priority on police vehicles than on the safety and wellbeing of police officers. We are developing a set of comprehensive reforms to protect emergency services workers, including where offenders drive at police officers who are not in cars. Our reform is about the safety of police officers and emergency services workers, not just the protection of police vehicles. It is one thing to want to protect vehicles; we also want to protect police officers, because the Andrews Labor government is about putting people first, not equipment — putting people first, not equipment.

We also want our police officers to go home at the end of their shifts, which is what we want for all workers across Victoria. That is why the government is actively working with VicPol and the TPA to examine the best legislative options to protect officers and to sanction those who seek to do harm to them. It will be a comprehensive piece of work that will first address the issues around offenders using motor vehicles against police before addressing a broader range of conduct and behaviours that put police and emergency services workers in harm's way — and we know that they do this every day.

Importantly, this work will be done in consultation with police informed by their experience on the job. It will not just be foisted on them like it would be with the opposition's flawed bill. The work being done has been properly constituted with experts from Victoria Police, the TPA and the Department of Justice and Regulation working together, examining existing offences, sentencing rules and provisions under the Crimes Act 1958, the Sentencing Act 1991, the Summary Offences Act 1966 and any other relevant legislation or common law as well as the merits or otherwise of a range of

legislative options including but not limited to the creation of specific new offences, sentencing provisions or guidance to inclusion of aggravating factors for specific types of offences. These experts will provide government with recommendations to provide for a comprehensive suite of measures to protect police, to deter dangerous behaviour and to hold to account dangerous offenders who seek to cause harm to police.

10:55:00 This will be a comprehensive response, not an ad hoc, piecemeal approach as put forward by those opposite.

I do want to return to the record of those opposite when they were in government. What we know is that under the Liberal-Nationals government crime rose in every year. During their government the total number of offences in Victoria increased by 21.4 per cent, with the overall crime rate increasing by 13.6 per cent. Under the Liberals the crime wave started and was left unchecked for four wasted years. Theft from motor vehicles went up by 10.5 per cent, theft of a motor vehicle went up 16.6 per cent, serious assaults went up by 16.9 per cent, common assaults went up by 52.9 per cent, dangerous and negligent acts endangering people went up by 46.3 per cent, murder went up by 20.8 per cent, aggravated burglary went up by 18.2 per cent, rape went up by 39.1 per cent and assault of police and emergency services workers went up by 26.9 per cent under those opposite. And why? They did not fund any new police and they let the youth justice system wither.

**Mr O'Donohue** — On a point of order, Acting President, I put it to you that the member is now clearly flouting your ruling. After your previous ruling the member did in part address the bill. He is now by his own statement referring to matters from the term of the previous government. The context has been well and truly established for his speech. He has addressed the matters in the bill as he perceives it. Returning to context, I would suggest, is a direct flouting of your previous rulings.

**The ACTING PRESIDENT (Mr Melhem)** — Thank you, Mr O'Donohue. I do not believe the member is contravening my ruling. As I stated earlier, these matters have been debated in this house for the last six months and there has not been any restriction on any members in talking about the whole issue of crime in the state of Victoria. I think Mr Gepp is within his rights to talk about these matters, so there is no point of order.

**Mr GEPP** — I am not surprised that they do not want to hear about it, because why would you? With that sort of record, why would you want to hear about

it? You would not want to hear about the increase in crime that occurred across the government —

**Mr Finn** — On a point of order, Acting President, a point of clarification: I am intrigued to learn from you, a man of great knowledge and talent in so many ways, what exactly this has to do with the bill before the house. There is no way that anybody can make a connection between what Mr Gepp has been talking about for the past 5 minutes and what is before the house for discussion at the minute.

**The ACTING PRESIDENT (Mr Melhem)** — Thank you, Mr Finn. I think the whole bill talks about crime, and I think that police ramming is about criminals. So thank you for your advice, Mr Finn. Mr Gepp, continue.

**Mr GEPP** — When you have the record of those opposite the context and relationship to the bill before us is that they are clearly trying to draw a long bow. They have not got a record to match the rhetoric that sometimes comes out of their mouths. The rise in the number of offences that started in the four years of the Liberal government did continue throughout 2015 and 2016, but the Andrews Labor government and VicPol have responded, and these efforts are now stabilising the crime rate. The crime rate will continue to stabilise in this state as new resources and new laws come into effect.

I want to just touch on what we have done since we came into office and contrast it with the wasted four years of those opposite. We have already committed additional funding — \$2.862 billion — to tackle crime policing, crime prevention and public safety. We have increased the number of VicPol personnel by 4210. There are 3259 sworn officers and 236 PSOs and an additional \$596 million for additional resources to VicPol for gang-related crime, gun crime, terrorist threats and family violence. Under any measure, when you look at the record of those opposite and you contrast it with the two and a half years of the Andrews Labor government, they are a world apart.

Intensive police work is having an impact in many of the areas I have just identified and is starting to drive down the rate of crime in some of those categories. Police have arrested more people than ever before over the past 12 months. The crime rate grew but is stabilising at only 2.5 per cent, adjusted for population, and at only 4 per cent for the overall number of offences. The last six months have seen decreases in the number of overall offences but also in several high-level categories. The total number of offences dropped by 5.4 per cent in the last quarter, theft of



motor vehicles dropped by 14.1 per cent in the last quarter, theft from a motor vehicle offences dropped by 19 per cent in the last quarter, aggravated burglary offences dropped by 4 per cent in the last quarter, rape offences dropped by 3 per cent in the last quarter and total burglaries and break and enters dropped by 14.9 per cent in the last quarter.

While we still have a long way to go, what this does demonstrate is that police activity, our increased resources and our measures and focus on policing in this state are starting to have a genuine effect. Our community safety statement outlines a comprehensive plan in partnership with Victoria Police to deter, disrupt and prevent crime and drive down harm in the community.

11:02:30 There is a pipeline of police officers who are now hitting the streets. The academy is full and double squads are coming out every fortnight. Police recruitment advertisements will run regularly on TV and in print and social media throughout the year and into next year. Our police force will grow. Under this government the numbers have continued to grow and this trend will continue into the future.

In conclusion can I say that we have a plan for policing in this state. Car ramming is a very serious matter, something that is a top priority for the Andrews Labor government and the Minister for Police. We are developing a comprehensive plan that will include new legislation that we anticipate will be brought before the Parliament later this year. When contrasted with the four years of wasted effort under the former Liberal government and the ad hoc proposition that has been brought to this place by their shadow minister I would suggest to this house that the Labor government's plan to be brought forward later this year will be far superior to the dud offering that we have before us.

**Ms FITZHERBERT** (Southern Metropolitan) — I am pleased to be able to speak on the bill before the house. We have just heard a really wideranging speech. I think that is a polite term for what we have just heard. I understand that this is a very, very narrowly cast bill, and deliberately so, but even given that constraint that was an enormously wideranging speech. We heard about the tragic downing of the Malaysian Airlines flight by terrorist attack. We heard a range of allegations about the Liberal Party. We heard all sorts of attempts to blame the current government's crime problem on the previous government.

The government has been in power for nearly three years and in that time we have seen a range of what were previously quite obscure and little-known

offences become front of mind for average Victorians. I am talking about things like carjackings, home invasions and the ramming of police cars. These are the issues that are of concern to Victorians.

It is good for Mr Gepp to tell us, 'We've got a plan. We're developing a plan. We're getting on with it'. But I think it has come too late for Victorians, who are sick of seeing this sort of violence all around them, threatening their neighbourhoods, their families and their friends. They do not want to be told 'There is a plan' and 'We're developing a plan'. They want to see action, and that is what this bill is about.

The bill has a quite discrete purpose. It inserts a new section 247M into the Crimes Act 1958, which details that a person must not, without lawful cause, ram a police car using another vehicle. It inserts a new section into the Sentencing Act 1991 so that a custodial sentence of not less than two years must be imposed for the offence of ramming a police vehicle unless a special reason exists or the offender is less than 18 years of age at the time of the offence. It confirms the Parliament's intention that a sentence of not less than two years should be imposed for an offence of this nature and that unless exceptional circumstances exist a term of imprisonment imposed for an offence against section 247M of the Crimes Act must be served cumulatively.

It is interesting that Mr Gepp has tried to characterise this as somehow putting equipment before people, because what it is actually dealing with is a very violent attack on police in the course of carrying out their duty. It is not as though we have police cars and vehicles roaming around the streets on their own. If someone rams a police vehicle, they are actually attacking a police officer, and that is what we are dealing with.

Mr Gepp raised the issue of how 'ramming' is defined. I am told that it is intended to have the ordinary meaning of the word. That was on the basis of advice from the Office of Parliamentary Counsel.

We have also heard about a range of different circumstances where the specific offence that is under contemplation may or may not be used. I guess I would respond to that by saying that police need to make assessments about a range of different circumstances and reach conclusions about how those particular circumstances fit into potential charges and crimes. Police can do the same here and they would be required to exercise judgement in doing so in relation to this offence.

The bill also responds to what Victoria Police have asked for. That was also absent from Mr Gepp's speech. The *Herald Sun* of 9 August reports that police had proposed one of three possible options in relation to attacks on police was to make ramming a police car a separate offence. This bill responds to what significant numbers of Victoria Police members have asked for, as well as concerns that have been raised by police about this type of crime. Unfortunately it really is all too common.

The Police Association Victoria have commented on this. On 16 June they welcomed the announcement that a private members bill would be introduced by the opposition that would see offenders who ram police vehicles forced to serve time in jail. This, of course, followed an incident in Melton where a police divisional van was rammed 12 times, which sounded like a very, very serious assault on people who were doing their job in driving that vehicle. They were fortunate to escape serious injury.

The Police Association Victoria secretary Sergeant Wayne Gatt has said that police have had enough of being used as battering rams and that it is now time for offenders who commit such a serious crime to face consequences to match. He also said that police vehicle ramming is a disturbing trend, with no sign of improvement in sight. I will now quote him:

Ramming of police vehicles was extremely rare in the past. Now they're happening all too frequently. There have been 117 such incidents during the current financial year, off the back of 103 incidents the year before.

This trend is extremely worrying. Nothing has worked to date to stop it. There has to be a circuit-breaker.

For this reason we've been calling on both sides of politics to consider introducing legislation to make this a specific offence carrying significant punishment to create a strong deterrent to help keep our members safe.

We therefore welcome and fully support the opposition's announcement today to get tough on these offenders.

11:10:00 Again this is something that was absent from Mr Gepp's comments just earlier — the words of the police and the police association saying that they support this initiative but also pointing to this trend over the last few years where we have seen a dramatic increase in the number of ramming incidents against police. The question that I ask hypothetically is: why has it taken the government so long to be saying today, 'We're working on a plan'? That is not good enough. They have been warned of this offence, they have seen the evidence, there has been a public outcry and there has been very clear comment from the police.

Sergeant Gatt further said on 16 June that Police Association Victoria:

... call upon all sides of politics to support this private members bill so that would-be offenders will start to think twice before putting our members in danger.

He also stated that:

Attacks like this are attacks on the community, not just the officers unlucky enough to be sitting inside a police car when an angry or drug-affected person decides their safety is negligible.

As I said, the prevalence of this crime is quite frightening. It is reported that criminals are now ramming police cars at an average of three times a week. The news of this particular trend has also called for these sorts of words.

Victoria Police spokeswoman Sophie Jennings told the *Sunday Herald Sun*:

The deliberate ramming of police vehicles is highly concerning to police.

This criminal and dangerous behaviour shows no regard for authority and the consequences can be disastrous.

Victoria Police recently completed an internal review which examined the rise in incidents, the best strategies to protect officers, and ways to deter people from fleeing from police and ramming police vehicles, including options for legislative reform.

Again I will quote police association secretary Wayne Gatt, who said:

Criminals see ramming as an accepted method of escaping capture at the expense of officer safety.

That no officer has been killed or maimed in the past two years is a matter of luck. There needs to be a deterrent factor that weighs into the thinking of an offender when they're considering ramming a police vehicle to escape arrest.

The figures, as I said, are alarming. In the 2015–16 financial year 14 officers were hurt as a result of police vehicle ramming, and the number of police vehicles rammed has more than tripled under the current government. This increased from 30 in the year 2013–14 to 103 in the year 2015–16 and to more than 117 so far in the financial year 2016–17. As I said earlier, the police association responded to these sorts of figures saying that action is needed to make it clear that there is a deterrent for this type of serious crime.

I want to also make some brief comments about Mr Gepp's use of statistics that he went back and quoted. I am not quite sure of the source or indeed which particular period of time they covered, so it is quite hard to comment specifically, but he referred to

increases allowing for population growth. He referred to adjusted figures. If that is the best argument the government can make to people in Victoria who are worried about their personal safety and who are making that worry abundantly clear, good luck to them. That is not an argument that I would want to make to the many people who contact my office and comment on their feeling of a lack of personal safety, their concern about crime and their worry that they are going to be affected, acknowledging that they at times have changed their own personal behaviour because of a perception that they are not as safe as they used to be. For example, they might avoid some places at night or avoid using public transport where previously they would have done so.

Indeed the Minister for Police's big happy news when looking at the most recent crime figures was to basically say, 'It's not continuing to rise at quite the rate it was previously, and therefore this is a big success'. I think that is an argument that falls flat. People can see the reality of it, and it is not good enough to be saying, after all this time, 'We've got a plan. We're working on a plan'. This is better than a plan. This is action. This is responding to something that the police have asked for. It is responding to a very, very clear trend in criminal behaviour over the last couple of years.

In closing, what I would like to do is give credit to Mr O'Donohue, who has developed this bill. He has made the argument for it. He has consulted widely about it. Somehow, without the benefits of government and office, he has been able to do the work that the police minister has been unable to bring together to date, so I want to finish on that note. I congratulate Mr O'Donohue on his work for bringing this forward.

It is not too late for the government to change its mind and support this legislation, as it should. I would urge them to do so. The opportunity is now. If you think bill can be improved, by all means make some suggestions. I am sure Mr O'Donohue would be open to that, but I think it is weak and it would be seen as weak by the Victorian people for the government to simply sit there and say, 'No, no, this isn't good enough. We're taking our time. We have a plan, and we're going to get around to it later'. That is simply a response that the Victorian people will not accept.

**Ms PENNICUIK** (Southern Metropolitan) — I rise to speak on the Crimes Amendment (Ramming of Police Vehicles) Bill 2017, a private members bill introduced by Mr Ed O'Donohue. The bill does the following: it creates a specific offence under the Crimes Act 1958 for ramming a police vehicle and provides for mandatory sentencing of a fixed non-parole period of

two years imprisonment unless the court finds that a special reason exists under section 10A of the Sentencing Act 1991.

Just at the outset I would like to say that the Greens acknowledge the hard work of Victoria Police in serving the community, as we always do. We are deeply concerned that there has been an increase in the number of police vehicles being rammed in Victoria and that in the year 2015–16 14 officers were hurt as a result of a person ramming a police vehicle.

This of course is totally unacceptable but, as I would say, is already a crime under the Crimes Act. This has always been an offence. It has always been illegal to ram a police vehicle. It is not as if the introduction of this particular offence will introduce an offence that was not already there before.

11:17:30

In fact, if you look at the Crimes Act, there are any number of sections providing for offences that people have been charged with and have been sentenced for. The most often used, as I understand it, is section 22 of the Crimes Act:

#### **Conduct endangering life**

A person who, without lawful excuse, recklessly engages in conduct that places or may place another person in danger of death is guilty of an indictable offence.

Penalty: Level 5 imprisonment (10 years maximum).

But under the Crimes Act there are also other offences that could cover this offence: section 15A, which is 'Causing serious injury intentionally in circumstances of gross violence'; section 15B, 'Causing serious injury recklessly in circumstances of gross violence'; section 16, 'Causing serious injury intentionally'; section 17, 'Causing serious injury recklessly'; and particularly section 318, 'Culpable driving causing death', and section 319, 'Dangerous driving causing death or serious injury'; or section 319AA, 'Dangerous or negligent driving while pursued by police'.

So there are any number of offences under the Crimes Act by which a person who deliberately rams a police vehicle can be charged, and so there is in fact no need for this particular offence. As we have said before in this place, it is not desirable to be cluttering up the Crimes Act or the Summary Offences Act 1966 with such specific offences for which there are already provisions under which people have already been tried, convicted and imprisoned for a particular offence.

It does not make the job of the courts any easier to have a range of provisions for offences that can be used, particularly when you introduce very similar offences

to ones that already exist and attach a mandatory minimum sentence to them. As the Law Institute of Victoria, Liberty Victoria and others point out on mandatory sentencing, once you introduce a mandatory sentence then the prospect of people actually pleading guilty to the offence diminishes. That then ties up more court time in having to go through a trial when the person has pleaded not guilty.

As I say, proposals in this bill are not necessary as we already have adequate laws. It is not, as Mr O'Donohue maintains, going to have a deterrent effect. Most people who commit this crime are in the young offender category. They may be affected by substances, which is another offence for which they could be charged as well. They are not likely at the time to be even understanding or thinking about what offence under the Crimes Act they are going to be charged with.

Also, the actual provisions of the bill are problematic. The offence, as drafted in the bill, is too broad. It states that a person 'may be found guilty of an offence' — ramming a police vehicle:

... irrespective of whether—

- (a) any person was in or near the police vehicle concerned when it was rammed ...

A person can be charged with ramming a police vehicle when they were not even driving the vehicle, when they were only a passenger or they were not even in the vehicle. It does not stand to reason that a person could be charged with that offence if they were not actually driving the vehicle. You would notice under subsection (3) that:

A person may be found guilty of an offence ... irrespective of whether the person was—

- (a) driving; or
- (b) a passenger in; or
- (c) outside—

the vehicle which caused a police vehicle to be rammed.

Then it goes on to say:

In this section, *police vehicle* means any vehicle driven by a person who is—

- (a) a police officer; and
- (b) driving the vehicle in the course of the police officer's duties as a police officer.

Earlier on it says the offence would carry irrespective of whether 'any person was in or near the police vehicle concerned when it was rammed'. So subsection (2)(a)

of the bill conflicts with subsection (4) of the bill. The definition of a police vehicle under the bill says that there must be a police officer in the vehicle, and yet under this bill the offence can be committed whether or not anybody was in the police vehicle, so there are some problems with the drafting of the bill in that respect.

The introduction of mandatory minimum sentencing is our other concern. That would dissuade offenders from pleading guilty. Also, because of the broadness of the scope, capturing a person who may be a passenger or a bystander in the offence, that mandatory minimum sentence for the level of culpability of those different offenders is not appropriate, either. Someone who is actually deliberately driving a vehicle into a police vehicle would be getting a minimum sentence of two years, but someone who was standing nearby and actually had not committed the offence could, under this bill, get the same penalty and has nowhere near the same culpability of the person driving it.

We do not support mandatory minimum sentences and have not supported them in any of the other legislation that has been brought into this Parliament, including for specific assault and serious injury offences such as those committed against emergency workers. This is because, while these offences are appalling, this type of legislation is not the answer, and we should always be preserving judicial discretion and trust our judicial officers to follow the sentencing principles as outlined in the Sentencing Act 1991. Under current laws there is already scope for the courts to impose a harsh sentence where it is warranted for a person ramming a police vehicle, and if a sentence is imposed that is manifestly inadequate, it can be appealed. 11:25:00

Under the terms of the current sentencing practice the most common sentence in the Magistrates Court between 2011 and 2014 for conduct endangering life was 12 to 18 months. This is according to the statistics for that period from the Sentencing Advisory Council. For sentencing in the County Court and the Supreme Court for reckless conduct endangering life matters between July 2010 and June 2015, the most common length of imprisonment imposed was between two and three years. This is well within the mandatory minimum of two years put forward in this bill. So again this demonstrates that there is no need for this bill and there is no need for a mandatory minimum sentence, because the sentences already being applied in the courts are around that level of imprisonment. There is already a maximum of a 10-year penalty that can apply for conduct endangering life.

We do not believe there is a need for another specific offence for ramming a police vehicle, notwithstanding that behaviour is abhorrent behaviour and criminal behaviour already under the Crimes Act. But I also make the point that while ramming a police vehicle is a serious matter so is the ramming of an ambulance, so is the ramming of a fire appliance and so is the ramming of any person's car, particularly, say, a family car with children in it. So I do get concerned when there is this singling out of classes of people and that somehow the crime is worse because they are that class of person.

I would also make the point that under the Sentencing Act principles there are mitigating and aggravating circumstances and that a court would certainly find the ramming of a police vehicle to be an aggravating circumstance, so again there is no need for this legislation and for the singling out of certain types of ramming in particular circumstances. I think the courts are best suited to decide on the circumstances of every case as to what penalty they should apply to an offender and any circumstances of that offence. The Greens will not be supporting this bill.

**Mr BOURMAN** (Eastern Victoria) — It gives me a great deal of pleasure to rise. Unsurprisingly I am in support of this bill. I am going to actually follow on from just one little point that the Greens made. There is a difference between the ramming of a police, fire or ambulance vehicle and a normal vehicle. An attack on the police is an attack on the state. It is not the attack on the individual; it is the attack on the institution. That is something we really need to remember. The institution is made up of people, but when they attack the police car they are not attacking the person in it; they are attacking the uniform. I think that is a big, big difference. It is one of those things that I think people tend to forget.

In getting to the bill itself, yes, it does make it more illegal. There are plenty of offences that are out there that could cover it, but it does highlight the fact that this is becoming an ongoing and increasing problem. The ramming of police vehicles is a relatively new thing. It seems to be almost becoming a sport. In the days of old it seems we had one a year, if that — or one that I would have heard of, anyway — and now we are talking about one a week, if not more. That is definitely something that is of concern. If the current arrangement with the judiciary was working, then I would suggest that there would be no need for this bill, because they would be the people who would be putting away the people who were doing these acts. They would be having, hopefully, more than two years to consider the folly of their work.

I understand the government are going to follow up with a similar bill further down the track, so even they realise that this is a problem that needs to be addressed. The current situation is not working. We cannot just go on the way it is, much as we cannot with home invasions and things like that. Home invasions used to be just called aggravated burglaries. They were not uncommon, but they were not common. Now they seem to be reported a lot more, so we need to do something. We need to be saying to the people who are doing this and to our general community that this is not good enough. If we have to pass something that does make it more illegal and sets the standard, then we will do it.

The strange thing, I guess, is that this is happening more. There are a lot of changes in society that have happened over the years. A lot of things have moved — progressing, for want of a better term — but that is also reflected in the crime patterns. The crime patterns, I have got to say — I do not know if it is just the way it has been reported — show that violent crime seems to be on the increase. No longer are we feeling as safe as we used to. In the Australia I grew up in you could be a kid and play till 10.00 p.m. on a summer's night and you would never have to worry about it. Now people are afraid to let their kids play outside. It is time we took stock of what is going on. Something is not working, and we need to do something.

Whilst we are on the subject of standard minimum sentences, I know a lot of people do not like it. I personally am in favour of it as long as there are avenues for people that may have an extenuating circumstance to have it not applied. But I think the revolving door systems we have got need to be changed. People seem to think that there are going to be no incentives to plead guilty or whatever. It is not about incentivising people to plead guilty; it is about putting criminals behind bars. It is about protecting society from these people. It is not about anything else. Once they are inside we can give them rehabilitation. Once they are inside we can do all sorts of things to try and get them to change their ways. But this is not about the defendant; this is about society.

In this case specifically it is about our police.

11:32:30

The job of a police officer is mostly paperwork and mundane work. You will be driving around for hours on end, sometimes for your whole shift, doing very little of interest. But then you will get the occasional violent scenario that will turn up at the drop of a hat. Sometimes it will be just following a car, going to a burglary or pursuing a car, and this is when our police earn their money. This is when our police put their lives

on the line. This is where their job differentiates from a lot of other people's jobs. This is not just, 'I do my 8 hours and go home'; this is, 'I am going to put myself in a very violent situation to try to protect society'. To me that is why these sorts of bills are unfortunately becoming a necessity. The violence is increasing, particularly the violence against the uniform, and if we do not deal with it soon, we will be dealing with a much, much larger problem. Australia is changing, as I said before, but we really want to keep it as the paradise it currently is.

The increase in attacks on police by ramming and other sorts of violence is increasing the problem of post-traumatic stress disorder (PTSD) in the force. Driving around in a way that might feel aimless and doing paperwork is not exactly going to induce PTSD, but that occasional violence — and in some cases it is not that occasional — is what induces it. The person who is in that uniform is a person. They go through training, yes, and they become experienced, yes, but in the end they are people. They need to be taken care of, and these sorts of bills are the state's way of saying that we care enough about what is going on to try to deal with this issue.

Being rammed, whether you are in a police car or not, is not exactly something you would normally experience. The things you see and do in that job are not what you would see as a normal person. If you are quite lucky, you would see it once in your life. They might see it once a day. It is a case of taking the opportunity to try to deal with this. It is an opportunity to disincentivise people from ramming police cars so that, when they do it and get caught, they will basically be put away for a couple of years. In those two years — or in the period up to two years or whatever it might be — you will find that they are not out there robbing, ramming police cars, doing home invasions or whatever else it might be.

On that note I am going to wrap this up and say that I support the bill, obviously. I support the intent of the bill, and regardless of whether it gets through or not, if the government introduces a similar bill, I will support that too. I commend the bill to the house.

**Ms SHING** (Eastern Victoria) — It is not a pleasure but a challenge to stand to talk about a bill that relates to a series of inherently violent and enormously disruptive circumstances that people face in the course of their work. As previous speakers have alluded to, we know that being responsible for ensuring and protecting community safety comes at a great cost for law enforcement officers and for people who are frontline and emergency service responders. We know that the

sacrifices involved in doing the work that our police, paramedics and firefighters do on an everyday basis have a huge cost, and we know that the trauma associated with this sort of work lingers, often long after a period of paid service has finished.

I would like to talk to the bill today in relation to what it proposes to do but also to put against this backdrop the importance of making sure that any legislative response that is intended to lessen the impact of trauma, distress or injury, whether physical or psychological, comes from the most holistic perspective possible. In this regard the bill before us today is focused very much on one specific set of circumstances, and those circumstances relate to the ramming of a vehicle. It is a vehicle ramming situation that does not have any definition about what constitutes ramming. This is something which the courts are faced with every day in the context of the way in which criminal and civil penalties might be imposed, whether under the Crimes Act 1958, the roads act or another statute or whether as common-law offences, such as assault.

What we do know, however, is that, as previous speakers have alluded to, there are numerous offences already within the Victorian statute book which cover the scope and contemplation intended by this bill very comprehensively. We know, for example, that culpable driving offences are available and that offences against the person and property offences under the Crimes Act are available and indeed have been used to prosecute offenders who have undertaken actions involving the ramming of police cars.

We know, however, that ramming means different things in the context of different circumstances. Suggesting that nudging a police car or reversing into a police vehicle may or may not be captured would depend upon the individual circumstances, which the court would be required to interpret. That is the court's job. However, without the detail required for a bill of this nature, and against the backdrop of other statutes which provide for courts to do this work in any event, this bill fails the test of meaningfully providing a policy, legislative and regulatory solution to the problem that it has identified.

What we see with this bill is a reference to conduct that interfaces with equipment rather than a person. What we see is the prioritisation within the bill of conduct that has an impact on a police vehicle but does not necessarily require any particular consequence for the police involved. It will not cover incidents involving police officers who are not on duty, for example, or police vehicles being driven by a protective services 11:40:00

officer (PSO), a police custody officer (PCO) or any other unsworn police employee.

To pick up the point that was made by Mr Bourman earlier, the people involved in doing this work are people, each and every one of them. Whether they are working actively on duty or whether they are off duty, whether they are sworn or whether they are unsworn, they deserve a uniform protection from work-related harm and injury. Instead what this bill does is introduce a series of measures that are so narrow in scope that in fact many of the people who put themselves in harm's way as part of their work will not be covered.

They will still be covered under other legislation. They will still be covered under legislation such as the Crimes Act 1958 and the road safety legislation. They will still be covered under common law. There will still be capacity for them to seek redress for any physical or psychological injury sustained in the course of their employment — for example, through the workers compensation scheme and the workplace injury and accident compensation legislation. But what we see is a dividing up of the priority of rights. On the one hand sworn officers, in a narrow range of circumstances, will be covered; on the other, if you are not on duty or if there is a car being driven by a PSO, a PCO or an unsworn police employee, you are not covered. It is a distinction that is sought to be introduced here notwithstanding the fact that similar levels of risk to safety are experienced by people in these other roles, and that is a fundamental shortcoming, because if we are going to talk about making the necessary improvements to the safety of our workforce in the course of dealing with often very risky, often very dangerous and often very injurious circumstances, then it should be a more comprehensive system than the one being proposed by the bill.

The bill will also have no bearing on incidents where officers are outside the vehicle. Again, it is focused on the vehicle itself. To lose the focus of people at the heart of this particular problem, at the heart of this policy and regulatory and legislative challenge, misses the point. The point is that in taking care of emergency services workers, as we have done with the introduction of a 40-kilometre speed limit where they are assisting people by the sides of roads, we are making the point of these changes the people involved in providing those essential services to Victorians in need.

Similarly, in addressing the challenges of occupational violence experienced by police, emergency services workers and others the focus needs to be and remain on the people who are delivering those services. To contrive a situation whereby a solution is delivered

simply because a statute — an unnecessary, in our view, statute — seeks to apply a standard to a vehicle is in fact not even a bandaid solution. What it does is deprioritise the essentially human component of law enforcement work.

We have an unprecedented commitment from the Andrews Labor government that is about providing more police resources, about providing better police resources and about providing resources, support, funding and ongoing engagement between the Minister for Police, the police commissioner, the Police Association Victoria, stations, districts and communities to make sure that police have what they need in the course of their work. This requires a multifaceted approach, and the police association has acknowledged the work that is required to be done in addressing law and order challenges more generally as part of a police and law enforcement response.

It has often been said in this place, in the course of public accounts and estimates hearings and in the course of public discourse and discussions from the Premier, the police minister and others that reducing the workload of police and reducing the time — 40 per cent of their workload — police spend on family violence is in and of itself a measure that puts police in a better position to do their work and in a better position not to experience compromises to their health and wellbeing and that in fact it has net benefits immediately for the community and in the longer term in relation to community safety, education and prevention that are sensible, that are considered and that go to the medium to long-term improvement of our communities overall.

What we see in providing police with resources that enable the use of digital technology that gets rid of the fax machines and the telephone reliance that we saw in the 1980s, 1990s and 2000s is an improvement in the way that police can do their work. What we see in the introduction of PCOs is an efficiency measure that enables police to provide more active, engaged frontline assistance and response to the community. What we see when we resource police for an additional 3135 officers, with a vastly increased number of female officers and officers from culturally and linguistically diverse backgrounds, is a commitment to growing the diversity of the sworn force, providing additional assistance to the unsworn officers who work alongside the police and are as integral as any other part of the system to delivering effective policing responses to the state. What we see is a focus on people that in fact is far more considered and far more effective than the bill that we see before us.

11:47:30 The bill that we have here, as I indicated earlier and as the government has indicated already in a submission by Mr Gepp, is a bill that tinkers around the edges of a problem without making any substantive change to fix it. It has been made clear by other submissions that we do in fact have very clear means by which to prosecute conduct involving the ramming of a police car. In fact this has occurred before. What we do not need is a repetition and an overlay of those existing provisions within their own discrete bill, as posed by the opposition bill, to in fact duplicate what is already there whilst missing the point of taking care of the people who are supposedly at the core of this bill.

We know that in arresting violent offenders police officers are injured. We know however that it is the constant work associated with policing work that results in longer term injury and that it is in fact the culture of policing where often onerous case management requirements are the focus of many hours in a day's work, only to be replaced with high adrenaline moments where a police officer's life or the life of someone else may be at risk. This is an inherently stressful environment in which to work.

In taking care of the source of that stress and understanding how it comes about through a range of measures that we have committed to as part of a record investment in policing in this state, we are working toward a solution which does not have the three-word slogan, bang for your buck, send it out on Twitter, glitz and glamour that perhaps this bill might have. It does not have the fizz and the excitement associated with someone from the opposite benches being able to say, 'Government votes down police ramming bill'. What it does have, however, is an adult approach and a responsible approach to resourcing the force, to resourcing our sworn and unsworn officers, to taking account of the nature of the work and to placing people at the very centre of the way in which we do this — because we have the law already to punish those offenders who ram police cars. We have the law already to make sure that there is in fact a very strict series of consequences available in prosecuting people who put our police officers at risk of harm.

The point that those opposite miss is the need to make sure that the people who continue to do the work of policing in this state are the subject of our ongoing investment, engagement, care, respect and recognition. And so for this reason the government will not in fact be supporting the bill as presented by the opposition.

**Mr O'DONOHUE** (Eastern Victoria) — I am pleased to sum up on this debate, and I would like to thank all members who have spoken in relation to this

bill: Mr Gepp, Ms Pennicuik, Ms Fitzherbert, Mr Bourman and Ms Shing. I think the attitude of the government in particular is disappointing. Mr Gepp did himself no favours in his speech, where he hardly touched on the issue of ramming of police vehicles because he built his speech around the government's community safety statement. The community safety statement does not mention the words 'protect police' or 'ramming of police vehicles' once. It is an indication that this issue simply has not been a priority for Labor; it has not been a priority for the government.

Yesterday's announcement by the police minister and the contributions from Ms Shing and Mr Gepp just confirm that they have a plan to look at this in the future. But their plan to look at this in the future is in direct contradiction to the call for action from both the chief commissioner himself and the police association. The chief commissioner told Neil Mitchell on 27 July:

We've seen — particularly last year we had a big increase in police rammings, a big increase in 2016 ... we are concerned about the safety of police members that are doing their job and then finding themselves being driven at, which is very dangerous, reckless and really cowardly behaviour ... So any moves that sit around protecting police officers in that situation, I am certainly supportive as chief commissioner.

And of course on 16 June the police association put out a release saying:

Make no mistake, the ramming of police vehicles is one of the most serious health and safety issues facing our members. We're seeing this extremely dangerous conduct happening at least twice a week now.

It's nothing short of a miracle that no police officer has yet been seriously injured or killed on the 221 occasions where a police vehicle has been rammed in the past two years, but it's only a matter of time before one of our members becomes a statistic unless something is done about this now.

The association went on to say:

We therefore welcome and fully support the opposition's announcement today to get tough on these offenders.

We call upon all sides of politics to support this private members bill so that would-be offenders will start to think twice before putting our members in danger.

Attacks like this are attacks on the community, not just the officers unlucky enough to be sitting inside a police car when an angry or drug-affected person decides their safety is negligible.

So let us put politics aside. Let us listen to the chief commissioner. Let us listen to the police association. Let us listen to the call for all sides of politics to support this private members bill as the police association has done on behalf of its thousands of members, the hardworking men and women of Victoria Police.



This bill is about supporting our police. It is about giving a very clear message to these offenders, many of whom are getting a slap on the wrist now under the current statutory regime when they face a criminal sanction. It is time to get tough with these offenders, send a clear message, pass this bill and create a new separate offence of ramming a police vehicle.

I commend the bill to the house.

11:55:00 **House divided on motion:**

*Ayes, 20*

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

*Noes, 19*

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

**Motion agreed to.**

**Read second time.**

**Business interrupted pursuant to sessional orders.**

## QUESTIONS WITHOUT NOTICE

### Medicinal cannabis

**Ms PATTEN** (Northern Metropolitan) — My question is to the Minister for Families and Children, representing the Minister for Health. In October 2015 the government announced that it had accepted all recommendations of the Victorian Law Reform Commission in relation to medicinal cannabis. These included the extension of medicinal cannabis to adults with multiple sclerosis, cancer, HIV/AIDS, epileptic conditions and severe chronic pain. My question is: nearly two years after that announcement, why is medicinal cannabis treatment not yet available for these conditions?

**Ms MIKAKOS** (Minister for Families and Children) — I thank the member for her question. The ability for children in particular to access medicinal cannabis will be a very significant change in Victoria. I am very proud to be a member of a government that has shown compassion to individuals who have been, in many cases, long-suffering of medical conditions. I am very proud of the fact that the Minister for Health has led this very significant reform. I have had the opportunity in the past to meet with a particular family and their little boy who has suffered from epilepsy, and I have seen the heartbreak that those parents experience on a regular basis in seeing and knowing that their child would be significantly better off by being able to access this particular product.

I know that the minister, together with the Minister for Agriculture, has been doing a significant amount of work to ensure that medicinal cannabis is available in Victoria. As for the specifics the member has asked about — people with particular conditions — I think it is best that I do seek some advice from the relevant minister, the Minister for Health, and provide a written response to the member.

### *Supplementary question*

**Ms PATTEN** (Northern Metropolitan) — Thank you, Minister; I look forward to that. I do appreciate the work that the government and Minister Pulford have been doing in expanding this industry and the cultivation of this plant. A study published in the *Journal of the American Medical Association* has reported that 'medical cannabis laws are associated with significantly lower state-level opioid overdose mortality rates'. So where medicinal cannabis is legal for pain relief, you find significantly less — up to 25 per cent less — opioid overdoses. Again I am asking when we will provide medicinal cannabis as an option to opioids in this state.

**The PRESIDENT** — Can I just indicate that there are a couple of matters Ms Patten has gone to in the last two days of sitting that may be related to information obtained on a parliamentary committee and subject to evidence that was presented to that parliamentary committee. It is obviously not possible for a member to move into that area of discussing matters that have been taken as evidence and to canvass that publicly without it having gone through the proper committee processes. I am taking it on the basis that perhaps this knowledge that Ms Patten brings to question time today is based on the broader examination of laws in other places rather than evidence led to the committee. I just warn members to be careful about using information that has

12:05:00

been obtained in committee evidence too prematurely in a public manner.

**Ms Shing** — On a point of order, President, can I just seek clarification on that? Where evidence has been produced in the context of a committee hearing or a parliamentary inquiry and is then made public and therefore on the public record, does that rule still apply in relation to questions that can be put in this place?

**The PRESIDENT** — Sorry?

**Ms Shing** — Where evidence has been produced and provided to a committee and then published — for example, as a transcript or a submission that is then publicly available — I would assume then that that does fall within the scope of a question that can be asked. I am just seeking some guidance from you on that.

**The PRESIDENT** — That would be all right. Again it depends on the nature of how the evidence has been obtained and on whether or not it is public evidence and whether it has basically gone through a process of the committee looking at it, as distinct from being used ahead of those proper committee deliberations and receiving clearance, if you like.

**Ms PATTEN** — Thank you, President, and thanks for the clarification. Just to confirm, this information is from a 2014 study. It is certainly not part of any evidence we have received in the inquiry.

**Ms MIKAKOS** (Minister for Families and Children) — I thank Ms Patten again for her supplementary question and her interest in these matters. I will refer the supplementary question to the Minister for Health and provide her with a written response.

### Police numbers

**Mr BOURMAN** (Eastern Victoria) — My question today is for Minister Tierney, representing the Minister for Police in the other place. Minister, police numbers in rural Victoria are still a problem, with many stations running well below minimum numbers and with some supervisors covering impossibly large geographical locations. This means response and backup can take an unacceptably long time. Police numbers may well be increasing, but what plans are in place to get a real increase on the ground of police numbers in rural Victoria?

**Ms TIERNEY** (Minister for Training and Skills) — I thank the member for his question. I will refer this matter that deals with police numbers in rural Victoria

and plans for police numbers into the future to the relevant minister, Minister Neville.

### *Supplementary question*

**Mr BOURMAN** (Eastern Victoria) — I thank the minister for her answer. Obviously to be referred off again: what commitment will the minister give to the people of rural Victoria regarding the provision of more resources so they are better protected by our police force?

**Ms TIERNEY** (Minister for Training and Skills) — I thank the member for his question, which is consistent with his original question. I will also of course refer that to the relevant minister, the Minister for Police.

### Gender equality

**Ms SPRINGLE** (South Eastern Metropolitan) — My question is for the Minister for Women. Victoria's welcome and much-needed gender equality strategy, *Safe and Strong: A Victorian Gender Equality Strategy*, aims to serve as a gateway to pursuing equality in all its forms. The strategy recognises that in order to achieve this goal, joint work must happen with the commonwealth. Recently an attempt to remove the unfair and discriminatory GST on sanitary products was voted down by the Senate. Labor senators expressed in-principle support but argued that buy-in at a state level was critical due to the implications for the states' GST revenue. This issue has become a political football that no-one is keen on marking. My question is: given Victoria's leadership on gender equality and Labor's support for scrapping this tax, will the Andrews government be taking action aimed at removing the GST on sanitary items?

**Ms MIKAKOS** (Minister for Families and Children) — Can I say at the outset that I do represent the Minister for Women in this house, and I take this opportunity also to wish the minister a very speedy recovery. I am sure I speak on behalf of all members in expressing that sentiment. The Minister for Health is acting as the Minister for Women and Minister for the Prevention of Family Violence in the interim, while Ms Richardson is making a recovery.

I thank the member for her question. The issue of gender equality is an issue that is very dear to the heart of this government. We are in fact the first Victorian government that has put out a gender equality strategy, and I congratulate Minister Richardson on that particular work.

In relation to matters when it comes to advocacy — essentially advocacy to the commonwealth — I can

inform the member that the Victorian Labor government has in fact undertaken advocacy around this particular issue. We certainly have taken the view of the GST that necessary hygiene products that women use every day should not have that additional taxation imposed on them. That is in fact a view and a position that our government has taken in the past, and we would certainly hope that the commonwealth would reconsider its own position in relation to this matter into the future. I can obviously only speak on behalf of the Victorian government in relation to these matters rather than parties at other levels of government, but we certainly have had a very clear position in relation to this particular matter.

12:12:30 **The PRESIDENT** — Just before the supplementary question comes, I was close to seeking a rephrase on that question in so much as the state government really does not have an opportunity to change GST rates. Clearly it is a matter of the jurisdiction of the federal government. I think the minister has actually discharged that question in indicating that the government has taken the only course of action that it can in regard to this federal matter — that is, the advocacy role — so I will not be requiring a written answer from the Minister for Health, and I just make those comments in terms of you framing the supplementary question now.

*Supplementary question*

**Ms SPRINGLE** (South Eastern Metropolitan) — Thank you, President, and I thank the minister for her answer. My supplementary question pertains to any discussions or actions that this government may have taken in relation to this issue in terms of lobbying other state jurisdictions.

**Ms MIKAKOS** (Minister for Families and Children) — I thank the member for her supplementary question. I am not at liberty of having the details of conversations that other ministers may have had with other jurisdictions. I do know that as a government we do seek when we are putting these positions to work with other jurisdictions and to seek to have joint positions put or collaborative views put around these issues when we do advocate to the commonwealth in particular, and there are frequently commonly held views about these issues as we put these issues to the federal government.

I would be able obviously to seek some further details about these efforts, but I do know that we do work in a very collaborative fashion with other jurisdictions, whether it relates to matters in my own portfolio or other matters right across the government, but as I did

indicate to the member, Victorian Labor have a very clear view about these matters and we have undertaken to advocate to the level of government — that is, the federal government — that is the level of government that imposes this particular taxation on women as consumers.

**Political donations**

**Mr BARBER** (Northern Metropolitan) — My question is for the Special Minister of State, Mr Jennings. Minister, the Queensland Labor government has already introduced a system of continuous donation disclosure. Why are you not moving to introduce the same system here in Victoria?

**Mr JENNINGS** (Special Minister of State) — I thank Mr Barber for his question. It is not the first time during the course of this term that the issue of political donation reform has been raised in the chamber. On a number of occasions we have debated it. I have been asked questions about it. The Victorian government have indicated since the early days of this term that our preference is to have a national approach to donation reform. That has continued to be our position. It has been pursued by the Premier in discussions with other premiers and the commonwealth government. I know that there has been a conversation between the Premier and I believe the current Prime Minister, if not the previous Prime Minister, in relation to that matter. So we have been very interested in that reform. We continue to be open to national reform. We continue to be open to considering the alternative approaches on a state-based approach to this reform if there is no movement at the commonwealth level, so his assumption that we are not prepared to look at this matter is an incorrect one. We have put it on the public record, and I do so again today.

*Supplementary question*

**Mr BARBER** (Northern Metropolitan) — Minister, the Queensland system is up and running. There is a website: [disclosures.ecq.qld.gov.au](http://disclosures.ecq.qld.gov.au). There is \$9.9 million worth of donations disclosed. I can log in here and see that just yesterday the United Voice Queensland branch donated \$1500 to the Labor Party. As it works now, voters do not find out until 18 months after the state election who it was that donated to political parties in the run-up to that election. Surely your sources of donations cannot be any more embarrassing to you than those of the hapless Leader of the Opposition. Why will you not implement this system?

**Mr JENNINGS** (Special Minister of State) — I think Mr Barber got a little bit carried away. He may have been distracted by interjections that were inviting him to reflect on very generous donations that his party has been the beneficiary of. One of the largest, if not the largest, one-off political donations in the history of the federation came to his party, so he may have been taken off message in relation to being pretty gratuitous in his commentary.

**Ms Shing** — It doesn't mean they pay their nannies.

**Mr JENNINGS** — Yes, exactly. Let me keep to the spirit of my original contribution to you, Mr Barber. Let us think about this on a national basis, as a national priority, as something we can be open to, and if Queensland is doing a good job, good on it. There are a whole range of measures where you might not say that about the Queensland government, but in this instance good on them. We will actually be open to ongoing reform in this area.

### Elevated rail

**Mr DAVIS** (Southern Metropolitan) — My question is to the Leader of the Government. Leader, I refer to the documents motion that the Legislative Council carried on 24 February 2016 seeking all documents relating to Labor's sky rail, including sound studies and analyses produced for government, a request for documents the government has not seen fit to provide for more than 12 months now. I also refer to noise assessments provided by the Level Crossing Removal Authority to VCAT in a recent planning case. These figures show higher noise from Labor's sky rail in Carnegie than the current at-grade railway, and I ask: why has the government provided this data to VCAT but hidden it from residents whose quality of life will be smashed by Labor's noisy sky rail, and when will this data be made available to the Legislative Council and thereby to impacted local communities?

**Mr JENNINGS** (Special Minister of State) — I thank Mr Davis. He is on a continuous loop in relation to this matter. This is a matter that he raised on the adjournment last night. I understand this campaign that he is assisting in relation to the confusion in the community about what the noise abatement process may be and the delivery of this important infrastructure proposal of our government to try to remove the level crossings along that railway line and the design elements that are associated with it. There is a lot of evidence that has been put in the public domain in relation to noise mitigation and the confidence level that supports this project.

Mr Davis continues to be interested in specific information, and in terms of the release of that information I can assure him that I have raised this matter with the Minister for Public Transport on a number of occasions. I will take the opportunity that has now been afforded to me from his adjournment matter last night and again from his question today to raise those matters with her again.

### *Supplementary question*

**Mr DAVIS** (Southern Metropolitan) — It is a very unsatisfactory answer, President, but I thereby ask: did the Andrews Labor government hide the data because it revealed the truth about Labor's sky rail that it is noisier than at-grade rail and will impact on residents over an enormous distance?

**Mr JENNINGS** (Special Minister of State) — In fact I do not think across the Parliament today that the Labor Party is worried about hiding the truth. I do not think that is a dynamic that is affecting us today. I actually think that the more truth that comes out in the public domain about a whole range of matters that are of public interest, the better.

### 500 Startups

12:22:30

**Mr ONDARCHIE** (Northern Metropolitan) — My question today is for the Minister for Small Business, Innovation and Trade. Minister, earlier this year you announced a \$2.9 million taxpayer-funded government grant for the company 500 Startups where you embraced the CEO, Dave McClure, with open arms, big smiles and multiple photo opportunities. Minister, what due diligence did you undertake before personally throwing your arms around the 500 Startups CEO, Dave McClure, a self-confessed perpetrator of inappropriate sexual behaviour?

**Mr DALIDAKIS** (Minister for Small Business, Innovation and Trade) — I thank Mr Ondarchie for the question. I must say I am very surprised that Mr Ondarchie would make light of sexual harassment issues in this place. I am extremely troubled by the fact —

*Honourable members interjecting.*

**The PRESIDENT** — Order! Enough!

**Mr DALIDAKIS** — I am extremely troubled that Mr Ondarchie would seek to not just trivialise the issue of sexual harassment but indeed provide a gratuitous remark about women that have suffered at the hands —

**Mr Ondarchie** — On a point of order, President, the minister seeks to verbal me by way of responding to this question. I made no reference at all to the matter that he talks about in terms of objectifying women. I just asked what due diligence the minister did before throwing his arms around this person.

**Ms Shing** — On the point of order, Acting President, Mr Ondarchie has in fact been interjecting for all but about 4 seconds of the minister's answer, so with that in mind it is probably not within his scope to say what the minister has or has not said in relation to the answer.

**The PRESIDENT** — In respect of the point of order, the minister obviously has an opportunity to respond, and there was some matter in the question that perhaps led him to a view as to what the question's intent was or what was expected of him in that answer. I do concur with Mr Ondarchie in his point of order that the question really goes to a due diligence matter in relation to the particular company or an individual within the company rather than to any matter in respect of harassment of women more broadly. Minister, I would seek an answer more to the due diligence matter, please.

**Mr DALIDAKIS** — Thank you, President, and I do have 3 minutes or thereabouts to go. Let me just move to that shortly. There is no acceptance of sexual harassment in the workplace and never tolerance for whatever sexual harassment occurs, whether investments are put at risk or whether jobs are threatened or proposed jobs are withheld as a result of a person's behaviour.

In relation to the issues with specific regard to 500, the accusations and the allegations that Mr McClure has acknowledged in his own public statements came to light approximately six weeks ago, well beyond the decision and the recommendation by LaunchVic that 500 Startups was a program that we should invest in. I do not say that they recommended it to me to disassociate myself from support of the 500 program — the 500 program within the world of the tech and the start-up scene has been widely regarded as one of the top two programs globally. For us here in Australia to be able to elevate our start-up and tech ecosystem we cannot just look at what we do at home; we need to try and bring the best and brightest from around the world to Melbourne to lift our standards up. There was a range of due diligence undertaken at LaunchVic in relation to the recommendation. Also what happens is the department then undertakes due diligence in relation to the organisations that have been recommended.

Let me just clarify for the point of timeliness with specific regard to this question: at the time that LaunchVic made the recommendation, at the time that I accepted that recommendation, at the time that we approved the funding there were no public allegations of sexual misconduct against Mr McClure. Not one. In fact not only was there not one allegation about his misconduct but 500 had undertaken programs right around the world — Japan, Russia, Thailand, throughout the United States and beyond — and we were at the end of that pipeline. So if Mr Ondarchie wishes to follow this line of questions, I welcome it.

*Supplementary question*

**Mr ONDARCHIE** (Northern Metropolitan) — The dodges and weaves continue. Minister, I refer you to your response to my substantive question where you told us that 'we' had decided on the grant. I refer you to your comments to this house on 8 March of this year when you advised this house that LaunchVic is a private incorporated organisation and not a public department and that they are responsible for their decisions about who gets grants. How is it then —

**Mr Dalidakis** — No —

**Mr ONDARCHIE** — That is what you told us. How is it then that you included yourself in the 'we decided' that they got a grant?

**Mr DALIDAKIS** (Minister for Small Business, Innovation and Trade) — Maybe you would like me to say it in Thai so that you can understand it, because clearly you are not listening to English. The fact of the matter is the process requires LaunchVic —

12:30:00

**Mr Ondarchie** interjected.

**Mr DALIDAKIS** — Would you like me to speak Thai or Greek? Which one would you be able to understand? The process requires that LaunchVic recommends the proposals that we invest in. That is what LaunchVic does. I then choose to either accept or reject those recommendations. I have said that previously to the Public Accounts and Estimates Committee, and I have said that previously in this chamber. Unfortunately for Mr Ondarchie, he chose to ignore what I said in my substantive answer as well. For the sake of this house: LaunchVic ask for applications; applications are made, and LaunchVic reviews the applications; they then, through their board, make recommendations, and as minister I either accept or reject those recommendations.

**Ordered that answer be considered next day on motion of Mr ONDARCHIE (Northern Metropolitan).**

### **LaunchVic**

**Mr ONDARCHIE** (Northern Metropolitan) — My question is for the Minister for Small Business, Innovation and Trade. Minister, Rachael Neumann was a member of the LaunchVic board before taking on a role as managing director of the Australian arm of the company 500 Startups. Was Ms Neumann a member of the LaunchVic board when the \$2.9 million funding to 500 Startups was discussed and/or decided?

**Mr DALIDAKIS** (Minister for Small Business, Innovation and Trade) — Let me give a very fulsome answer to this question. The point at which the recommendation was made to me was, I believe, back in January of this year. At that point in time Ms Neumann was indeed a director of LaunchVic. Ms Neumann resigned from LaunchVic, I believe, in April of this year. She was not approached to undertake the role as head of 500 Startups Melbourne until some six weeks after she had left her role as a director of LaunchVic, at which point in time —

**Mr Ondarchie** — Just coincidence?

**Mr DALIDAKIS** — I will take up the interjection because what Mr Ondarchie is now doing is besmirching a person who has no right of reply to his somewhat grubby assertion. He always takes the low road when he should be looking at the high road. Let me again for clarity's sake say that no board member has ever received remuneration for generously giving up their time as a director of LaunchVic. Let us move back to the point in question. Ms Neumann was a private citizen. She had been a private citizen for some six weeks prior to being approached. I have no ability to control what she does. It is unlike the case of Mr Billson, who accepted \$75 000 whilst being a member of the federal Parliament to represent a private organisation, or that of Andrew Robb, who took consulting fees in the trade space while he was the minister for trade without observing ministerial code of conduct.

It is very good for those opposite to impugn the character of private citizens without any factual information whatsoever, to character assassinate people who have given of themselves generously without remuneration — not even a dinner at the Lobster Cave, President. Ms Neumann gave of herself to our ecosystem without any reward or compensation, and then when she was approached as a private citizen she

undertook what she may or may not have decided was an appropriate decision at the time.

I find it incredibly distasteful that Mr Ondarchie would come in here and impugn the character of somebody who has no ability to defend themselves whatsoever. He uses innuendo and smoke to cast aspersions and to try to attack people who are defenceless, and that is shameful.

### *Supplementary question*

**Mr ONDARCHIE** (Northern Metropolitan) — Minister, given the appointment of Ms Neumann occurred weeks after the \$2.9 million funding grant was officially awarded, have you satisfied yourself — you said you believe — that probity around the LaunchVic decision to award the grant to 500 Startups stacks up, and if so, how have you done that?

**Mr DALIDAKIS** (Minister for Small Business, Innovation and Trade) — In a previous question asked of me by Mr Ondarchie what I advised the house was that probity checks are undertaken by my department after the recommendations are made, and then after those probity checks are undertaken by the department, the recommendations proceed through to me to either accept or reject them. I have every confidence that the department undertook the appropriate probity checks because that is the process that has been put in place to ensure that. I have confidence that the board has undertaken its role accordingly. I wonder whether or not Mr Ondarchie would see fit to make these claims outside the house, which would afford the board members the right to take action against the claims in question.

### **Mr Eideh**

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — My question is to the Leader of the Government. In late July Mr Eideh was denied entry to the United States. In response a government spokesman said:

The Victorian government has made representations to the Department of Foreign Affairs and Trade and have asked them to seek an explanation from the US authorities as to why a Victorian member of Parliament was refused entry to the United States.

What explanation has been provided to the Victorian government?

**Mr JENNINGS** (Special Minister of State) — I thank Mr Rich-Phillips for his question and the obvious concern at the heart of his question for the wellbeing of a member of the Victorian Parliament, Mr Eideh in

particular, in relation to how he was treated as he tried to enter the United States —

**Mrs Peulich** — Privately or officially?

**Mr JENNINGS** — Pardon?

**Mrs Peulich** — In a private capacity or an official capacity?

**Mr JENNINGS** — Some interjections are quite extraordinary, President, and I probably should not have been distracted by them because at the end of the day I think it is worthwhile for the Victorian people to share in the explanation for why a member of the Victorian Parliament who was undertaking parliamentary responsibilities was denied access to the United States. I am not aware of the explanation that has been provided through those official channels. I will take this as a prompt for me to see what has been provided and furnished to the Victorian government in relation to this matter. I have not been the recipient of that advice. In the first instance I will check with Mr Eideh himself in relation to what explanation has been provided to him, then I will check through the official channels before I come back and provide a response to the house.

*Supplementary question*

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — I thank the minister for that response, and I look forward to his subsequent answer. Australian citizens travelling on official passports are not typically denied entry to the United States. Is the Victorian government aware of any reason why the United States would have concerns about admitting Mr Eideh?

**Mr JENNINGS** (Special Minister of State) — Nobody has indicated what if any concerns were in question. There has been no indication apart from what is publicly known about the events that took place in Canada in relation to this matter. Let me be gracious to Mr Rich-Phillips and assume that he was not intending to imply anything. There is no information available that has been shared or provided that I am aware of to Mr Eideh or to the Victorian government in relation to this matter, and what has been passed on through the Department of Foreign Affairs and Trade in relation to these matters I am not aware of.

12:40:00 *Honourable members interjecting.*

**The PRESIDENT** — Order! I think, Ms Mikakos, your interjections are unhelpful. I heard the Mem Fox one, and I do have a recall of that, but this is an entirely different matter. It does involve a member of

Parliament, and I think that at least one of your interjections was most unhelpful and suggested an intent on Mr Rich-Phillips's part which was clearly not evident to me in the question. I think, by way of the response of the Leader of the Government, it was not evident to him either that there was such an intent. That does not really reflect well on the house and does no service to the member of Parliament who encountered this issue in Canada.

**Mr Eideh**

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — My question is again to the Leader of the Government. Mr Eideh has travelled to Syria three times since the end of last year. What activities has Mr Eideh undertaken in Syria as special adviser to the Premier on trade and business investment in the Middle East?

**Mr JENNINGS** (Special Minister of State) — In terms of what might be at the heart of the question that my colleague has actually clearly responded to by interjection, she is perhaps more cautious about what level of political acumen may be on display within the Parliament and within the community about exercises that may be dog whistling, and she has a very acute hair-trigger. My hair-trigger is actually not as acute. I gave the benefit of the doubt. I will continue to give the benefit of the doubt. I actually think I am erring on the side of giving the benefit of the doubt that in fact Mr Rich-Phillips is not absolutely trying to imply something that has no foundation in relation to any degree of concern or consideration that has been shared with Mr Eideh or has been shared with the Victorian government.

In fact Mr Eideh, I am aware, has family who live in Syria and he has visited his family in Syria, and he has made it very clear to me personally that in fact he feels a great obligation to visit his father in Syria. That is the basis on which he has visited that country.

At face value all members of a global community should appreciate there are familial connections that will mean that people will travel across the globe to travel to and visit their family. In fact if we now start making allegations or accusations or implying something else, then I actually think that may warrant the hair-trigger response from my colleague. Let us actually hope that we do not drop to the lowest common denominator.

*Supplementary question*

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — I thank the minister for his answer. Mr Eideh has previously indicated his support for the Assad regime in Syria. Can the minister provide an assurance to the house that Mr Eideh has had no contact with the Assad regime under his position as special adviser to the Premier on trade and business investment in the Middle East?

**Mr Dalidakis** — On a point of order, President, I draw your attention to previous questions that I have fielded in relation to the special adviser positions that some members of parliament have in this government. The advice that I gave at the time was that in terms of official government trade policy I remain the spokesperson for that. So I have —

*Honourable members interjecting.*

**Mr Dalidakis** — It appears that people interjecting still are not listening to answers. In terms of official government trade policy, as the trade minister I have responsibility. I am somewhat troubled by this line of questioning, given that the questions are very pointed in relation to a family relationship. I strongly inform you, President, that in relation to the supplementary question, number one, it is not apposite to the substantive question, and number two, it is incorrectly directed to the Special Minister of State, given that the special advisers carry no policy position on behalf of government as such, and this has been made clear by me in this chamber previously.

**Mr RICH-PHILLIPS** — On the point of order, President, in response to Minister Dalidakis's point of order I draw your attention to an answer that Mr Dalidakis gave in the house on 23 February this year in response to a question from Ms Wooldridge about Mr Eideh's role as special adviser to the Premier. Mr Dalidakis said, and I quote:

... the Deputy President's role is specifically to assist the Premier, so if the honourable member wishes to ask specifically about what tasks he undertakes, that question would be best directed to either the Premier in the other place or the Leader of the Government in this place ...

*Honourable members interjecting.*

**The PRESIDENT** — Order! Enough!

**Mr Dalidakis** — Further to the point of order, President, again that simply proves exactly what I said in the original point of order — that in terms of official government policy I am responsible in terms of trade. In terms of advice that special advisers provide to the

Premier, that is advice, not government policy positioning.

**The PRESIDENT** — Order! In regard to the question, I am prepared to allow the question in the sense that it is apposite to the original question. In regard to the point of order raised by Mr Dalidakis, I do find it difficult to reconcile his previous responses to this house, which I also have recall of without the prompt, where it was indicated that the facilities, resources and role of Mr Eideh as a special adviser in this area were for the Premier and not the Minister for Small Business, Innovation and Trade. The minister for trade had no directions that were provided to the member and indeed, as I understand, no real resources provided out of his department, as I recall.

Effectively my plan, depending on what the Special Minister of State indicates in his response to this question, would be to refer the matter to the Premier if there is a need to do so, not to the minister for trade. I think that appropriately the way these questions have been couched indicates that the questions go to the role of special adviser to the Premier and they do not in any way connect with the minister for trade as such.

12:47:30

**Mr JENNINGS** (Special Minister of State) — One thing that I can be certain of is that the answer provided to the member's question will be provided in writing and it will be done in consultation with the Premier, with the Minister for Small Business, Innovation and Trade, and with Mr Eideh himself. I think that is the most appropriate and circumspect manner with which to deal with this very desperate distraction that has actually been led by Mr Rich-Phillips today.

**QUESTIONS ON NOTICE**

**Answers**

**Mr JENNINGS** (Special Minister of State) — There are 76 written responses to questions on notice: 11 029, 11 031, 11 067–70, 11 120–34, 11 165–70, 11 239, 11 244–7, 11 250, 11 257, 11 259, 11 267, 11 294–5, 11 302, 11 310–11, 11 319–27, 11 346–8, 11 353, 11 361–3, 11 365–6, 11 371, 11 374, 11 384, 11 386, 11 389, 11 391, 11 397.

**QUESTIONS WITHOUT NOTICE**

**Written responses**

**The PRESIDENT** — In respect of today's questions, Ms Patten's question to Ms Mikakos, both the substantive and supplementary questions were related to a minister in another place, so that is two



days. Mr Bourman's question to Ms Tierney, both the substantive and supplementary questions were to the Minister for Police in another place, so that is two days. Ms Springle's question to Ms Mikakos, just the supplementary question.

**Ms Mikakos** — I can acquit it now.

**The PRESIDENT** — I will come back to that after I have completed this. Mr Davis's question to Mr Jennings, just the substantive question, and it is two days. Mr Rich-Phillips's first question to Mr Jennings, the substantive and supplementary questions, one day. Mr Rich-Phillips's second question to Mr Jennings, because it may well involve consultation with the Premier and Mr Eideh as well, the substantive and supplementary questions, that is two days.

With the agreement of the house, I will allow Ms Mikakos just to dispatch that supplementary question from Ms Springle.

### Gender equality

**Ms MIKAKOS** (Minister for Families and Children) — Thank you. I just wish to refer the member to a media release issued on 14 August 2015 by the Victorian government, the South Australian government, the Queensland government and the ACT government. It was a joint media release by these four jurisdictions in which all four Labor treasurers at that time confirmed that they intended to raise the issue of the removal of GST from sanitary products at the Council on Federal Financial Relations in Canberra the following week.

It is very clear that this media release does confirm that the four Labor treasurers did commit to raising the removal of GST on sanitary products with the commonwealth. There obviously were discussions between those Labor jurisdictions that led to that joint media release being issued. I thank Treasurer Tim Pallas for his advocacy on behalf of Victorian women.

## CONSTITUENCY QUESTIONS

### Eastern Metropolitan Region

**Ms WOOLDRIDGE** (Eastern Metropolitan) — My constituency question is for the Minister for Roads and Road Safety, and it relates to Sherbourne Road around Adam Crescent in Eltham. My question is: will the government investigate and improve the safety measures such as installing traffic lights or a pedestrian crossing around this busy stretch of road? In the last eight months a number of constituents have independently contacted me asking if these safety

measures can be addressed, as I say, at Sherbourne Road around Adam Crescent. It is sadly not uncommon to see pedestrians taking unreasonable risks by attempting to run across several lanes of traffic to get to the nearby shops. This is a particularly busy roadway, especially with merging lanes of traffic.

The constituents want to know whether a safe place to cross can be developed near the residential housing developments so that residents can cross this road safely. This area abuts the planned Bolton Street redevelopment but has not been incorporated in the final designs, and I ask the minister to get VicRoads to look at this specific area and ensure measures can be taken to make this road safer before there is a casualty. I know Nillumbik shire would support such a pedestrian crossing or intersection signal being installed in this area, and I urge the minister to consider it and respond.

### Western Metropolitan Region

**Mr MELHEM** (Western Metropolitan) — My constituency question is directed to the Deputy Premier, Minister for Education and Minister for Emergency Services, the Honourable James Merlino. Last month the minister announced \$7.5 million in funding for the western suburbs through the Labor government's growth areas infrastructure contribution fund. This investment will go a long way to ensuring that infrastructure in Melbourne's growing outer suburbs grows as communities do. Outer suburbs in my electorate, Western Metropolitan Region, are growing at a significant rate. For example, according to Australian Bureau of Statistics data Wyndham Vale's population grew more than 10 000 between 2014 and 2015. Wyndham's population is expected to reach more than 420 000 by 2036. The question I would like to ask the minister is: what will the \$7.5 million in funding provide for my electorate, and how will it assist the CFA to continue to protect the community into the future?

### Western Metropolitan Region

**Ms HARTLAND** (Western Metropolitan) — My question is for the planning minister. The West Gate tunnel environment effects statement has stated that there is no need to filter pollution coming out of the tunnel, based on the air quality modelling. However, there are some major flaws in the modelling and it did not consider ultrafine particulates, which are the most damaging to human health. In the west children are hospitalised at much, much higher rates than anywhere else for respiratory illness. Given these flaws, will the

minister require further investigation into the need for filtration on this project?

12:57:30

### **Southern Metropolitan Region**

**Ms CROZIER** (Southern Metropolitan) — My constituency question is for the Minister for Water, the Honourable Lisa Neville. The issue I raise for the minister relates to flooding that occurred on 29 December 2016 in and around the areas of the North Road level crossing, whereby Melbourne Water and the Level Crossing Removal Authority had been providing residents in the surrounding areas with information relating to that flood event. In a meeting with residents, it was suggested by Melbourne Water that work had previously been undertaken to consider large-scale mitigations or solutions to any flooding that may occur. A number of options had been identified, but according to Melbourne Water they were not feasible. So I ask the minister that she provide what those options identified by Melbourne Water were and associated costs for the reduction of flooding in the area would have been.

### **Eastern Victoria Region**

**Ms SHING** (Eastern Victoria) — The question that I wish to raise today is for the Minister for Education, and it relates to the Moe (South Street) Primary School, which just last week was confirmed as receiving \$600 000 to replace a building that contains a large amount of asbestos. Along with Yallourn North Primary School, it is part of making sure that our students and staff are safer. The question that I have for the minister is: what is the extent to which we can combine a discussion about a like-for-like building and a replacement for that part of the school with the stage 2 development that is also needed within that school to make sure that we can in fact talk about other classrooms that could be built to complete the area and perhaps provide a better and more efficient set of alternatives for government and possibilities of completing the development with all classrooms or incorporating the next stage within the scope of this asbestos removal program as announced?

### **South Eastern Metropolitan Region**

**Mrs PEULICH** (South Eastern Metropolitan) — My constituency question is for the attention of the Minister for Small Business, Innovation and Trade, Mr Dalidakis. It is in relation to the Young Street traders, who are on their knees as a result of the bungling and mismanagement of the redevelopment of Young Street. The local member in the Assembly, Paul Edbrooke, will not meet with local traders, who are on their knees. Local jobs are being destroyed. Commerce

is being driven away. People are suffering mental health issues, and finances are in dire straits. He will not meet with them. Mr Dalidakis has in the past visited the local area. I invite him now to come and speak with these local traders to look at what support can be offered to them. The local council has waived rates for 12 months to assist them. It will be too late, and we are in desperate need of help. I want to find out what he and his department can do to assist, given that Mr Edbrooke is not making himself available to his local community or offering them the support they need.

### **Eastern Metropolitan Region**

**Mr LEANE** (Eastern Metropolitan) — My constituency question is to the Special Minister of State, and it involves the rollout of domestic violence service hubs. I recently met with people from Eastern Health and also Eastern Domestic Violence Services — EDVOS. People from that organisation had a long-ranging discussion with me around domestic violence, and they were keen to impress on the minister in the rollout of the domestic violence service hubs that will be rolled out in coming months and years that somewhere in the east of Melbourne there be one of these hubs. So the question I ask the minister is: are there plans in the future for a domestic violence hub to be based in the eastern suburbs?

### **Southern Metropolitan Region**

**Mr DAVIS** (Southern Metropolitan) — My matter is for the Minister for Planning today and concerns a public housing project in North Brighton. I met with local residents groups and have been overwhelmed by the government's approach to this, and there has been inadequate consultation, but what I seek specifically from the Minister for Planning is an answer to the question: will he allow the local Bayside council to make the planning decisions with respect to this project, or will he use his extraordinary powers to override the local council and foist upon the community a development that is not supported by the community in its scale, in its scope and in the intensity of the development? In particular, will he ensure that the council is able to make the decision as to whether the development occurs in such a way that it impacts on the Elwood Canal?

### **Western Victoria Region**

**Mr MORRIS** (Western Victoria) — My constituency question is directed to the Minister for Roads and Road Safety, and it relates to the proposal by VicRoads to redevelop Mair Street in Ballarat. The

many hardworking traders in Mair Street in Ballarat are very concerned about the impact that this proposed redevelopment will have on their businesses. The question that I ask is: will the Minister for Roads and Road Safety agree to come to Ballarat and meet with the traders who are concerned about this redevelopment to hear their concerns firsthand?

### Northern Victoria Region

**Ms LOVELL** (Northern Victoria) — My question is to the Minister for Mental Health. The proposed drug and alcohol rehabilitation centre at Brookfield homestead between Nurmurkah and Wunghnu is now one step closer to reality with VCAT upholding an appeal from centre operator Australian Community Support Organisation after Moira Shire Council had earlier rejected a planning permit for the project. The VCAT decision, while allowing the building of a much-needed facility in the Goulburn Valley, comes with 48 conditions for the operator to meet, including the requirement to commence construction within two years and be completed within four years.

In the 2017–18 budget the Andrews government promised \$9.7 million to acquire land in Gippsland, Hume and Barwon to build new residential drug rehabilitation facilities. It is time this government deliver on its promises to the people of the Hume region by providing funding to ensure this project continues within the time frames of the VCAT ruling. Will the minister give a commitment to fund the planned drug and alcohol rehabilitation centre at the Brookfield homestead site?

**Sitting suspended 1.02 p.m. until 2.03 p.m.**

14:00:00

## CRIMES AMENDMENT (RAMMING OF POLICE VEHICLES) BILL 2017

### Third reading

**Mr O'DONOHUE** (Eastern Victoria) — By leave, I move:

That the bill be now read a third time.

**The PRESIDENT** — The question is:

That the bill be now read a third time and do pass.

**House divided on question:**

*Ayes, 20*

Atkinson, Mr  
Bath, Ms  
Bourman, Mr  
Carling-Jenkins, Dr

Morris, Mr  
O'Donohue, Mr  
Ondarchie, Mr  
O'Sullivan, Mr

Crozier, Ms  
Dalla-Riva, Mr  
Davis, Mr  
Finn, Mr (*Teller*)  
Fitzherbert, Ms  
Lovell, Ms

Peulich, Mrs  
Purcell, Mr  
Ramsay, Mr  
Rich-Phillips, Mr  
Wooldridge, Ms  
Young, Mr (*Teller*)

*Noes, 18*

Barber, Mr  
Dalidakis, Mr  
Dunn, Ms  
Elasmar, Mr  
Gepp, Mr  
Hartland, Ms  
Jennings, Mr  
Leane, Mr (*Teller*)  
Melhem, Mr

Mikakos, Ms  
Mulino, Mr  
Pennicuik, Ms  
Pulford, Ms  
Shing, Ms  
Somyurek, Mr (*Teller*)  
Springle, Ms  
Symes, Ms  
Tierney, Ms

**Question agreed to.**

**Read third time.**

**The PRESIDENT** — I just make the remark at this stage that it is important for members not to leave returning to the chamber on the ringing of the bells until the last minute. It puts the Chair in a very invidious position, and it obviously is of concern to the respective parties if members that they have relied on for a vote do not enter the chamber in time to cast that vote. 14:10:00

I have heard from the Leader of the Government that he tended to believe that in fact Mr Eideh had a right to participate in that vote. As it turns out it would not have made a difference, given the numbers of the vote, but the lesson in this is that members should not leave it until the last minute to return to the chamber. It is possible that a couple of members actually thought that division was an extension of the return from lunch because the bells rang in fairly quick succession, but the lesson there is to never assume.

## STANDING COMMITTEE ON LEGAL AND SOCIAL ISSUES

### Reference

**Ms PENNICUIK** (Southern Metropolitan) — I will move my motion in an amended form. For the information of all members, the motion that is on the notice paper has been slightly amended. I am happy to have the amended motion circulated by the clerks if people want a copy of it. I have circulated the amended version to the party leaders and whips, who do have it. By leave, I move:

That, pursuant to sessional order 6, this house requires the Legal and Social Issues Committee to inquire into, consider and report, no later than 20 March 2018, on the Victorian government's plan to sell a majority of the public land on existing public housing estates for private development under the Department of Health and Human Services (DHHS)

public housing renewal program (PHRP), and in particular the committee should consider —

- (1) the adequacy of a proposed 10 per cent increase in public housing (or 1100 public units) on the sites given the size of the waiting list for public housing;
- (2) the ability to cater for all demographics including families, couples and singles with the proposed housing mix;
- (3) the effects on current public housing tenants, including:
  - (a) whether they will be moved to accommodation that is secure, stable and fit for purpose;
  - (b) whether they will be moved to accommodation that is close to existing social support networks, educational, health and welfare services;
  - (c) whether current tenants will be able to return to the estates;
- (4) the allocation of parts of the sites between the proposed new public and private housing units;
- (5) the lack of public condition assessments of the estates or alternative options such as refurbishment of all or part of the existing housing units;
- (6) the proposed significant increase in density and heights and any local environmental impacts, such as the loss of open space and mature vegetation;
- (7) the removal of planning controls from local councils, and planning implications surrounding communities including existing neighbourhood character, traffic flow and provisions of services;
- (8) the proposed loss of third-party appeal rights;
- (9) the transparency and genuine community consultation with affected residents, neighbouring communities and the broader Victorian community regarding the short, medium and long-term implications of the PHRP model as currently proposed;
- (10) public housing estates where similar models are envisaged or underway, including —
  - (a) Markham Avenue, Ashburton;
  - (b) Koolkuna Lane, Hampton; and
  - (c) the corner of Stokes Street and Penola Street, Preston;
- (11) previous Victorian public housing renewal projects, including but not limited to the Kensington, Carlton and Prahran public housing estates;
- (12) best practice models for the provision of public housing from within Australia and overseas;

and any other matters the committee considers relevant.

Those 12 points mark out the terms of reference for the inquiry. Given the limited time on a Wednesday for

general business items, I do not intend to spend an inordinate amount of time on this issue, even though I could very well have very much to say on the issue and the particular sites in question.

With regard to the public housing renewal program, the Department of Health and Human Services website says it will redevelop older public housing homes and create more social housing properties across metropolitan and regional sites, and some \$185 million is being allocated to this program. The website also says that stage 1 will redevelop 1100 ageing public housing properties on nine estates. Those estates are in Brunswick, North Melbourne, Heidelberg West, Clifton Hill, Brighton, Prahran, Hawthorn, Northcote and Ascot Vale.

It would be fair to say that the more the public in the areas around these estates and in some of the estates — which I will go to further in the contribution — where this program or a similar program are underway know and the more the community around there and the local councils become aware of what the precepts behind the public housing renewal program are, the more concerned those people and communities are about the model that is being imposed on them with little warning or any opportunity for real or meaningful consultation or any opportunity to influence the proposals or the proposed outcomes. This program has had very little public scrutiny, and because of the significant short, medium and long-term implications of it on people, communities and the environment it needs to have much more security.

I thought I would go through the paragraphs of the motion, which will form the terms of reference for the inquiry by the Legal and Social Issues Committee should the motion be supported by the chamber, and explain why those paragraphs are there briefly so the house and the community understand the purpose of those particular paragraphs. As I mentioned, the crux of the motion is for the committee to inquire into the government's plan to sell the majority of the public land on existing public housing estates, and in particular the committee should look at these 12 paragraphs. The first paragraph concerns:

... the adequacy of a proposed 10 per cent increase in public housing ... on the sites given the size of the waiting list for public housing ...

We know there are around 35 000 people on the public housing waiting list in Victoria, and this morning I spoke about homelessness and the growing rate of homelessness in Australia and in Victoria. In Victoria it has increased by more than 20 per cent — almost 21 per cent — in the last 10 years.

14:17:30 This is really a crisis which should concern everybody deeply. The fact is that a lot of people who are homeless are actually on the public housing waiting list and cannot get access to public housing, so they are doing the sorts of things that I was talking about this morning: temporarily staying with friends, sleeping in their cars, sleeping out in the streets, some staying in supported accommodation, which is usually very short-term, and some bunking in with other people in very overcrowded situations and certainly not ideal situations.

Given that there are 35 000 people on the public housing waiting list, a 10 per cent increase could only be described as minuscule in terms of the need. A 10 per cent increase as a policy position and as a goal in terms of public housing is minuscule and is really just treading water in terms of what is required to address this very serious issue. So that is the reason for that first point.

The public housing renewal program website itself says 'at least 10 per cent more social housing properties', but in terms of the projects that have been made public in terms of the proposed number of units on the sites none of them are more than 10 per cent. So it might say 'at least', but it never actually gets above 10 per cent. It does not get to 11 per cent, so 10 per cent is really the figure. I think the committee should be looking at whether that is adequate for the task that is actually really facing the community of Victoria.

The second point that I feel the committee should consider is:

the ability to cater for all demographics including families, couples and singles with the proposed housing mix ...

In terms of the housing mix the examination, for example, of the Markham estate in Markham Avenue, Ashburton, which is being developed on this very similar model, has in fact produced the actual number of bedrooms. Whilst there has been a 10 per cent increase in the number of units, from 56 to 62, the actual number of bedrooms has decreased.

Now, this is an issue that I think the committee does need to look very closely at, because while we do know that there is a growing public housing crisis or homelessness crisis amongst older single people, in particular older single women, there still remains a public housing crisis for families or single women with a number of children, for example. What appears to be happening that I think the committee should look into is that in the proposals I have seen so far there are less three-bedroom units and more one and two-bedroom units. We really need to examine whether that is going

to provide the mix to cater for the different types of people that are on the public housing waiting list and need to be housed urgently.

The third point reads:

the effects on current public housing tenants, including:

- (a) whether they will be moved to accommodation that is secure, stable and fit for purpose;
- (b) whether they will be moved to accommodation that is close to existing social support networks, educational, health and welfare services;
- (c) whether current tenants will be able to return to the estates ...

I think this is an important matter for the committee to look at, because what I have learned from speaking to the communities around particularly the public housing estates that are concerned in Southern Metropolitan Region — and this was also reported in a recent Melbourne University report on the Carlton estate — is that a very large number of the tenants who were moved from the Carlton estate and were promised that they would be able to return have in fact not returned. It is not quite clear why that would be. It may be they were not given the opportunity, it may be that they settled somewhere else, but I think it is something worth looking at.

When you speak to the tenants at the estates that have not started yet, many are very anxious about being moved away from a place where they have established some social connections and they are close to facilities. The thing about most of these sites is that they are close to services and facilities because they are in inner Melbourne, so they are close to transport, they are close to schools and they are close to doctors, shops et cetera. The residents have made a life for themselves in those areas. I think that the committee should certainly be speaking to the residents as to how they feel about being moved and the disruption to their lives and what can be done to make sure that is minimised.

We know that in some of the estates people have been deliberately moved out, and it is not clear where all those people have gone or whether they have necessarily had a lot of choice in going. So I think a very significant issue is the impact on the current residents and the impact this is going to have on their lives.

The fourth point in my motion is:

the allocation of parts of the sites between the proposed new public and private housing units ...

I think the report on the Carlton estate goes to this in some detail, which is that the original premise was that there would be a mix of public housing tenants with private tenants and everybody would be able to use the common property equally, but that actually is not what happened.

14:25:00 Once the project got underway the private developer decided that was not what they wanted to do, and certain areas of the common property are now not accessible to the public tenants. It is quite interesting to read the comments from the public housing tenants and the private tenants on that estate as to how that has worked out in practice. That is something that should inform any further implementation of this type of model.

In May Mr Davis moved a motion with regard to the Markham estate in Ashburton, which was basically a pilot of this program. I expressed concern then that on the proposed design of the site the public housing units are put right at the back of the site and the new private units are put right at the front near the park, with the park views. They are larger units; they have more car parking. There is a different ambience to them than there is to the proposed replacement public housing. I find that quite concerning. If that is how it is going to be on all of these estates, that is not a good message to be sending to public housing tenants and it is not a good practice. I think it needs closer examination as to how that is going to go moving forward.

The fifth point of the motion is:

the lack of public condition assessments of the estates or alternative options such as refurbishment of all or part of the existing housing units ...

That goes to the fact that the condition assessments of the sites are not made public. The department simply says on its website that the existing units are aged or outmoded or it implies that they are falling down. But people who actually know these estates — and I certainly know the public housing estate in New Street, Brighton, very well; I did not know the one in Hampton very well but I have been down to have a close look at it — and residents that live nearby who are concerned about what is happening have told me those units are in very good condition and in fact could easily be refurbished and updated and become energy efficient and sustainable. In particular on those sites there is open space and there is a lot of established vegetation et cetera, which on the proposals we have seen for the replacement will disappear. The open space and the vegetation will disappear — it gives the feeling of a home, and a community could be lost.

In terms of that, too, when governments are proposing these types of programs there should be something to compare them with, such as, for example: what would it cost to just leave the sites as all public housing, double the number of public housing units on the sites and retain the public open space and the trees? What would that cost as compared to this model, which is the only model being put forward? What would be the cost of perhaps refurbishing those units that are in good condition and replacing the ones that are not in such good condition? That condition assessment should be made public so that people can understand on what basis these decisions are being made, because at the moment it is all done in secret — none of this is being made public. Even the design of the new public housing renewal program sites just pops out of the Department of Health and Human Services, Places Victoria, Development Victoria or some combination with a developer onto an unsuspecting public. There is no preconsultation with either the local community or the council on that design before it is actually foisted on the community as a fait accompli.

The sixth point of the motion is:

the proposed significant increase in density and heights and any local environmental impacts, such as the loss of open space and mature vegetation ...

I spoke before about the local impacts in terms of removal of vegetation and loss of open space, but in terms of, for example, the New Street, Brighton, proposal, which is huge, the state government's proposal will increase the number of dwellings on that site by 268 per cent — that is, from 127 to 467 units, and only 140 of those will be public housing units. This includes multiple buildings being built to nine storeys, which is three times the existing three-storey level set by the local Bayside City Council planning scheme.

The community around the public housing estate there have been very vocal about their concerns: the need for more public housing, the sale of land to the private sector and, if this proposal is to go ahead, the huge increase in density and height of buildings on that site. Also, the concern extends to local environmental impacts. That site is right on Elwood Canal. It has a flood overlay on it — it does flood. It also affects the downstream suburb of Elwood in terms of flooding events. So there is a lot to consider with putting a massive development on that particular site. The council have objected because they have three-storey mandatory height controls and this proposal is for nine storeys. They say they would like to see a 50 per cent increase in public housing on the site.

On the impacts on each of the sites, the PRHP is almost a bit of a cookie-cutter model being imposed, without much attention to the impact on the local community and the local environment and the conditions of the particular area. As I said in the Brighton North example, it is about the proximity to the canal, the loss of the mature trees et cetera. I have mentioned before that the Markham estate, which is right next to Gardiners Creek and remnant woodland, will be particularly impacted by the massive overdevelopment proposed for that site, including the loss of a lot of mature trees, such as the river red gums that are there. It is a concern to the local community, and the more they hear about this the more concerned they are.

The seventh point of the motion is:

the removal of planning controls from local councils, and planning applications to surrounding communities, including existing neighbourhood character, traffic flow and provision of services ...

We know that in the case of the Markham estate the council has pretty well been locked out of the proposal; over 18 months it has struggled to get any consultation with the government on the issue. Something the committee should look at is who retains the planning controls on the building of these particular sites.

14:35:00 We should be looking at the planning implications for surrounding communities, such as neighbourhood character. I mentioned the scale of the proposed new street development being way out of kilter with the surrounding neighbourhood character. If you are going to increase the number of dwellings from 127 to 467, that is clearly going to have an impact on the surrounding community and on traffic, for example, in the area. The committee should be looking at that and the provision of services.

The eighth point is the proposed loss of third-party appeal rights. It is proposed that these developments will not include the usual planning provisions, including exhibitions and appeal rights. Of course that is a huge concern to the local community given what I said before about the level of secrecy with regard to the design of the projects that are coming forward and sort of being dropped on the community.

The ninth point is regarding the transparency and genuine community consultation with affected residents, neighbouring communities and the broader Victorian community regarding the short, medium and long-term implications of the PHRP model as currently proposed. That seems like a very long sentence, and it probably is, but the fact is there has been little genuine community consultation on the projects that have been

made public so far. What I have participated in and gone to is a number of information sessions, which usually are some drawings, posters and a couple of leaflets put out by DHHS and whoever is partnered with them, and a few people around the room to speak to the community members who are there. But you would not call that consultation; you would call that information. Certainly the message when you are at those sessions is that there is not going to be any change to what has been proposed. They are just there to inform you about it, not to ask your opinion or listen to any concerns about what is being proposed and how to change it. That is the experience so far. It would be good to see that changed and improved, but that certainly is it.

It is not just the affected residents and neighbouring communities. The Victorian community has not been consulted about this, and it does not necessarily realise that this public land will be lost and can never be used again for public housing once it is sold to the private sector. So it is a long-term implication and it is a medium-term implication. I do not recall the government going to the election explaining that this was what they were going to do. They have basically done it in a very under the radar way. This is why I have moved this motion, so that the program gets some public and parliamentary scrutiny.

The 10th point, Ms Shing, is because the public housing renewal program specifically mentions nine sites on the website I think it is important that there are a couple of others added to that list. They are the Markham Avenue estate in Ashburton, the Koolkuna Lane estate in Hampton and the estate on the corner of Stokes Street and Penola Street in Preston, which are not specifically listed on the DHHS website as being part of this.

I have had representations from the community, for example, about this site at Koolkuna Lane in Hampton. It has been described to me by one of my constituents as, '16 perfectly good, architect-designed, ground-level units with existing wheelchair and emergency access in its village-like garden setting'. It has not been maintained over the years; it has been left to deteriorate to justify the units being defined as 'obsolete'. He says that is not true because the existing 16 units are fit enough as they are able to be renovated to reflect contemporary, sustainable building innovation and accommodation. No evidence has been presented proving otherwise. They are a perfect fit for proper crisis housing because of the access to medical community services and public transport.

That is a small site, but everything does not have to be a massive site. It is an established one in the area, with some very desirable features about it. As my constituent — who has been to my office — tells me, he is very familiar with the site and very familiar with all the residents there. Of course they are very anxious about it because they have seen others have to leave the site. They are very anxious about their future and the loss of what has basically become their home. One of the other public housing tenants was saying to me, 'I asked at the information session how long these new units will last for'. I was told 30 years. He said, 'Look around, this one has been here nearly 60'. There is nothing wrong with it, and it can be refurbished.

14:42:30 The site has had some slight refurbishment over the years, but he said, 'Basically what you see is slapdash maintenance, things are let deteriorate, and that gives them the excuse to move us all out and demolish them'. So there is a fair bit of cynicism, anxiety, disappointment and fear from some of the tenants that I have spoken to. I think, though, the committee should be looking at those particular sites.

Under my paragraph (11) the committee should also look at previous Victorian public housing renewal projects including but not limited to the Kensington, Carlton and Prahran public housing estates which have undergone renewal, and I have mentioned that there has been a Melbourne University paper about the success or otherwise — the pros and cons — of the Carlton public housing estate redevelopment.

Lastly, the 12th point that the committee should consider is best practice models for the provision of public housing from within Australia and overseas. I think that is something that the committee, after having considered everything else, should be looking at. I know there are a large number of different models, including goals for more public housing than 10 per cent, and different ways, for example, of financing them and also different legislative environments that require minimum amounts of public housing and/or other types of community or social affordable housing when there are housing redevelopments of any sort. So I think the committee should be looking at that as well.

I think this is a really important motion. I hope I have outlined why I have structured it the way I have and the reasons for it, and I commend the motion to the house.

**Ms SHING** (Eastern Victoria) — I rise today to speak in relation to the Greens motion as it relates to public housing, and I note the numerous elements of this particular motion and the extent to which they deal with public housing as opposed to social housing.

There is a really important context here that I think warrants some exploration. I would like to take the house through the various components of the motion against what has been done historically, because a really important series of aggregate policies and decisions across various levels of government over many decades have culminated in very, very significant policy and resourcing challenges as our communities continue to grow, again in looking at what we are trying to achieve here as it relates to providing that very important component of Maslow's hierarchy of needs. Essentially we are talking about the capacity for people to feel safe, to have shelter, to participate within their communities, in essence to find dignity through inclusiveness and through contribution in a way that enables them to participate fully in their own day-to-day lives and in the day-to-day lives of others.

You would have to have been living under a rock, perhaps near a lobster, to miss the point about just how dire the levels of housing stress and homelessness have become in the state of Victoria. Not a day goes by where we do not hear about people sleeping rough. The Lord Mayor in fact has done a considerable amount of work discussing this issue in recent days. The numbers of people sleeping rough within the CBD are estimated at around 250 a night. They are not the same people according to the service providers but they are people who do sleep rough in and around the CBD, and that number in fact is reflected and indeed built upon in the inner-urban areas, the suburban areas, the peri-urban areas and, to go to my part of the world, regional Victoria as well.

We have really significant levels of homelessness, and one of the problems and challenges that we have, as much as anything, is collecting data around understanding the extent of the problem, particularly in rural towns, settlements and regional centres where it can be very, very difficult. It can be all but impossible in certain circumstances to understand the depth and reach of homelessness problems and of people who are sleeping rough, because that includes people who may be quite transient in moving from one part of the community to another, and in Gippsland we have more than our fair share of that. We have very significant numbers of people who couch surf and who therefore are not necessarily captured within the data but who absolutely have that need for safety, security and the dignity of a door that can be locked.

There is not a day that has gone by in recent times that we have not also heard about some of the incredibly trying and testing circumstances that people have faced when they have stayed in residential accommodation of whatever variety that has compromised their privacy,



their dignity, their right to self-determination on everything from accessing bathroom facilities through to having somewhere — if they are escaping, for example, a family violence situation — that enables them to spend time with their children other than in a communal area.

We all know that the causes of housing stress and homelessness are many and varied and that in addressing the challenges that are posed by this multifaceted problem we have to in fact provide solutions at every level of community policy-making. We have to and any responsible government has to make sure that we are providing not just the immediacy of accommodation for people in crisis and emergency situations that require it, but the medium and long-term options and opportunities for people who may find themselves on very long waiting lists, who may find themselves through a number of circumstances coming together in situations of underemployment, unemployment, loss of resources and — a term that was coined only in the last 20 years or so — sexually-transmitted debt and the way in which women are disproportionately affected by decisions made within matrimony as affects their legal rights, as affects their asset bases and as affects their general capacity to create and maintain assets and wealth.

Women, also being primary carers in the large majority situations of children, will also often find themselves in a situation where they have to provide for their children at short or no notice, and the extent to which mothers will go to make sure that their children are safe often means that they do not have security or certainty or dignity or privacy themselves, because they would rather put their children ahead of their own interests.

These are social problems that are related to skills, education and training, to access to public transport, to the idea of a fixed address and a way in which we take our domiciliary lives for granted in many cases until such time as they are taken away. We see time and time again the indignity that is compounded when people are not in a position to determine a fixed address, are not in a position to prove identity, are not necessarily in a position to challenge or to fend off infringements or fines that they may accrue as a consequence of sleeping rough. There are so many components to this and, as I said, good, responsible government is required to consider all of them proactively and collaboratively with other levels of government.

We have over 35 000 people on the housing waiting list, and we know this because there is accurate data in relation to the waiting list through the single Victorian Housing Register, and that has been a positive

development. It means that we are moving away from the anecdotal gathering of materials and of evidence around homelessness and around sleeping rough into something that is more consolidated. Having that consolidated list of all housing and homelessness agencies gives us a better picture as a community of the housing crisis that these vulnerable people in our communities face.

We know in particular — and this has received media coverage in recent days, as it should and as it should continue to — that older people in housing crisis are a number one priority group for the purposes of the increases that we will see. The priority list will jump to over 22 000. This, to go back to my opening remarks in relation to underinvestment and cuts, is the long tail of a legacy of underinvestment and the long tail of a legacy of neglect of commitment to public housing from the commonwealth, the ones with the deepest pockets. We then look at that in a contemporary context and see that the continuing pressures and the cuts from the coalition government at a federal level and the cuts that occurred here in Victoria under the former government have compounded these problems and these challenges. They are not necessarily evident straightaway; they have a long tail on them. 14:52:30

We see that in the years to come the waiting lists get longer, the services are compromised and the capacity to gain redress or improvement is reduced, and we have seen also that the Tenants Union of Victoria has in fact suffered a compromise to its commonwealth funding that means that the outreach program will also be compromised as well, again another component which undercuts the dignity that is at the heart and the locus of providing safe, private, dignified accommodation.

In recognising the damage that has been caused there have been a number of really decisive and significant actions taken to date. We have already added more than 1100 social housing properties to the register, and there will be another 600 new properties that come online this coming year through purchasing and leasing programs. As far as investment goes — and it is not just bricks and mortar, it is money as well — there is \$800 million in that investment, and we are preparing for the future through \$2 billion in investment with the Social Housing Growth Fund. In providing this long pipeline of significant funding we will assist more than 19 000 Victorians to access and sustain housing and deliver more than 6000 social housing properties. In building and providing these facilities, these amenities and access to this dignity around social housing, we are moving away from the legacy and the long tail of these decades of neglect in this particular area.

That is not to say that this will be the magic bullet, because it will not be; there is a lot more work to do. It will take sustained effort, as I said, across numerous levels of government. It will take governments of all persuasions to make sure that we do not create further intergenerational gaps into the future. The public housing renewal program is about giving tenants access to safe, secure and affordable accommodation. We need to make sure that certainty, that thriving communities, that recognition and respect and that self-determination are part of what is generated in the new social housing commitments and infrastructure that are being developed. Part of this is about using public land in the public interest to get that very best value, to achieve the best results and to make sure that we increase the number of public and social housing units. It is in fact a smarter way to use public land, and where the financial model is right we can in fact help to unlock the supply of more homes for affordable inner-city living for key workers.

For 30 years now we have been promising to get rid of out-of-date and unsafe concrete walk-ups. Everybody knows them. You cannot escape them. They are on the skyline of just about every turn and every bend on every major road in Melbourne. We are actually doing it. It is about providing more social housing and not less and about working to break down the exclusion and stigma of public housing estates. Building safe and inclusive communities is a key part of achieving this better balance. We have been really honest with tenants about the challenges, however, that are faced in achieving these ends, and there are going to be continuous challenges in the way that this change is effected and implemented, in the way that more stock is allocated as it is brought online and in the way that we do address the existing waiting list and do so in the most appropriate and equitable way that we can.

This government has, however, made a very significant commitment to continue to work side by side with tenants through the Victorian Public Tenants Association, councils and housing associations. The government has in fact signed a pledge with tenants to provide the assurance that the renewal will not result in a reduction in security of tenure, that residents will in fact have the right to return and that rent will be capped at 25 per cent of household income for returning residents. This has to be about more than playing party politics with people's lives. As I said at the beginning of my contribution, the need for secure accommodation is very close to the top of what we as humans prioritise: shelter, safety, engagement, food, water. Housing is a crucial part of this. With housing comes security, comes identity and comes dignity. Making sure that the relocation process includes individualised support to

assist tenants — individualised support that is tailored to what they require — will be a key part of this.

We are acting on what we are hearing during these consultations. In particular the Minister for Housing, Disability and Ageing recently announced more lighting on the Flemington estate, and we are working on a range of other actions that have come out of those consultations — really practical things to improve the everyday lives of the people who are part of those communities to make their lives easier now. We want people to build better communities and to co-design improvements that they wish to see. With that growing list of over 35 000 that I referred to earlier in my contribution we need to act now, and that renewal program I have talked about is not the only way to do this. We need to provide more support to Victorians in housing stress across the board.

The Greens motion refers to the adequacy of a proposed 10 per cent increase in public housing, or 1100 public units, on the redeveloped sites, given the size of the waiting list for public housing. In fact we are looking at a minimum 10 per cent uplift in social housing from each site and mixed communities. We are looking to end unacceptable housing poverty and unacceptable conditions. The amount of public and private housing to be built on each site will be determined by the planning process that is currently underway. We have said that we are looking for that minimum 10 per cent, but it is really important to make sure that that message is not distorted; I say that particularly with reference to paragraph 1 of this motion, which would seem, and I would hope inadvertently, to be connoting that the message is the adequacy of a proposed 10 per cent increase rather than a minimum of 10 per cent.

15:00:00

The second paragraph of the Greens motion relates to the ability to cater for all demographics, including families, couples and singles, with the proposed housing mix. The public housing renewal program will mean that the development of 2500 ageing public housing properties across public housing estates, regional centres and growth corridors is a focus, leading to a transformation to more inclusive mixed communities, encompassing social, affordable and private housing, with increased social housing acting as a long-term bedrock of these new communities. This moves us away from the concrete jungle towers of isolation that have for too long stood to stigmatise, at least in some people's view, the notion of public housing by putting everybody together — lumping everybody into one bucket.

Mixed housing is a way to not only deliver that housing security and certainty but to walk the talk by saying that people in social and public housing are as valuable to the community as people who are in private housing and that it is appropriate, as we walk in our everyday lives, as we work in our everyday lives, to have people around us who are from a variety of different circumstances and backgrounds. Here in the chamber we like to think that we do it. I think we have a long way to go to be as representative as we should be as parliamentarians. That is not to say that responsible government cannot then make all possible endeavours to get the best possible mix of people in our community living together.

Being more inclusive will lead to social benefits around inclusion that go far beyond the security of housing and the housing affordability and stress argument that I talked about earlier as being one of the drivers behind these changes. This requires a partnership-based approach — having community housing along with the government sector and the private sector working together, whether it is through the development process, through ongoing maintenance or through the way in which programs, services and infrastructure are delivered in our communities. This is about co-design wherever possible, it is about ongoing engagement and consultation and it is about dignity, which is at the very heart of it all.

What I am concerned about is that the Greens motion does not recognise or adequately value the role that social housing providers play in creating these communities. What I am concerned about is the fact that a motion like this one is very easy to bring before the house; however, we need to make sure that we take account of more than simply the context of the motion and look more broadly at the drivers, the challenges and the opportunities that present in improving social housing and improving community participation across the board.

The third paragraph of the motion is about the effects on current public housing tenants, including whether they will be moved to accommodation that is secure, stable and fit for purpose; whether they will be moved to accommodation that is close to existing social support networks, educational, health and welfare services; and whether current tenants will be able to return to the estates. As I mentioned earlier the government signed a pledge with tenants to provide the assurance that renewal will not result in a reduction in security of tenure, that residents will have the right to return and rent will be capped at 25 per cent of household income for returning residents. As I said earlier this has to be about more than politics. The

relocation process has to be done in consultation with, in partnership with and through engagement with the people who will be directly affected. Retaining bonds with the local community and being close to existing employment services and training is a crucial part of this. We will meet the costs associated with relocation for these tenants.

Working alongside tenants and the Victorian Public Tenants Association will also enable the inclusion of visions for their homes and their estates. This is not simply about taking up an opportunity — a cheap shot to spread fear among public housing tenants.

The fourth paragraph of the motion refers to the allocation of parts of the sites to the proposed new private housing units on designs made public. The amount of public and private housing to be built on each site will be determined by the planning process that is underway now. What we see from this motion is an attempt at scaremongering by bringing up issues of density or private housing to cover for a lack of support that they hold for new social housing across the board.

The fifth paragraph of the motion relates to a lack of public condition assessments on the estates or alternative options, such as refurbishment of all or part of the existing housing units. Let me be really clear: these housing estates have been talked about for 40 years. As more sites are talked about, more come online as needing renewal. What we need is action to begin getting on with updating, upgrading and improving not just the housing itself but the access to infrastructure, programs, services and dignity across the board, not just for current tenants but for future tenants as well and not just for those people on that list of 35 000 but for the people who will come onto the list in coming years and decades. This has to be a medium to long-term plan that takes account of the enormous growth in population that we will see in the coming decades. With an additional 4.6 million people estimated to be within Victoria's borders by 2050, whether born here or coming here from elsewhere, we need to take account of the impact that this will have across every single facet of public policy and lawmaking, and public and social housing is no exception to this.

I am going to continue talking about paragraph (5) — the lack of public condition assessments — and the way in which people have for too long accepted the status quo as being something that could never or would never change. The discussion we heard earlier related to rebuilding and renewal of estates, and there was the argument that renovations could take place for places that are not fit for housing in 2017, with no funded

plans. It is all very well to talk about, as we have done for the last 40 years, the importance of doing something, about the levels of amenity, about ventilation, about maintenance, about temperature control, about insulation, about the way in which security is maintained in and around these areas, but we are well past due to get to the point where action is taken.

The sixth paragraph is about the proposed significant increase in density and heights, loss of open space and mature vegetation, and other local environmental impacts of the proposed public housing developments. Growth in social housing is something that we need to accept as part of future growth in general. Making these Trojan horse arguments around density does not do anything to advance the discussion. It comes down to how we build stronger communities. It comes down to how we create better diversity. It comes down to challenging and dismantling the poverty and disadvantage that public housing tenants face.

There will perhaps be people reading or listening to this debate who have never set foot on a public housing estate. I can assure you: these places are a mix of the very best and the most challenging that you could ever wish to see in accommodation. There are signs that people go to the greatest extent that they can to make their homes and the environments around them as welcoming, as inviting and as inclusive as possible. These estates have some of the most extraordinary stories within them — generations, families, traditions, history. The sorts of things that make up any community are thriving and alive and well on these estates, but the environments do not match the vigour, the determination, the pride, the resourcefulness and the tight-knit nature of the people who live there, and that needs to change.

15:10:00 We also see that with ageing populations and changes to the demographic, security is important, disability access is important, better facilities and resources for families are important and better design of open space is important. These are all things that need to happen necessarily through effective co-design and engagement with communities, with councils and across various levels of government.

The removal of planning controls from local councils is the seventh point, along with the proposed loss of third-party appeal rights. On these particular elements of the motion we are working with every local council, and that requires us to welcome civic leaders and the people they represent and the communities of which they are part to take part in and contribute to a renewal of the conversation around these run-down housing

estates and making sure that we get positive outcomes for these communities.

The ninth point of the motion reads:

- (9) the transparency and genuine community consultation with affected residents, neighbouring communities and the broader Victorian community regarding the short, medium and long-term implications of the ... model as currently proposed ...

We know that these renewal projects are significant periods of change. It is not rocket science; any period of change that relates to the relocation of everything that you have had around you in your immediate domestic physical environment is going to be challenging. That is why in addition to promising to increase social housing units by a minimum of 10 per cent — not 10 per cent, but a minimum of 10 per cent — we have pledged to current tenants that there will not be a reduction in security of tenure, that there will be a right to return to a new home, that rent will be capped at 25 per cent of household income for returning residents as per current arrangements, that retention of bonds will occur for the local community as an undertaking, that housing will be close to employment services and training, and that costs will be met that are associated with relocations that are caused as a consequence of this. Again this requires us to work very closely with the Victorian Public Tenants Association to include their visions for their homes and their estates.

Again it is important not to spread fear or misinformation, because these are the things that get in the way of mature debate and discussion and collaboration around achieving long-term ends that assist the people in our community who deserve proper representation and consideration in the way in which public policy is delivered.

The 10th element of the motion refers to:

- (10) public housing estates where similar models are envisaged or underway, including —
  - (a) Markham Avenue, Ashburton;
  - (b) Koolkuna Lane, Hampton; and
  - (c) the corner of Stokes Street and Penola Street, Preston ...

and the 11th component reads:

- (11) previous Victorian public housing renewal projects, including but not limited to the Kensington, Carlton and Prahran public housing estates ...

Further, the 12th component of the motion reads:

- (12) best practice models for the provision of public housing from within Australia and overseas ...

It is telling that we see this confected outrage about the way in which public housing policy is developed and about the way in which decisions are being taken from parties which have never in fact delivered substantive reforms to this part of the community over 40 years. We have seen people, as I indicated earlier, talk ad nauseam, and people listening to me now might think that in fact that is a little rich, but there has been so much talk. There has been so much talk about changing the public estate and about changing the way in which public and social housing is managed in Victoria, but no-one has done anything on a large or significant scale in an accountable way that allows for people to in fact get the improvement in amenity over time that continues to improve.

Let us compare the record with the previous government. The Royal Commission into Family Violence outlined the previous government's \$330 million cut to housing. Investments in acquisitions and renewal fell from \$462.8 million in 2009–10 to \$131 million in 2014–15, and where were the Greens then? The \$799 million increase in funding by this government since March 2016 means that we have almost doubled the amount of new funding that the Liberal government cut out across four years of its slashing of resources for housing and homelessness. We would be really happy to test our commitment — our demonstrated commitment, not some aspirational set of objectives that can be put on the record by those who will never in fact have to fund them — but let us include in the debate the best practice models contained within the broader *Homes for Victorians* framework and what that brings.

Included in the Australian-first \$1 billion Social Housing Growth Fund there will be an additional 2200 homes in four years. The \$1 billion loan guarantee, the \$100 million loan facility and 4000 management transfers will help build even more homes. This is the action that needs to be taken. This is more than the sum of the talk that has occurred to no avail in the last 40 years. This is substantive change that will make a difference to the everyday lives of those in our communities.

It is disappointing that I hear and see the people sitting on the Greens benches laughing at this, because they have never actually had to deliver anything. They have never had to deliver any improvements at all, because they have never been responsible for anything. Rather than engaging in gratuitous grandstanding and

scaremongering, as this has been about, we are trying to work in good faith with communities and with public housing tenants. We are in a position to do so because of not just our commitment to work with people but the fact that we have walked the talk, the fact that the funding has been allocated, the fact that the engagement is continuing and the fact that this is part of changing things for the better over the long term. This is not because of anything that the Greens may wish to take credit for.

We are renewing and growing our public and social housing stock. We are including in this the four-storey blocks that have no lifts. Again I go to the disability access point. Again I go to the point of young mums having to take strollers up and down multiple flights of stairs. Again I am talking about areas which have not been safely designed and which have not actually given people an environment which makes them feel secure when they are coming home at night in the cold or when they are leaving in the morning when it is still dark.

Making sure that we do this properly is key to creating a policy framework to help people to find and stay in affordable housing, helping people to be included and helping to reduce and address disadvantage. We have in essence demonstrated, through the allocation of funding, that there is a transformation in process to provide more inclusive, mixed communities, to provide better social, affordable and private housing together and to provide partnerships to make sure that this is maintained. 15:17:30

Making sure that we grow and renew public housing in Ashburton, Preston, Flemington, Prahran, Ascot Vale, North Melbourne, Brunswick, Northcote, Clifton Hill, Heidelberg West, Hawthorn and Brighton is crucial. That is what we are doing. We are looking for a minimum 10 per cent uplift. For example, in Preston we are rebuilding with 68 units on site over four levels, and finally Darebin council has approved it rather than continuing to waste time and money on lawyers at VCAT.

We know that renewal projects are significant projects for public housing tenants, so we are making sure that they are partners in the conversation, making sure that the public housing renewal program builds on the investment and support in the *Homes for Victorians* project and the Social Housing Growth Fund. On this basis, the way in which the motion has been drafted suggests that in fact the government has been idle or has been left wanting in relation to the work it is doing in social and public housing. For the reasons that I have outlined, this is not the case. For the reasons that I have

outlined, this government has made up for the shortfalls of previous governments, has made up for the shortfall from the commonwealth coalition, has made up for the neglect and has made up for the fact that these estates have been a blight in the perception of too many politicians for too long. Now things are changing.

There is a \$25 million expression of interest process for community sector proposals for new accommodation for the homeless as well and which will also build new crisis and supported housing options. This builds on our last budget's \$25 million fund invested in projects such as the McAuley House Footscray development and VincentCare's Ozanam House, a remarkable facility that provides so much assistance to those in need.

Tony Nicholson, the executive director of the Brotherhood of St Laurence, has been appointed to chair the strategy on responding to rough sleeping in Victoria as well. To get back to my remarks made in the initial part of my contribution, this is an important part of making sure that we get further outcomes to work with our housing and homelessness sector partners, using the best evidence available over time. The register is a big part of that.

The \$49 million we have invested in the private rental access program over the last two budgets for rental brokers across the state to support people accessing private rental housing will also make a difference, reducing the likelihood of failed tenancies and consequent homelessness. The precarious nature of the means by which people make their rent from month to month will in fact have redress through this particular access program. Rental brokers are working in every part of the state, and they are equipped with flexible funding, such as rent in advance or rent arrears, and an aim to develop relationships with local real estate agents, because it is on the ground that these things occur. It is in our towns and our regional centres, in our settlements and in places where otherwise it would be too easy not to notice. That work on the ground with the private sector, with councils and in partnerships is crucial to achieving these long-term improvements.

Family violence, as I indicated earlier in my contribution, is another cause of homelessness for women in Australia. Providing stable and secure accommodation for victims and survivors of family violence is really key to making sure that they can get on with their lives. Our package of \$1.9 billion to end family violence is a crucial part of this, as it relates to homelessness and to housing stress. We are building on this investment in housing and homelessness support with the funding of an additional \$133 million towards the redevelopment of family violence refuges to the

core and cluster model, extra long-term housing and an expansion of our really successful head leasing program. This investment goes toward acquitting a number of the recommendations from the family violence royal commission as they relate to secure housing for family violence victims.

The bottom line is that those opposite, including the Greens, who are proposing this motion, do not in fact want more social housing built. They are opposing growth in not-for-profit social housing and increased density, whilst also simultaneously pretending to be supporters of social housing. The Greens oppose the rebuilding and renewal of estates, and they argue for renovations. The Liberals and Greens at a local level are all too happy to spread fear, misinformation and misunderstanding to those who in fact deserve accurate information, deserve proper advocacy and deserve outcomes that make a material difference to their lives.

We need to make sure that we do not lose sight of what we are trying to achieve in the long term. That also involves holding Canberra to account. Looking at the coalition government that currently sits in Canberra, in 2015 the Productivity Commission issued a report on government services that revealed that the federal government had made a \$470 million cut when its cuts were added in. Meanwhile, the federal Liberal government drives social housing demand. In fact it is pursuing cuts to welfare. There is no new funding for housing and homelessness, only really vague and amorphous plans — these parenthoods statements that amount to nothing. The federal government abolished the ministerial council on housing and homelessness and the Prime Minister's Council on Homelessness. It is winding down the national rental affordability scheme, and it has inadequately funded commonwealth rent assistance, which has not kept pace with the rising costs of living. We all know that the rising costs of living and financial pressure and stress are key not just to housing affordability but to being able to make ends meet month to month.

Homelessness and housing across Australia is an enormous problem. What we are doing at a state level is calling continuously for a national partnership to address homelessness and to include a long-term plan and agreement on how we can proactively, meaningfully and practically help people in need. It is about achieving better outcomes for people right across the nation, because with the ebbs and flows of economic success and failure, when commodities markets boom and then bust, when housing affordability is out of the reach of most and when we have seen the lowest wages growth on record, we are in fact seeing the squeeze from every different angle that

means that we will see a corresponding increase in the demand for social and public housing.

The commonwealth government was dragged kicking and screaming just this year to a transitional agreement. This transitional agreement does not provide any certainty to the homelessness support service providers who do that really vital work on the ground that I was talking about earlier, to get people off the streets and to help them to rebuild their lives.

We have in fact received significant recognition from the Victorian Public Tenants Association around budget spending on public housing. As I indicated earlier, there is \$36 million for the Flemington estate redevelopment, \$26 million for the high-rise upgrade, \$48 million for long-term housing, \$23 million for the Markham estate redevelopment and \$185 million for the public housing renewal project. Making sure that we have that shared commitment, making sure that future governments do not simply see this as all too easy to cast aside when they find themselves in government, is the key to making sure that all parties represented in this chamber walk the walk and do not simply make up rhetoric that says that they are all about effecting change, without delivering any of it.

On that basis, the government will not be supporting the motion as it has been put by the Greens today. The principles are not without merit, as I have just indicated. The principles around improvement, collaboration, partnership and engagement over time are in fact necessary and crucial parts of giving people dignity in security of housing and in making sure that people in social and public housing and their children and future generations have access to that dignity. However, the wording of the motion itself is flawed for the reasons that I have outlined, and we will not be supporting it.

15:27:30 **Ms FITZHERBERT** (Southern Metropolitan) — I expect to get nothing short of a standing ovation from the chamber when I say I am going to speak very briefly on this motion, which is —

**Ms Shing** interjected.

**Ms FITZHERBERT** — I am very conscious that there is a lot of opposition business to get through today, and I am not going to deprive my colleagues from getting to their work.

The motion has been spoken to extensively by its mover, Ms Pennicuik. The opposition supports the reference, and I am pleased to speak on behalf of the opposition and also in my capacity as chair of the committee that will be considering this reference. I do not propose to reiterate the record of the previous

government on social housing, because I do not see that as achieving anything constructive at this stage of the debate. But I would simply make this point: over the last 18 years the Labor Party has been in office for all but four of them, so if it looks at the state of public housing and social housing and does not like what it sees, it has been in the driving seat for the vast majority of recent years and it has had more than enough opportunities to do something constructive about it. Rather than having a go at the Greens for not being in control and not doing anything about it, it could perhaps acknowledge reality and its own role in getting us to the point that we are currently at.

The thing about this issue is that there is intense interest and concern in the community about current policy. I see this through my own electorate office where I get regular contact, emails and phone calls regarding issues to do with public housing. These range from issues on behalf of individuals through to community-based issues, if I might put it that way, where people have concerns about a particular development. As I look at the motion in the terms that it has been presented, I note that many of these concerns relate to policy principles such as planning, whereas others relate to specific policy applications. In particular I have had numerous approaches regarding the New Street, Brighton, public housing redevelopment plan, which was referred to by Ms Pennicuik. In terms of the development proposed, it is a very significant change. It is taking a four-storey development and making it nine storeys. When I look at the matters that have been raised in great detail by residents who have concerns about that particular development, many of them speak directly to the terms of reference in the amendment. They have referenced — and this is in no particular order — the impact on the extensive public housing waiting list, the issues to do with building heights and density, the role of the planning minister in relation to these developments, the impact on local planning laws and the impact in this instance on current residents of the New Street, Brighton, development and how they are intended to be contending with very significant changes to their homes.

I am not going to go one by one through the various parts of this motion. That has already been done, nearly twice. I note that Ms Pennicuik did not do that, but Ms Shing went through it in enormous detail. I draw out in particular point 7:

the removal of planning controls from local councils, and planning implications surrounding communities including existing neighbourhood character, traffic flow and provision of services ...

In point 10 I note that there are several specific models identified and the Markham Avenue development is one that Ms Pennicuik spoke about in detail. I understand the member for Burwood obtained documents under FOI concerning that development, and in the words of the developers they were contemplating what they called 'super profits'. I want to make it clear that there is nothing wrong with making a profit per se, but in the context of this area of public policy it is about good outcomes, not about something that is completely profit driven. This is something that I think warrants examination and indeed raises concerns.

There have been a number of comments made about the veracity of people's commitments to this particular area of policy. I do not want to engage in a tit for tat, and indeed I was not going to make any comment on this except that I sat for half an hour listening to a range of comments about how much people cared and whether they had a genuine interest in public housing. There were also references to people running scare campaigns. I have had a number of reports to me over the last couple of years about the member for Albert Park in the Assembly and how he interacts with local public housing tenants. I have been told by those tenants, whom I meet with regularly, and whose homes I have visited, that it is his practice to run a free barbecue at the public housing estates in Albert Park and to invite tenants along and then tell them that the evil Liberals want to kick them out of their homes. That has not been in any way our policy. I have seen the notices for these meetings and I have heard witness accounts from people who have attended. I think that operating in that sort of way, in the words of the woman who first told me about this and showed me the notice, is simply grubby. If we are going to be throwing around insults about people's commitment to public housing and people running scare campaigns, I want to place on record how unacceptable I think that practice is.

I understand that the government has some concerns about the make-up of this particular motion, and has concerns in particular about the reporting date, which is to be 20 March 2018, and wants to bring that forward. I just want to place on record that the committee is quite loaded up at the moment. It has a couple of reports that need to be delivered before the end of the year. I think one of those is going to be running late. There is still a lot of work to be done by the committee but also by those parliamentary officers who have been supporting us so professionally and so helpfully. There is no formal suggestion that we should change the reporting date and bring it forward, but I want to place on record that I would see 20 March as being the earliest that we

could be delivering on what really is, on the basis of this, quite a significant review and one that I think will attract a fair bit of public interest and people who want to participate.

There are a range of issues worthy of consideration that are expressed through this motion. They are expressed to me regularly by members of the community around my office in Port Melbourne, which has a very large public housing community. I am looking forward to hearing what people have to say, to sifting through the issues and to making a constructive response.

**Ms PENNICUIK** (Southern Metropolitan) — I would like to thank Ms Shing and Ms Fitzherbert for their contributions to the debate on this motion. I would also like to take the opportunity to thank groups such as the Ashburton Residents Action Group and the North Brighton Residents Action Group for the work that they have done in advocating on behalf of their local communities about in particular the Markham estate and the New Street, Brighton, estate. 15:35:00

I raise that just to follow on from what Ms Fitzherbert said regarding Ms Shing's reference to scare campaigns being run. In fact the concerns about these particular sites are actually coming from the community members. In the cases of Ashburton and New Street I know for a fact, having spoken to all those people, that as well as the concerns Ms Fitzherbert mentioned they are concerned about the need for more public housing. They want to see more public housing on these sites. Their number one concern is that the sites are only proposed to be 10 per cent public housing. They want to see a lot more. They know there are 35 000 applicants for public housing. They are very aware of it. These concerns are actually coming from the community and from the local councils as well, who are being shut out.

I can agree with a lot of the things Ms Shing had to say about the crisis et cetera in housing and the lack of action by the commonwealth over the years in terms of public housing, but I do not agree with her saying that this is about politics. It is about an issue. In fact the motion has been drafted very carefully to be about a particular public housing renewal program and the implications of that. In particular when you dispose of that public land to the private sector — as Ms Fitzherbert said, not everything should be about super profits — this will be about private developers making profits from public land, not from land they have purchased themselves, which is a completely different scenario, but public land. When we have got such a public housing crisis, where will new sites for



public housing be found once those sites are used up for private housing?

In the interests of moving on to the other business that is ahead of us and allowing time to go through that, I thank those who spoke on the motion, and I thank the opposition for its support of the motion.

# **House divided on motion:**

## *Ayes, 23*

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

## *Noes, 17*

Bourman, Mr	Mulino, Mr
Dalidakis, Mr	Pulford, Ms
Eideh, Mr	Purcell, Mr
Elasmar, Mr	Shing, Ms
Gepp, Mr ( <i>Teller</i> )	Somyurek, Mr
Jennings, Mr	Symes, Ms
Leane, Mr ( <i>Teller</i> )	Tierney, Ms
Melhem, Mr	Young, Mr
Mikakos, Ms	

# **Motion agreed to.**

15:45:00

## **PRODUCTION OF DOCUMENTS**

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — I move:

That —

- (1) in accordance with standing order 11.01, this house requires the Leader of the Government to table in the Council by 12 noon on Monday, 4 September 2017, the following documents relating to the Attorney-General's decision not to make a reference pursuant to section 327 of the Criminal Procedure Act 2009 in relation to the conviction of Jason Roberts —
  - (a) all legal advice relied upon by the Attorney-General in making the decision;
  - (b) all briefs within the Department of Justice and Regulation or Department of Premier and Cabinet relating to the Roberts case or the Attorney-General's decision;
  - (c) all file notes relating to consultations, meetings, interviews, telephone discussions and other events concerning the review of the Roberts case or the Attorney-General's decision;

- (d) all correspondence concerning the review of the Roberts case or the Attorney-General's decision; and

- (2) any response should conform with standing orders 11.02(3) and 11.03(1)(a).

This documents motion before the house this afternoon is not about Jason Roberts. There is no reason for anyone in the Victorian community to have sympathy for those who are convicted of murdering Victoria Police personnel. People who are convicted of murdering Victorian police are among the worst people we have incarcerated in the Victorian justice system, and when a Victorian police officer is killed in the line of duty it is not just an offence against the individual concerned, it is an offence against the entire Victorian community, because the role that members of Victoria Police play in our society in protecting the Victorian community is a role of great trust and it is a role which requires those individuals to put themselves at risk. It requires them to be courageous. It requires them to take risks on behalf of the Victorian community in their role in protecting the Victorian community. So when those police officers are attacked or those police officers are, as in this case, murdered, it is a heinous crime and it is a crime against the Victorian community as much as it is a crime against the individuals concerned.

This motion about documents is not about the interests of that convicted killer, but it is about the interests of the justice system and the way in which the government is making decisions in the justice system, because the reality is that in relation to this particular matter and the conviction of Roberts for a role in the Silk-Miller murders a further review of that matter was undertaken by no less a person than Ron Iddles, obviously a very highly respected former member of Victoria Police who had a long and distinguished career in criminal investigation prior to, of course, his career at the Police Association Victoria. He has looked at this matter, and he has formed the view that there were some questions that remained open around the conviction of Jason Roberts. That, of course, is not something that should be taken lightly — when you have a person of the background of Ron Iddles raising concerns, not someone who is seen as a supporter of people in the criminal system and not a natural ally to people who are charged by Victoria Police. When concerns are raised it is something of note.

Of course we subsequently saw the Attorney-General make a decision with respect to an application from Roberts around his conviction and the capacity open to the Attorney-General to refer that matter for further deliberation under the Criminal Procedure Act 2009. The public position taken by the government was not to

support that application — not to have that go forward. But what is not clear is whether the Attorney-General's position changed through the course of the matter being considered, whether the evidence that went to the Attorney-General supported such an application, whether the Attorney-General made a decision in supporting the application on the merits of the argument put forward or whether then through political pressure that decision was changed. That is something which is of importance to the Victorian community — to understand whether decisions around processes in the justice system are made on legal merits or whether political elements have been introduced to that decision-making.

So this motion for documents is not about the interests of Jason Roberts; it is about the interests of the Victorian justice system and ensuring that decisions that are made by the Attorney-General are decisions that are made on the merits of the information the Attorney-General has before him and are not subsequently altered on the basis of political considerations. Therefore the coalition believes that the provision of these documents sought under this motion will provide the house and the community with an understanding of what evidence was before the Attorney-General and on what he based his decision and indeed if his decision had changed between an initial decision and the decision which was subsequently communicated publicly.

In making those few comments I again place on record the coalition's belief that anyone involved in attacking our police — in killing our police — is reprehensible, whether that is Jason Roberts or Ned Kelly. It is the same thing, and it is not something for which there will be any sympathy in the Victorian community, nor should there be any sympathy in the Victorian community for people convicted of those crimes. But it is important that we as a Parliament and the Victorian community can have confidence in the way in which the Attorney-General carries out his deliberations on these and similar matters, and the release of these documents should go a long way to shedding light on that matter.

15:52:30 **Mr MULINO** (Eastern Victoria) — This is a very sensitive issue and, as the previous speaker indicated, there are a number of layers to this issue, one of which is the merits of the decision itself and another is the process that has been undertaken. In my contribution I will deal with both of them. I want to spend a little bit of time talking about the case that we are dealing with, and I will also speak a little bit about the process that the government and the Attorney-General in particular have gone through in arriving at a position.

I also though want to speak about the particular sensitivity of this case, and that is where the government is concerned about the way in which this motion has been framed. While the previous speaker flagged that he is not raising this motion in a way so as to protect the interests of Mr Roberts or to put those interests front and centre but rather to look at the way the justice system has operated, we on the government side express some concern about a motion that raises the profile of the issue when the families of the police officers that were slain, who have also suffered as a result of this crime, have said very clearly, 'Enough is enough'.

So we are concerned about the way in which this motion brings this issue back into the political sphere. As much as the previous speaker might offer assurances that this is purely a neutral process-oriented attempt to try to elicit some documents and for those opposite to presumably look through them in a forensic and neutral manner, there is something about a motion of this sort and the very raising of a motion per se that we have concerns about in relation to not dealing with this issue in a manner that is consistent with the wishes of the families of those who have been slain and those who have been very directly involved with these two cases.

I want to start with the facts. This motion is concerned with the petition of mercy made by Mr Jason Roberts, and, as was indicated by the previous speaker, Mr Roberts was convicted on 31 December 2002 of the murders of police officers Sergeant Gary Silk and Senior Constable Rodney Miller. As all in this place would agree, all homicides where there is not a justifiable defence, all homicides where there are not extenuating circumstances, are very concerning acts. In relation to all homicides we would all in this place be very concerned about the victims of crimes, but there is an added dimension when a person is acting in the interests of the community and putting their life at risk. Again, I think that is something that all in this place could agree with. It is worth stating from the outset that we are talking about two murders that have that added dimension, and that is part of the reason why these cases generated so much community interest.

It is also worth saying that the co-accused of Mr Jason Roberts, Bandali Debs, was also convicted of these murders. The murders of Sergeant Silk and Senior Constable Miller, which occurred in August 1998, were clearly a tragic loss for their families and friends, for Victoria Police and for the broader community. That is why there has been so much interest in these cases throughout the community, and obviously a lot of that has focused on the particular loss for families and friends.

As a result of the convictions of the two co-accused, Mr Roberts and Mr Debs were both sentenced to life imprisonment. Mr Roberts was given a 35-year non-parole period while no non-parole period was fixed for Mr Debs. At his trial Mr Roberts denied all knowledge of the murders and any involvement in a number of armed robberies with Mr Debs, which the prosecution alleged in the lead-up to the killings.

Mr Roberts subsequently appealed his conviction and sentence to the Court of Appeal. His grounds of appeal involved procedural issues in the trial including the trial judge's refusal of his application for a separate trial and in addition the admissibility of various pieces of evidence and certain directions to the jury. Importantly, his appeal was dismissed by the Court of Appeal in April 2005. Mr Roberts then sought special leave to appeal to the High Court and the High Court dismissed his application for leave. So it is important for this place to note that Mr Roberts has exhausted his appeals process through the Court of Appeal and indeed seeking special leave to appeal to the High Court. So that process of appeal was taken advantage of by Mr Roberts and he was not successful in that. That is the key context in terms of the specific case that we are talking about.

I also by way of context want to talk about petitions for mercy. Under section 327 of the Criminal Procedure Act 2009 if a person convicted on indictment or found unfit to stand trial or found not guilty because of mental impairment petitions for the exercise of Her Majesty's mercy in relation to the conviction or finding, the Attorney-General may refer the whole case to the Court of Appeal, or may refer any point arising in the case to the judges of the trial division of the Supreme Court for their opinion.

This power is granted to the Attorney-General and does not need to be exercised by the Governor as is the case with the general operation of the prerogative of mercy. If the Attorney-General refers the case to the Court of Appeal, the court hears the case as if it were an appeal. The appeal may relate to conviction or to sentence. The court may quash the conviction, order a retrial or impose new sentence.

16:00:00 In relation to this particular provision it is also worth noting that referrals to the Court of Appeal by the Attorney-General are rare. We have some context there in relation to the manner in which that particular petition for mercy is applied in practice under the law as it currently stands.

This is a rare procedure, and it is clearly one which any Attorney-General would take great care in exercising. It

goes without saying that all petitions for mercy are matters worthy of deep and conscientious consideration by attorneys-general, and I can say for the record, very clearly, this is precisely how the Attorney-General treated Mr Roberts's petition. In the case of Mr Roberts's petition he sought that his conviction be referred to the Court of Appeal for review. That was clearly a very serious matter and one that the Attorney-General took great care with. Mr Roberts was convicted of murder in the Supreme Court. He unsuccessfully appealed that conviction in the Court of Appeal, and the High Court refused to grant him leave to further appeal. I think it is worth stressing that the justice system has already entertained Mr Roberts's defence on three separate occasions. The petition that Mr Roberts provided to the Attorney-General was provided along with advice, as well as submissions from a number of sources.

We are not talking about a situation whereby the Attorney-General has made a decision lightly. We are not talking about a situation whereby the Attorney-General made a decision as the first-time decision-maker. Indeed the Attorney-General made his decision following on from the highest courts having considered this on multiple occasions. It is important, too, to stress that. The Attorney-General has indicated that following on from this earlier consideration in a range of courts, including appellate courts and indeed the High Court, he considered a wide range of advice and additional submissions. It was not until the Attorney-General had received all of the information he required that he made his decision on this matter.

Because of the nature of the provision, under section 327 of the Criminal Procedure Act the question of accepting the petition or not was within sole discretion of the Attorney-General. I think it is worth stressing again that in practice — and it is intended to be — this is a source of appeal or a source whereby people can challenge decisions that is used very rarely. Indeed that is the case; it is used very rarely, and that is appropriate. The way that it operates is that the Attorney-General uses sources, as appropriate, to inform her or his decision in deciding whether to accept a petition under section 327 or not. That decision is also based upon, as I said, the findings of earlier courts. We are talking about extensive consideration of these matters by multiple levels of courts before it reached the Attorney-General, so by the time we get to the exercise of the Attorney-General's discretion, we are talking about a process that has already gone through many steps. Having carefully considered all of the submissions that were provided to him and all of the advice that the Attorney-General had in his possession,

the Attorney-General's view was that the matter ought not to be referred to the Court of Appeal.

As I said before, it is important that we note that this is a matter that has generated a great deal of interest in the community over a long period of time. The multiple layers of court consideration of this have all generated a great deal of media interest, as is appropriate. It is appropriate that our justice system is examined closely by our community and by the media and that it is held to account, but we cannot ignore the incredible toll this would have taken on the victims of this crime, the victims' families, the victims' friends and indeed the police community more generally.

For a case like this, is it appropriate to bring this back into the political realm? Is it appropriate to bring this back into a chamber of Parliament for consideration via a motion, for a debate as to which documents are appropriate to come into the public realm or not? Presumably the opposition will want to dissect these documents and then examine whether or not they feel the Attorney-General had the appropriate documentation at his hands in the exercise of his discretion. Presumably, if the opposition feel that the suite of documents that the Attorney-General had at his disposal was not appropriate, then they are reserving the right to relitigate this case in the media and to call into question his exercise of the discretion. I really feel that in a case that has gone through all these layers of appeal we have to ask ourselves, do we listen to the victims of crime, in this case the families? Do we listen to the police community, who are saying enough is enough?

The opposition often claims to be the party that stands up for the victims of crime. I am not outright claiming that this is some kind of disingenuous grandstanding, but one has to raise the question when the victims of this crime have so clearly said on a number of occasions, and very recently in the media, enough is enough. What point is being served in the opposition going through a very public exercise in seeking documents and trawling through documents? Presumably the purpose of this is for them to then start second-guessing the Attorney-General and, one can only imagine, seeking to mount an argument in the public sphere that under his discretion the Attorney-General should have referred this case back to the Court of Appeal.

In that context it is, I think, a motion that one has to treat very carefully. It is all well and good in this place to talk about transparency and talk about the importance of the provision of documents. We do that often, especially on the Wednesday of each sitting

week. We talk about this document being appropriate or that document being appropriate for consideration of the Council. By and large I am very strongly in agreement with more transparency.

I think over time governments have been getting better at providing documents to the Parliament and to the Legislative Council. But in this case one has to look at this motion in the broader context of this particular case and the sensitivities arising from it and ask: is this the appropriate way to deal with a discretion exercised after multiple layers of appeal? It is a discretion exercised after the Attorney-General has very clearly indicated that his decision was based upon extensive consideration of material following on from all of those cases and appeals to them, and we are talking about a section in relation to petitions that is intended to be used, and in practice is used, very rarely. 16:10:00

Again I think all of us in this place support what the police do for our community. We on this side in this term have put in a significant amount of funding and resources towards providing additional police. We have seen the relationship with police and their representative bodies as one of our key relationships in the justice sphere and one of our key relationships in the community. The sensitivity with which I think we need to treat this case arises from that. When you look at the way in which we have treated police in our broader approach to justice, you will see a great deal of sensitivity to their interests. As I said, I think there is also particular relevance here in relation to victims of crime. We do need to be particularly sensitive where cases have generated very significant public attention. This is one in which that is clearly the case. It has been raked over by the media for two decades now. It is in that context that the people involved are clearly indicating that they are not interested in more and more layers of procedure.

There are so many other ways in which the opposition could have approached this issue. Undoubtedly they could have approached the Attorney-General to discuss the handling of that discretion at first instance. They undoubtedly could have approached the way in which this discretion was exercised in a low-profile manner, rather than moving a motion in a chamber of the Parliament; this is clearly being done in a way that is very high-profile. Again I think in relation to many issues, that is entirely appropriate, because this chamber is exactly the appropriate place in which to hold the government of the day to account on, for example, the production of documents in relation to very contentious public policy matters. Those are the kinds of debates we frequently have on Wednesdays in this place.

These kinds of documents motions, which generate a whole lot of noise and a whole lot of fury in relation to planning matters or public infrastructure matters, and the kinds of debate they generate are not appropriate for this kind of matter. I did not get any indication from those opposite that there was any attempt to gather information or to discuss this issue in any way before this motion was raised. I think that is a serious matter, particularly given the sensitivities involved. I do not think any of us would begrudge those opposite raising a motion of this sort if it came to a contentious public policy matter. We find that is the case every Wednesday, and I look forward to my participation in those kinds of debates on Wednesdays. Quite often I am fortunate to get allocated a speaking position on such motions, but on this one I think it is different.

As I have said I really think it is important to stress that there are other considerations at play. Any of us could google this story and find a slew of media articles even recently, with family members and other people involved in this saying, 'Please end all this media coverage; please end the endless process'. For us to simply sidestep the context in relation to this matter and for those opposite to not take that into account I think is disrespectful of the way this case has been handled over a very long period of time. Yes, we can talk about the justice system — we can talk about transparency in the justice system. As I said there are so many layers that have been gone through here — the trial itself, the appeals — many, many layers of decision-making. There has been an extreme amount of transparency right the way through. So I think in that context we have got to wonder whether this is the right way to approach it.

The final point that I would raise in this context is that yet again in relation to a documents motion from those opposite we have a tendency to err on the side of what can only be described as fishing expeditions, where at times one has to call into question whether one is genuinely seeing an attempt to look at the merits of the issue or whether there is an attempt to grab every single document created in relation to an issue without necessarily having any clue as to what might be there — the notion that the government is going to be asked for all file notes in relation to all consultations, all meetings, all interviews and all correspondence.

16:17:30 There is an irony to documents motions coming from those opposite that are so broad when they themselves gave nothing. This is the interesting point when it comes to documents motions. They have spent so much of this term sanctimoniously lecturing us on releasing documents when their own performance was so poor. I do not mind getting lectured to by somebody if I feel

like they are actually in a position to do so. I do not love it, but I am willing to accept it, but what I find particularly galling is when I am repeatedly lectured to by people who have actually no leg to stand on.

**Mr Ondarchie** interjected.

**Mr MULINO** — On the irony of interjections coming from the far corner, I do not even know where to start. Many of those opposite on the front bench were frontbenchers in government.

**Mr Ondarchie** interjected.

**Mr MULINO** — You were not and you will not be, so do not worry. There are plenty of those opposite who when they were in government had frankly an appalling record when it came to disclosure, and I think there would be a lot more credibility to these disclosure motions if they did not come in as multipart, half-page fishing expeditions where they seek absolutely every shred of documentation and notepaper ever created. I think if this is really about transparency — as I said, we have got to ask questions in this chamber about how we continue to move towards more transparency — this kind of motion is not the right way, especially coming from those opposite.

**Mr Ondarchie** interjected.

**Mr MULINO** — The point that I am making, Mr Ondarchie, is that I support transparency, but you opposite need to take into account the particulars of each matter, and in this case there are particular sensitivities.

**Mr Ondarchie** — You want to have a bet each way. Is that what you're saying?

**Mr MULINO** — No, no. You claim it is having a bet each way. I claim it is qualifying a principal, which is a different matter. One involves inconsistency; one involves subtlety. So I do not see it as having a bet each way. You live in a world of — I was going to say black and white, but I might say it is just one of those two. I live in a world —

**Mrs Peulich** — Are you being racist?

**Mr MULINO** — No, not that. Of course not. I live in a world where —

**Mr Jennings** — Let me make it easy for you. I live in a world of grey.

**Mr MULINO** — Yes. I take up the interjection. I live in a multicoloured world of complication and confusion, but what I would say in all seriousness on

this matter is that as a general principle we all agree in this place that we need to move towards greater transparency. As I said, I think that is the longer term trend across all stripes of government, and I think if one looks at the way government operates in this jurisdiction and other Australian jurisdictions over recent decades, that has been the trend.

I can go back to my time at law school, when administrative law was in its infancy, and I think governments have become a great deal more transparent in all sorts of areas, whether it be document production, whether it be explaining decision-making — all sorts of areas — and that is a good thing. So I do want to stress that as a general point I agree with greater transparency, but the two qualifications that I want to leave with this chamber after this contribution are, firstly, that I do not think fishing expedition motions are particularly constructive. This has been an issue that has come up time and time again, and if we are going to genuinely move towards more transparency, I think that those seeking documents need to do so in a way that is more focused on the actual issue at hand, rather than motions which in practice not only end up being a gargantuan resource exercise, an extremely resource-intensive exercise in many instances — we have discussed this with other motions — but are also open to credible claims that they are political exercises because they are just seeking all sorts of documents that may or may not have relevance to the issue at hand.

The second issue and the more important one today is that we are talking about an issue here that is extremely sensitive. I think Mr Rich-Phillips did allude to that in his contribution, but I want to make the point that while we can talk about the principle of transparency in government and the justice system I think when we are looking at this particular instance, when we are looking at the case of Mr Roberts and his interests and the fact that he has had every opportunity to appeal his case and he has been refused — he has had his appeals rejected on three occasions — in that context and in the context of a very public examination of this case over almost 20 years and in the context of a case where the families are saying in the media now enough is enough, one has to question the judgement in bringing this issue forward in this manner. That is really the point that I think is the second issue at hand. It is really questioning whether or not a motion in a chamber of the Parliament, especially a wide-ranging motion, is the right way to examine that decision and to engage with the government, when as I mentioned earlier there are so many other ways in which that could have been examined.

I will finish by saying that I think all of us in this place would say that we respect the work that police do, that emergency services do and indeed that many people do, both those within the government sector and often those volunteering in the interests of our community, and that they do so often in a manner that places them at risk. We all respect that, but I do think it is important that in addition to expressing that respect we back that up with supporting those people and supporting the organisations they work in and that that occurs through funding and occurs through respect. It is important that when we examine this motion we take all of those factors into consideration.

**Mr BARBER** (Northern Metropolitan) — Unlike the last speaker, I am not proposing to canvass in some breadth the content of the issue that this motion is based on. I agree with the two previous speakers that this is both a sensitive issue for the individuals involved but also a matter of some considerable public interest and of course quite a crucial issue. The administration of justice and particularly the way the Department of Justice and Regulation and the Attorney-General go about exercising their discretion is of course something that is always going to receive a great deal of scrutiny, and that is as we should expect.

I do not believe that simply by calling for documents which on the face of it seem to be about the way the Attorney-General did his job is necessarily going to contribute in a damaging way to an unnecessary public debate. This is an issue we have seen splashed across the newspapers, and simply asking for documents that were generated in the process of advising the Attorney-General seems to me an appropriate use of the house's power. 16:27:30

The house's power in this area, as we know, arises from one of two, or both, sources. First of all, section 19 of the Constitution Act 1975 says the house has the powers, privileges and immunities of the House of Commons of 1855, and that certainly includes the ability to call for documents and to require persons and other information to be presented to the house. If you want to get into an argument about that one, the second head of power on which the house would expect to be able to ask for documents such as these would be, I think in terms of common law, the reasonable necessity that a house constituted in the way this is and for the purpose for which it was created has the powers necessary to do its job, without which it would cease to function as a body.

What we have got here is a house of review. We have got a part of the legislature whose job it is to scrutinise the executive. It is also the job of the legislature to

make laws, but in the process of making those laws it needs to be able to scrutinise the work of the executive; the two functions are inseparable really. The constitution also provides for the existence of an executive, a smaller subset of the legislature which delivers the day-to-day business of government. So of course it is reasonably necessary that this house would have the power to call for documents and to continue to scrutinise the executive in that way. In fact it would be almost impossible for this house to operate if it had to continually fumble in the dark and make laws without the ability to scrutinise the government.

When you move a motion like this — you might have noticed — suddenly a government speaker wants to come in and almost give an explanation of the matter, the content covered by the documents. Well, it is a bit late for that; we are now asking for documents which themselves will provide the explanation that we are seeking. We do not need the government to rush in and suddenly say, ‘Oh well, if you’re interested, we’ll give you sort of half an explanation’, while at the same time hedging around whether we may or may not be provided with these documents.

If the mover of the motion wants to continue to press this motion, if the government is not going to comply completely with the terms of the motion, then I think there is just one issue that we might have to address, and I will flag it now for later debate, and that is the question of the legal advice relied upon by the Attorney-General in making the decision. I think the mover of the motion would understand that it depends on which of those two world views you operate under. In the first the house does have the power to demand legal advice but, in acting wisely, probably should not require that legal advice. That would be under the statutory importation of powers — the powers, privileges and immunities of the House of Commons.

Alternately, if your source of power is the doctrine of reasonable necessity, I think it is a reasonable necessity for an executive, which is part of the constitution and an important part of the system of government, to obtain legal advice from its advisers. In fact if every time the government went to get a piece of legal advice, perhaps in relation to a court case that it was in, that legal advice was then exposed through the chamber, pretty soon the government — or the executive, to be precise — would not be able to really continue as an entity. Any entity that sometimes does business with the courts or perhaps seeks to get legal advice so as to avoid going to court — a natural person, a corporation or even an executive — needs to be able to get that legal advice and of course expects the advice to be privileged.

It could be under one view that this house has the ability to demand any document from the executive, including the legal advice, but it may not be a wise move for the house to insist on such a document being provided. On the other hand, if this question of the powers of the Legislative Council was ever to be considered by the courts — I certainly had a pretty good go of getting it into the Supreme Court and getting these kinds of questions resolved once and for all — then it could be argued, as others have argued, that confidential legal advice may perhaps be off-limits and may be something the executive needs to keep to itself.

That is not to say that anybody proffering a document that happens to offer a legal opinion is necessarily going to get the shield. It would be easy enough for a bureaucrat to offer some legal advice saying, ‘Well, Minister, we think you should consider this act when you make this decision’, but that is not necessarily legal advice; that is just informing the minister of the situation. But properly constructed legal advice from a legal professional, in-house or external, would fall under the well-understood definition of legal advice, and pretty much anybody who obtains legal advice knows that they need to do that with some confidence that they are having a confidential discussion with their own legal advisers.

If this motion passes the house today — the Greens will certainly be supporting it — we will wait to see what the government’s response is in terms of the documents that they are willing to provide. I certainly hope that is done in a timely fashion. The Attorney-General in making decisions like this is not beyond scrutiny. We certainly should consider why the Attorney-General did not make the reference in this case, and that has already been a matter of public interest and public questioning. We are simply asking for the evidence that might go behind that so that some answers can be provided to the members of this house. When we get that response from the government to the house’s request, we, or perhaps the mover of the motion, will consider further whether that has satisfied the need of the house or whether further motions are required.

**Motion agreed to.**

## PRODUCTION OF DOCUMENTS

16:35:00

**Mr O’DONOHUE** (Eastern Victoria) — By leave, I move:

That —

- (1) in accordance with standing order 11.01, this house requires the Minister for Corrections to table in the

Council by 9.30 a.m. on Thursday, 5 September 2017, a copy of the Office of Correctional Services Review into the Brighton siege; and

- (2) any response should conform with standing orders 11.02(3) and 11.03(1)(a).

I move the motion in amended form and note that the substance of the amendment is to simply change the date for receipt of documents from Thursday, 10 August — that is, tomorrow — to Tuesday, 5 September. I do this simply to reflect the effluxion of time since this motion was moved and to give the government sufficient time to respond to the motion. Having said that, I would have thought that there is actually nothing stopping the government from complying with the initial date.

This motion relates to the review ordered by the Minister for Corrections into the Brighton siege by the Office of Correctional Services Review. As members of the house are aware, the Office of Correctional Services Review is part of the Department of Justice and Regulation, so this is a review of the department by the department. In relation to the review the minister said in this place on 7 June:

I have made this part of a review that I have asked the Office of Correctional Services Review to conduct so that there is full and adequate information in terms of the profile of prisoners in our prison system. I have also asked the review to assess every interaction Corrections Victoria has had with Mr Khayre, both in prison and in the parole system. They will be reporting to me by 30 June this year.

We already have some of the facts around that shocking Brighton siege, including the fact that the perpetrator was able to purchase two weapons, obviously illegally and in breach of his parole conditions. It would appear that the offender was released on parole in breach of measure 13 of the Callinan review, noting that he had set fire to a part of Barwon Prison on 21 February 2015, during the second half of his prison sentence. They are the facts that we have in the public domain, but there are many other facts that are yet to be revealed. Perhaps more importantly it is a matter of significant public interest that the recommendations and findings of the review commissioned by the minister be made public.

I say for the record that this release is subject to security issues associated with this matter. This is clearly a very sensitive topic. The Callinan review, which was commissioned by the previous government, was released into the public domain soon after it was tabled, along with appropriate redactions, including the removal of people's names and information that may have identified individuals. Security issues were redacted as well. But in essence the vast majority of that report was released.

The government may say that they have not had time to analyse the report or its recommendations. I would just simply say that I note the Callinan review was commissioned in May 2013, handed to government in July and released in August. This review was commissioned in early June 2017, it was handed to government in late June and we are now in August. So the government has had this review of the Office of Correctional Services Review for about the same length of time as the previous government had the Callinan review before it released it into the public domain in the interests of transparency. This is a very simple motion calling for the production of the Office of Correctional Services Review into the Brighton siege, with the amended date of 5 September.

**Mr LEANE** (Eastern Metropolitan) — I agree with Mr O'Donohue about the fact that the Brighton siege was a harrowing outcome for an individual and for a family and it should be properly analysed in all its aspects. I appreciate him calling for the public release of this particular review. In time all details that can be released publicly on this issue will be made available.

On the substance of Mr O'Donohue's call for this paperwork, the government has been consistent in delivering on calls for documents from this house, as the Labor Party was consistent when it was in opposition as well as when it was last in government. At least in the time that I have been part of this chamber the Labor Party has been happy to deliver to the house on a call for documents motion any documents that are not covered under cabinet or commercial privilege.

In debate on the previous motion Mr Barber touched on the powers afforded to the Legislative Council to call for documents. These powers are aligned with the Constitution Act 1975, which determines the reference of powers held by the United Kingdom's House of Commons in 1855, subject to any inconsistencies in the act. I think Mr Barber covered that very well. But those powers to call for documents under the Constitution Act are subject to exceptions. That was known as Crown privilege, but it is known as executive privilege here, which we have outlined a number of times. If the government is subject to executive privilege, this is sufficient reason for refusing the production of documents to the house.

I have to say that the previous government called on that privilege quite frequently in refusing to produce documents during its term of office, which was very much in contrast to this government, where documents have been handed over to the house many times and executive privilege has not been called upon. So any reference from the opposition to the government about



withholding paperwork from the house and the public is quite hypocritical when compared to the coalition's own record when it had control of both houses in this Parliament during the last term of government.

16:45:00 The government will not be opposing this particular motion, but we will flag, as we always do, that if executive privilege affords for the government to be able to deliver these documents, then we definitely will.

**Ms PENNICUIK** (Southern Metropolitan) — The Greens will support the motion put forward by Mr O'Donohue. Of course the events being referred to as the Brighton siege in the electorate of Southern Metropolitan Region were very concerning and, I think, are of ongoing concern to the community as to what was behind the events that day and of course the terrible loss of life, injury and trauma suffered by people who were caught up in it. The motion calls for a copy of the report from the Office of Correctional Services Review to be released. I support that not only for the reason I have just mentioned, that being the public interest in the issue and also the public interest — as in, rather than the report just being in the public interest, it is also of interest to the public — but also in terms of the practice of the Office of Correctional Services Review not releasing its reports publicly.

Members who have been here for a long time would recall that I have actually moved in this Parliament that there be established an independent office for the oversight of prisons, which is what the Office of Correctional Services Review does in some conjunction with the Ombudsman, particularly with relation to youth justice. Other jurisdictions have an independent office for the oversight of prisons that is separate from the department of justice or indeed the department of corrections, which is part of the department of justice, so that the oversight of the prison system by an independent office can be seen as separate from the government of the day and truly independent.

For example, in other jurisdictions such offices do have a rolling calendar of reviews of the prison and correctional facilities, and they can also do unannounced visits if they have reason to believe that should be done or if they just feel that doing so is warranted. The reports of those independent authorities are actually public, so that just takes me back to one of the other reasons for supporting this motion, which is that reports by the Office of Correctional Services Review should be public.

**Motion agreed to.**

## STONNINGTON POLICE RESOURCES

**Mr DAVIS** (Southern Metropolitan) — I move:

That, given the 22.4 per cent increase in crime in the City of Stonnington under the Andrews Labor government, the general disorder, attacks and threats to residents and traders in particular in Chapel Street, Greville Street and Toorak Road and the lack of local police resources, this house calls upon the Andrews Labor government in consultation with Victoria Police to —

- (1) act to immediately increase available police resources at the Prahran police station, including the provision of an additional available police car;
- (2) commit to the provision of expanded CCTV capacity in Chapel Street, Greville Street and Toorak Road;
- (3) immediately reopen the police cells at the Prahran police station closed by the current government in June 2015;
- (4) commit to a local policing policy where additional police are available on the beat in Chapel Street, Greville Street and Commercial and Toorak roads and in the surrounding residential streets; and

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

Right across the state we are seeing a significant increase in crime and a significant change in the nature of the crime that we are experiencing. Not only is the crime more sharp and more violent; there is actually a change in the type. We are experiencing more of the carjackings and more of the home invasions than we have traditionally seen. What is important here is that the community is very concerned about this. This is sometimes dismissed as a perception, but the perception that the community has that it is becoming more dangerous and Victoria is becoming more crime ridden is not just a perception. It is a perception based on reality.

In fact the nature of crime has changed. In fact there has been a deterioration in the position of Victoria, unlike in New South Wales, where there has been a decrease in reported crime. Here in Victoria there has been an increase — a significant and sharp increase — and, in the case of the City of Stonnington, a 22.4 per cent increase in the reported crime.

There are a number of key things, and I have reported to this chamber the significant meeting that I attended on Toorak Road with the traders of Toorak Road and the north end of Chapel Street, who are obviously very concerned about the impact of a lot of this crime on their shops, their retail premises and the other business premises in and around those particular areas. The

nearly 50 people in attendance there included, as I have reported to this chamber, in particular two very senior police. As I have reported to this chamber, I think I and the people who were assembled there were very thankful for their time and their frankness. The police in attendance were very clear that they too shared many of the concerns of the traders.

16:52:30 There has been a number of sadly emblematic robberies that have occurred on Toorak Road. The series of jewellery robberies that have occurred of Tony Fialides the jeweller are really frankly very frightening. The community I think understands that this is a change in the nature of the crime that we are experiencing — the gratuitous decision of some of those robbers to go into the shop and to trash it in such a frightening way. The impact on staff is also something that I think the community is very concerned about.

The police made it clear that it was not about just the traders and those immediately next to the traders but actually going back further from Toorak Road to the north and also to the south. They made the point that there was increasingly a series of robberies where people were coming into a house from the back of properties in a home invasion style entry. They pointed to this trend in the specific area. They pointed out that people needed to be quite careful with their properties to make sure that it was more difficult to break into a property from behind in that way. I think the community feel that they know that this is in fact what is occurring.

The police pointed to some of the issues around CCTV and very much put a lot of responsibility back on the traders. I am not denying that traders, home owners and others have got some share in this. This is a shared responsibility for all of us in terms of preventing and managing crime. But it was striking that they were very much putting responsibility back onto the traders, saying, 'You will need to upgrade your CCTV capacity. You will need to get more modern equipment. These are the sorts of steps that you can take'. There is no doubt that that will assist and that many of the traders following that meeting will in fact take those steps. It is clear that along streets like Toorak Road or Chapel Street in fact the CCTV coverage is not complete. There are council areas where I think council has greater responsibility, and I have since that meeting communicated very directly with the council on some of these matters. But importantly it is also a state government responsibility. The state government has got to step in and make sure that there is that stronger CCTV support.

The police also gave very clear messages about carjackings. They said that if you are stopped and you are tapped from behind and somebody gets out you need to be extremely careful. You may well consider closing your doors and not responding but calling the police, if you can, to actually come and attend at the scene.

Concerningly, they pointed to the lack of police resources in this area of Stonnington. They made the point that often both a car in that vicinity and another one in Malvern are out at whatever else the police are legitimately doing, and the area is left without the police support that is required. They made this quite clear. Reading between the lines, you could see very much that the police were distressed about this lack of capacity to respond. I think this is a story that is being heard elsewhere around the state, but my point here today is that these are the facts of what is occurring at Stonnington. One part of this motion calls for the provision of an additional available police car. We actually need to make sure that in the north of Stonnington there is that additional capacity — that in the Prahran area there is enough capacity to respond.

I want to also say something importantly about the police cells. Under FOI we asked for the reasons and decisions behind the closure of the police cells. This occurred in the mid-period in 2015 under this government. It is extremely clear that this was a very unusual decision. People will know this building, the Prahran police station. It was formerly also a courthouse. There are cells and police office capacity, with the basing of a significant number of units and resources in that complex. The cells there have traditionally played an important role. The government has decided to close those cells because they were too cold.

**Mr Morris** interjected.

**Mr DAVIS** — Too cold — that is exactly right. That is what the FOI makes clear, that they closed the cells because they were too cold.

I am not opposed to making sure that cells are reasonably in order, but those cells had been operating since 1978, when that complex opened. For them suddenly to be closed has left a significant lack of capacity in that area. I am sure that the police used these occasionally to put people in the cells in a temporary holding capacity while decisions were made on where they might go for a longer period. The idea that you would close them because of the temperature of the cells after them having operated for a very long period of time is a concern. We are not talking in this

case about a building that might have a Dickensian feel. This is a building that was opened as brand spanking new in 1978. The decision of the government to close that in June 2015 I think is something that is a significant concern.

I know that there is concern not just in Chapel Street and Toorak Road. I met with the Ed O'Donohue twice in fact recently in forums with local people from Greville Street and parts of Chapel Street. It is very clear that there is a developing and worsening situation in that area around Greville Street. Some of the frightening stories I heard about shop assistants who have been threatened and the various activities that have occurred with shop assistants and those who are trying to conduct their business lawfully and reasonably in and around that Greville Street area are a concern. I heard of one major chain that has retail operations all around Australia. This is one of three areas in Victoria where they have very specific and concerning problems. There have been WorkSafe reports because of the lack of safety and there are regular reports of staff being threatened and indeed in some cases customers being threatened.

So there needs to be a significant response. There needs to be a response by the government. They need to provide sufficient resources. We do need additional police to be on the beat in those areas. This is about ensuring that these areas are safe. There is I think an increasing challenge with a number of the homeless people who are in that area. I want to make the point that they obviously deserve strong support and they deserve resources to help them with their particular challenges. But that in no way means that people in the area should be in a position where they are threatened, frightened, attacked or put at risk or where retailers are having stock stolen.

**Business interrupted pursuant to standing orders.**

17:02:30 **CRIMES AMENDMENT (RAMMING OF POLICE VEHICLES) BILL 2017**

*Assembly's rejection*

**Returned from Assembly with message rejecting bill.**

**Ms WOOLDRIDGE** (Eastern Metropolitan) — This absolutely unacceptable decision by the Premier and the lower house to not value police lives by passing this bill is, we believe, unacceptable. Therefore I move:

That the message be taken into consideration on the next day of meeting.

**Motion agreed to.**

**Ordered to be considered next day.**

**STATEMENTS ON REPORTS AND PAPERS**

**Fire Services Bill Select Committee: interim report**

**Ms LOVELL** (Northern Victoria) — I rise to speak on the interim report on the inquiry into the Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017 that was tabled yesterday. What we really heard throughout the inquiry on this bill was that everybody agreed that some changes needed to be made, that there did need to be a modernisation of fire services in Victoria, but what we failed to hear was that the model put forward was an ideal model for modernising fire services. In fact we heard that there were more problems with this model than we had first thought. We also heard that when the volunteers were briefed on this they were left with more questions than answers from the briefing.

I was greatly concerned when Mr Bates of the Department of Premier and Cabinet spoke about the lack of consultation with the Country Fire Authority (CFA) and the Metropolitan Fire Brigade (MFB) on these changes. In fact he said quite openly that the reason they did not consult with the CFA and the MFB was because the fire services leaked information very openly, which was a slight on the management of both the CFA and the MFB.

What concerned me even more than his refusal to consult with our fire services was his willingness to consult with the United Firefighters Union (UFU). He told us that they got detailed briefings in the week or two before the bill went to Parliament. When the chair asked him were they engaged before, he said he thought that they probably would have understood what was going to be in this legislation because they would have contemplated that from the sorts of questions he was asking. I would like to know what questions he actually asked them. Did he ask Peter Marshall: what do you want? Did he ask Peter Marshall: how would you structure the fire services? Did he ask him how they could structure the fire services to favour UFU members over volunteers?

We also asked Mr Bates between January and the end of April, before he had even spoken to the MFB and CFA on the changes, how many times they had met with the UFU? We were told that they had had 12 to 15 meetings with the UFU, possibly even more.

Another thing that worried me was the chief fire officer, Steve Warrington, continually saying, 'We will make it work'. It was hardly a glowing endorsement of this legislation. He continually kept saying, 'We will make it work', but he was not willing to say that this was a workable model.

The middle management of the CFA all told us very clearly that they believed that middle management should not be seconded back from Fire Rescue Victoria (FRV) but directly employed through the CFA. That was a very clear message that came through. The CFA must be able to employ their own middle management and not have them on secondment from FRV. I was very disappointed to hear Craig Lapsley say during his evidence:

This is not a proud statement for me to say, and I would not have said this two years ago: the Victorian fire services are looked at across the nation as the worst fire services in Australia.

That was very disappointing to hear because our fire services have been highly regarded. But as he actually specified two years, I think what he was really referring to were the tensions that have arisen due to Daniel Andrews's support for Peter Marshall and the UFU and their unreasonable claims within the enterprise bargaining agreement rather than actually reflecting on the fire services.

Peter Marshall actually gave us the best quote of all. He said:

... can I say change is always a good idea for the person who thought of the change.

He said the change is good for the person who thought of it. Maybe that was him. He also said:

To impose change without bringing people along is just a recipe for disaster.

And that is exactly what this legislation is. It is imposing change without bringing people along, and it is a recipe for disaster.

The inquiry saw two further casualties for Daniel Andrews in the fire services with the loss of both the CEO and the chief fire officer of the Metropolitan Fire Brigade. This legislation is a disaster and should be scrapped.

### **Auditor-General: *Technical and Further Education Institutes — 2016 Audit Snapshot***

**Mr ELASMAR** (Northern Metropolitan) — I wish to speak to the Auditor-General's report on *Technical and Further Education Institutes: 2016 Audit Snapshot*,

which was tabled on 7 June. I understand from reading the report that 12 TAFE state-owned institutes were audited and these documented results are as at December 2016. The audit overview comprised financial performance results and outcomes.

It is true to say that Victoria's TAFEs have undergone rigorous scrutiny from both sides of this house in recent years, and rightly so. All education facilities have a duty to provide relevant and useful graduation programs, whether they are degrees, diplomas or certificates. Many thousands of young people and mature-aged students are utilising many of the courses that will eventually lead to meaningful careers and jobs, so it is pleasing to read that the audit found that previous problems highlighted in earlier audits have been followed up and fixed.

There was a period of serious financial instability under the previous government's regime, but due to the Labor government's commitment to the Victorian TAFE system, together with realistic injections of appropriate funding, TAFE is now able to perform its function of facilitating alternative career paths for those people who either cannot afford to enter the university system or simply want to follow a technical trade.

We desperately need tradespeople too. It is of no help or earthly use possessing a law degree if you cannot fix a blocked sewerage pipe, rewire your home or undertake a multitude of jobs that require technical skills and competence. Skilled tradespeople are fundamental to our economy. TAFEs and apprenticeships literally build the infrastructure of our cities and towns. They provide us all with creature comforts — hot showers and air conditioning, to mention just two. 17:10:00

It is good to know that net operating results over the past two financial years have improved and that there is more liquidity across the sector as a whole. TAFEs received \$278.6 million in government grants in 2016, up from a low of \$74.6 million in 2014. It would appear that seven TAFEs' asset portfolios have been assessed as being in a good condition overall, while five TAFEs have been rated as being in fair or poor condition. It is anticipated government funding of \$41.6 million for asset maintenance will be provided to TAFEs in 2017 to address these issues.

While the report attributes the improvements to TAFEs being largely due to the increase in government grants to the sector in 2015 and 2016, I would like to think that after being starved of funding, the TAFE sector bounced back and began delivering quality, relevant courses, as we expected it to do. According to the

Auditor-General's report the short-term financial health of the TAFE sector is improving. There are several recommendations attached to the report, and as always they are sensible and practical. I support them and thank the Auditor-General's office for the report.

### **Department of Environment, Land, Water and Planning: report 2016**

**Mrs PEULICH** (South Eastern Metropolitan) — Acting President Purcell, I congratulate you on your appointment to the esteemed role of Acting President. I wish you all the best for filling that role impartially and fairly, which I have no doubt you will do.

I wish to make a few remarks on the 2015–16 annual report of the Department of Environment, Land, Water and Planning, in particular as it relates to local government, which, Acting President, you and I have a great fondness for. We believe in its importance and also that there is enormous room for improvement. Sometimes this is not necessarily all as a result of the problems or challenges within local government itself; sometimes it is forces outside the elected councillors and the organisation which create lots of challenges.

I note in this report the emphasis on good governance. That is something that we all want, given the importance of that particular sector and the enormous amount of resources it commands and manages on behalf of ratepayers — billions of dollars of assets, the provision of important services and so forth. That is why I am taking this opportunity to raise some concerns about matters that are impacting on the operations of the Frankston council.

I have received a number of calls from local councillors and local residents about the role that is being played by the local member. According to the discussions that I have had, the local member has been very keen to avert attention from a number of local issues that are of the government's making and that are of concern to the community — for example, the lack of consultation by the Level Crossing Removal Authority on the issue of the level crossing removals and the absolute angst and hardship that has been caused to local traders as a result of significant mismanagement of the Young Street works, which were due to be completed in March but are now scheduled to be completed later on in the year, perhaps as late as October, bringing many businesses to their knees and causing all sorts of mental health problems and so forth.

There is also the issue of the need and the want, as one would expect, of a local member of Parliament to actually support their community by attempting to rally

some resources to aid and support those businesses. The words 'rescue package' have been used — I do not wish to pre-empt the nature of that assistance — but certainly a proactive and committed local member could have done so much more, especially given that earlier in the piece he was very happy to take Mr Dalidakis, the Minister for Small Business, Innovation and Trade, to visit some of the local businesses. He has not done that of late and has refused to meet with local traders to discuss their woes.

There has also been a lot of angst in relation to the demise of city life and the giving of a contract for the provision of meals and respite to those who are homeless and those who are sleeping rough, along with general dissatisfaction by the council on the issue of rate capping. Many of these complaints have been directed towards the member's office, and the view is that he has been unresponsive to queries. He has certainly been unwilling to meet with local residents.

In addition to that there has been article after article in the local paper, which shows that Mr Edbrooke, the member for Frankston in the Assembly, is playing an unhelpful role, I believe, in relation to council operations and is meddling in council affairs when he should be focused on doing his own job as an elected member of Parliament.

I am looking at some of the headlines, including 'Councillor rebukes MP over shameless grandstanding'. Written recently, this media release was put out by a Cr Kris Bolam, former mayor of Frankston, who is also a justice of the peace. He is interested in getting the details of the overdue and over budget Young Street redevelopment delays, which have gravely affected local residents. On 18 April 2017 an article by Christian Tatman in the *Frankston Standard Leader* was headlined 'Some Frankston traders fear major delays to Young Street works will push their businesses over the edge'. Another article was headed, 'Deputy mayor Steve Toms' — a member of the Labor Party — 'warns Young Street delays causing mental health issues, economic distress for Frankston traders', and there are a series of other articles.

What I am asking is that the Minister for Local Government in particular, and perhaps those who are close to Mr Edbrooke, encourage him to stop meddling and interfering as an unelected person in the Frankston council and focus on doing his job in representing his constituents, who are also my constituents and who certainly need a voice in government to help them face the challenges that are making their lives a grind and making it very, very difficult to survive.

## Department of Treasury and Finance: budget papers 2017–18

**Mr DAVIS** (Southern Metropolitan) — Acting President Purcell, I wish you well in your role.

I indicate that my matter today relates to the state budget 2017–18. I want to begin with the local government section of that report. One of the roles of government is to help oversight and support local government, and today we had tabled in Parliament the *Commission of Inquiry into Ararat Rural City Council*. This independent commission of inquiry has done quick work, and along with Simon Ramsay, Josh Morris and the members for Ripon and Lowan in the Assembly I was pleased to meet this morning with Frances O'Brien, QC, the commission chair. She has led her team of John Tanner and Mark Davies in a very swift inquiry, and I want to indicate that we welcome the Andrews government's acceptance of all of the recommendations in the Ararat commission of inquiry report.

I want to put on record that Ms O'Brien and her fellow commissioners have looked at this sincerely and done a swift and significant job. The report importantly recommends the appointment of a monitor for two years and the appointment of an interim external CEO, with a stakeholder committee to advise the council on the development of its rating strategy. These are all reasonable recommendations that should proceed. There are other sensible recommendations that focus on better consideration of and adherence to the rating strategy and principles of better community consultation and engagement.

The report does paint a difficult and stark picture of poor process and governance at Ararat, a lack of community consultation and participation and an inadequate adherence to the rating strategy principles. I think all of these have got to improve in the period going forward.

17:20:00 As I say, I do commend the commissioners for their work and welcome the government's acceptance of their recommendations. The independent inquiry has made a set of recommendations, and the government has indicated that it will accept those recommendations. I want to again particularly point to the work done by that inquiry and say that there have obviously been a number of significant issues that have had to be dealt with. There are some challenges for governance going forward. I do think we need to have a fair rating system. I do think we need a system where the council is able to provide the good governance that the people of Ararat deserve.

I want to also today say something about the environmental and waste levies collected by the Environment Protection Authority Victoria (EPA) from local councils across the state. These are very significant levies that are now building up.

**Mr Morris** interjected.

**Mr DAVIS** — As Mr Morris says, there is now a lot of money held by the EPA, and I want to put on record some real concerns that we have as a Liberal Party — I know the National Party also has some similar concerns — about large volumes of money being taken in effect as a tax. Let us call it for what it is: it is a charge, a levy, a tax. It is an impost on councils and ultimately on every business and residential ratepayer.

Those waste levies were collected for specific purposes: for recycling, for waste management projects and for better waste recovery projects. These are all legitimate aims, but the government has not been spending that money. It has been sitting on the money, allowing a huge war chest — perhaps as much as half a billion dollars — to build up. It is sitting on it, and now what we hear is that the government is going to not only divert some of that money from those projects — not even to sit in Treasury quietly — but use some of that money for solar trams. I do scratch my head on solar trams. I am not sure how solar trams —

**Mr Finn** interjected.

**Mr DAVIS** — They would not do well at night. But let me just say that whether the solar trams are a worthy innovation are not, they are being funded now, it appears, with money that was collected from waste levies in this way, and it is pretty clear that those waste levies are not being used for what was intended. They are also diverting that money now to fund the bureaucracy, and that is quite wrong.

## Fire Services Bill Select Committee: interim report

**Mr RAMSAY** (Western Victoria) — Thank you, Acting President Purcell. I, as an acting chair to another acting chair, welcome you to your seat. I am sure you will perform your task admirably.

I was actually torn about which report to speak to, because today Mr Davis has already acknowledged that the *Commission of Inquiry into Ararat Rural City Council* was tabled. Given Mr Davis has already responded to that report, I will leave that for another day — and wisely, Mr Morris would tell me, too. I also wanted to speak on the V/Line passenger services report of the Victorian Auditor-General's Office

(VAGO), which was also tabled today. Given V/Line uses about \$600 million to \$700 million of taxpayers money to fund the V/Line service, it was interesting to note that VAGO has clearly, through its summary and conclusions, shown that the V/Line service is running very much under par in relation to the standards and targets set. Unfortunately I cannot speak about that today either, because I did not indicate it and it has not been on the paper, so that will have to wait till next week as well.

What I can talk about, in the few minutes I have got left, is the interim report of the Fire Services Bill Select Committee, *Inquiry into the Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017: Interim Report*. I want to first give my thanks, given I am a committee member, to all those witnesses and those who provided submissions. I understand we will have nearly hit the magical 2000 when they all come in and are endorsed by the committee. I understand from the clerks it is probably the inquiry that has provided the most submissions that they can remember over a long period of time, so as well as congratulating all the witnesses — the Country Fire Authority (CFA) volunteers, the CFA career staff, the Metropolitan Fire Brigade career staff, the officers, the captains et cetera — who took time out to provide evidence to the committee, I also congratulate the staff, who actually had to wade through huge amounts of documentation.

Can I just say it was complicated by the Department of Premier and Cabinet (DPC), which interfered in the normal committee process of accepting submissions. We noted — and it is noted in the interim report, in fact — that a lot of those submissions, as requested by DPC, went through DPC and not the committee secretariat, so there was a lot of involvement and time and wastage that was taken in dealing with those submissions. I know many of our volunteers were wondering why they were so slow to go on the site.

**Mr Leane** — On a point of order, Acting President — and can I also congratulate you on your elevation —

**The ACTING PRESIDENT (Mr Purcell)** — I am not sure that is a point of order, though.

**Mr Leane** — My concern with members of this chamber speaking on this report is that it is only an interim report. Mr Ramsay will be part of the deliberation of the outcome of the full report. The interim report only names witnesses and categories, and I think that we are going somewhere into the Parliamentary Committees Act 2003, where —

**Mr Davis** — On the point of order —

**Mr Leane** — No, I am still going, goose! Excuse me.

*Honourable members interjecting.*

**Mr Leane** — Of course it is a point of order. You are already flagging what you are going to put in a report, and you are talking about materials that are only for the committee.

**The ACTING PRESIDENT (Mr Purcell)** —

Thank you, Mr Leane. I do accept your point of order, and it is important that members do actually refer to and report on the report that is actually in front of them. I do accept that as a point of order. I ask Mr Ramsay whether he will continue based on the interim report.

**Mr RAMSAY** — In the 36 seconds I have got left, I want to thank all those that have provided submissions to the inquiry. 17:27:30

I do also want to note that the transcript of the conversation with Mr Marshall shows that he indicated that in fact the enterprise bargaining agreement (EBA), which is the most contentious part —

**Mr Leane** interjected.

**Mr RAMSAY** — The EBA, Mr Leane, was in fact being drafted by the United Firefighters Union. In fact I can quote it, if Mr Leane would like to see that part of the transcript in relation to a new EBA that is very similar to the 2010 EBA, which could be endorsed and go into the new Fire Rescue Victoria model, if in fact that is the model that the government chooses to establish.

In summary, in the little time I have left unfortunately, I do want to thank particularly those people that submitted those 2000-odd submissions. I want to thank the volunteers and the firefighters who provided evidence at those hearings and the staff who spent a considerable amount of time, as I said, going through what was a very challenging process in the acceptance of those submissions.

**The ACTING PRESIDENT (Mr Purcell)** — I now call on Mr Finn.

### **Fire Services Bill Select Committee: interim report**

**Mr FINN** (Western Metropolitan) — Thank you, Mr Acting President. I too congratulate you on your appointment, and I wish you all the very best and hope

that you have a long and successful term as Acting President. The report that I wish to address today is the interim report of the Fire Services Bill Select Committee inquiry into the Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017. This has been a fairly interesting report to my way of thinking, predominantly made up of transcript, it has to be said, but it is still a very interesting report, because a couple of matters that sprang to my attention and have been of great interest to me over an extended period of time have been firstly the —

**Mr Leane** interjected.

**Mr FINN** — I am not Jack Rush, Mr Leane. Calm down, you are not talking to Jack Rush now. The culture of the Country Fire Authority (CFA) is something that I hold very dear. It is something that is not just important to the CFA: it is important to country Victoria and indeed it is important to Australia. My father was in the CFA and my grandfather was in the CFA. We go back some generations in the CFA, so it is something that I do hold very dear.

It was interesting reading the transcript of the hearing of Mr Andrew Ford, the chief executive officer of Volunteer Fire Brigades Victoria. He said:

The culture that we talk about is a culture that recognises, values and empowers in this case volunteers, or paid people, based on their training, based on their experience, based on their proficiency regardless of their pay status. That is number one — to treat people equally based on what they can do, not their pay status. The other important cultural aspect in CFA is one of empowering and supporting people to do their work, not just dictating, controlling and monitoring.

**Mr Morris** — He was talking about Marshall.

**Mr FINN** — I think he might have been talking about Mr Marshall. We will get to Mr Marshall in a minute if I have got enough time. Mr Ford said:

The other important part of CFA's culture is it is not an agency that simply delivers services to the community; it is an agency embedded in the community, working with the community, building community capability to share responsibility for their own safety. That is a big description of the culture, but it is important.

What is just as important as that is the fact that we have a government in this state, a Premier in particular, who has set out to destroy that culture and indeed to destroy the CFA as we know it. I have watched with astonishment over the last two years as Premier Daniel Andrews has gone about his war on the volunteer firefighters in this state. It is something that, I have to say, leaves me cold but also leaves me perplexed to say

the very least. And I have to ask the question: what does Mr Marshall from the United Firefighters Union (UFU) have on the Premier? Because it seems that whatever Mr Marshall wants, Mr Marshall gets from this Premier, and I think we are finding in this report that that is exactly the case indeed.

It is interesting that Mr Ford says, 'That culture is founded on respect'. That is the last thing that the Premier is offering the volunteer firefighters of Victoria. They have received absolutely no respect at all from this Premier during the course of what has been a diabolical war against volunteer firefighters. They have received absolutely no respect at all from a Premier who should know better, given his background, but clearly there are other things at play here, and clearly there is some reason that Mr Andrews owes Mr Marshall.

We can assume that that may have something to do with the last state election campaign, when members of the UFU were very active indeed. Many of them were actually bullying people at the polling booth and —

**Mrs Peulich** — It is the Labor way.

**Mr FINN** — It is the Labor way, Mrs Peulich, and we are now seeing the government paying them back and again the Labor way on display. I think it is a tragedy for Victoria that we are seeing this war on volunteer firefighters, and I look forward to seeing the final report when it is presented.

**The ACTING PRESIDENT (Mr Purcell)** — I now call on Mr Morris.

### **Fire Services Bill Select Committee: interim report**

**Mr MORRIS** (Western Victoria) — Thank you, Mr Acting President. I too would like to congratulate you on your elevation to this role that you have now acquired, and I am quite sure you will enjoy the role as many others have in the past.

I also rise to make a statement on the Fire Services Bill Select Committee interim report, which was handed down just earlier this week. I certainly did very much find the attached transcripts in the report quite illuminating.

**Mr Leane** interjected.

**Mr MORRIS** — Mr Leane, I have been reading quite a few of the transcripts, and one of the things that I found through reading them is that there has been absolutely no case made in this voluminous collection



of transcripts that have been provided in this committee report for the change that the government is trying to implement, the change the government is trying to force upon the CFA volunteers across our state.

17:35:00 One might say that the case for the change is that this government is trying to appease Peter Marshall. This is the only case for the change that we are seeing here.

I have been contemplating why it is that the government is trying to do this, and I have been trying to think of a bit of an analogy about what is happening here with Peter Marshall, Daniel Andrews and this government. The best that I have come up with is I think that what we are seeing is a Game of Thrones-type situation. I think what we are seeing here is that Daniel Andrews gets to remain the king for as long as the warlord, Peter Marshall, says that he can. So Peter Marshall says, 'Well done, Daniel Andrews, I'll put you there. I'll campaign and I'll bully. I'll threaten people I know at polling booths. In that case you need to make sure that when you're in there you do as I say, because if you don't, I'm coming after you'. This is why Daniel Andrews is so scared of Peter Marshall. It is because if he goes against him he knows that Peter Marshall will do all that he can to try and bring this Premier down.

I do note that one of the remarkable things that has been discovered through this particular report is that the only people involved in the drafting and the initial report were the government and the United Firefighters Union (UFU).

**Mr Finn** — A closed shop.

**Mr MORRIS** — Indeed, a closed shop. Absolutely a closed shop — 100 per cent union membership amongst those. So the 60 000 CFA volunteers across our state, who keep our communities safe every fire season, have been completely locked out of how this bill is going to look, and they are rightly furious. The many CFA volunteers across Western Victoria Region are in constant contact with me, asking: why is it that the government is doing what it is doing? Why is it that Daniel Andrews is appeasing Peter Marshall?

**Mr Finn** — What have you told them?

**Mr MORRIS** — Mr Finn, I have told them that what we are seeing here is that we have got a Premier who is hell-bent on doing all that he can do to appease the union and sell out 60 000 CFA volunteers across our state.

I note that in the transcripts we saw evidence from Jack Rush, QC — somebody that prior to this committee and

these hearings was well respected across the state for the phenomenal work that he has done —

**Mr Finn** — And across the house.

**Mr MORRIS** — indeed, with the 2009 Victorian Bushfires Royal Commission. Unfortunately during these hearings Mr Rush was subjected to tirades from committee members about the important work that he has done, because they did not want to hear the truth about what is happening. Jack Rush is not someone who is going to pander to this government; he is someone who is going to say what he knows to be the case. He knows more than Peter Marshall; indeed he knows more than Daniel Andrews about what needs to be done to protect our fire services. Despite that, committee members from the other side of the house unfortunately attempted to shout down Jack Rush for the amazing work that he has done. Rather than listening and learning from Mr Rush, we saw Labor members attempt to shout him down.

Not only did we see that this legislation was drafted only by the government and the UFU, but the government and the UFU are complicit in the scare campaign the UFU are running, trying to say that communities in regional Victoria are not safe because only the CFA is there to protect them — a shameful act.

### **Fire Services Bill Select Committee: interim report**

**Mr LEANE** (Eastern Metropolitan) — I would also like to speak on the interim report by the Fire Services Bill Select Committee. I appreciate that Mr Ramsay did not go to the deliberations; he mainly went to the issue of thanking the secretariat for all their fantastic work under very difficult circumstances. They have been wonderful in accompanying the committee to a number of regional cities over quite a tight period of time. I also want to thank people that have submitted to the inquiry. A number of different firefighters and other concerned people submitted to assist this committee in producing what will be a full report, hopefully in a matter of coming days and weeks.

The interim report was tabled because there was a tabling date. To fulfil the motion of the house it was decided that an interim report would be tabled so that there would not have to be another motion in this house to put the reporting date back. The committee is still functional and still operational. There are a number of deliberation meetings yet to go ahead. All the hearings have finished, and I think that the hearings were quite successful in getting different people's opinion on the record.

The transcript will show a different story to what a number of previous speakers on this report have tried to portray around respecting volunteers. Volunteers from integrated stations are on the record as saying they were quite disappointed that there are organisations like the Volunteer Fire Brigades Victoria (VFBV) —

**Mr Morris** — No, they are not.

**Mr LEANE** — Yes, they are; the VFBV said they represent them. Integrated volunteers actually said, ‘That’s not the case’. Their main concern was community welfare. In Ballarat there was a volunteer that was very angry at the VFBV for trying to portray that they represent their voice. People like Jack Rush said —

*Honourable members interjecting.*

**Mr LEANE** — it is on the transcript — he had not been at an integrated station for about eight years. Yet he said that volunteers at integrated stations will not continue in the manner that they do. They were insulted that their commitment to community safety and their commitment to community was put in doubt by people they have never even met. The VFBV executive have never gone to integrated stations, and that is on the transcript as well.

On the matter of not showing respect to volunteers, the volunteer that came to the committee from Warrnambool stated that the Prime Minister got up in federal Parliament and said that volunteers and career firefighters were not even allowed to go in the same door. The volunteer said that was a lie; he said the Prime Minister lied. They were appalled that the Prime Minister got up and lied about their brigade, for the stain and the disrespect shown to them. The truth hurts — they were appalled. If you want to go to the transcript, they were appalled.

**Mrs Peulich** — On a point of order, Acting President, it is unparliamentary to reflect on any member of any chamber, including the Prime Minister, and I ask that you ask the member to withdraw.

**The ACTING PRESIDENT (Mr Purcell)** — Mr Leane, could you make it clear whether you actually said that the Prime Minister lied?

**Mr LEANE** — I said that the volunteers indicated that he lied. If I said he lied, I withdraw.

**Mrs Peulich** — On the point of order, Acting President, while you were conversing with the Deputy Clerk the member personally repeated — not attributing the comments to anyone else — comments

that reflected on the character of the Prime Minister and the leader of the state opposition.

**The ACTING PRESIDENT (Mr Purcell)** — I think the member has already withdrawn, if he did say that. Mr Leane, I think you have withdrawn if you did say anything that was untoward.

17:45:00

**Mr LEANE** — I am happy to repeat that, Acting President.

**Mrs Peulich** — Unqualified.

**Mr LEANE** — Unqualified, as I am.

**The ACTING PRESIDENT (Mr Purcell)** — Thank you, Mr Leane. You may continue.

**Mr LEANE** — The integrated volunteers were disgusted by an article that Matthew Guy wrote about seven career firefighters needing to be on the fireground before a fire could be addressed. It was borne out that that was untrue. There were no documents anywhere showing that was the claim. It was completely untrue. So if you are going to talk about respecting volunteers, do not pretend that you represent them, especially the integrated ones, because they are dirty with you. They are dirty with Jack Rush. They are dirty with the VFBV. They have publicly come out and said that, so stop pretending.

### **Fire Services Bill Select Committee: interim report**

**Ms BATH** (Eastern Victoria) — Thank you, Acting President, and congratulations on your role. It is turning into an interesting afternoon, your first time in the chair.

I would like to make some comments on the Fire Services Bill Select Committee and its interim report. There are couple of people that I would like to quote from in the report as well as the chair. One issue is in relation to the lack of consultation. Across the board every volunteer that I have spoken with has spoken of the poor performance of the Minister for Emergency Services and the lack of consultation with the volunteers. That is one point.

The second point I would like to raise is in relation to the whole-of-government submission and some of the inaccuracies in that. This was put together by the Department of Premier and Cabinet, which has a cast of thousands to make this submission. And what did the chair of the committee say about that when addressing Mr Warrington? He asked:

Are you aware of any reason for any inaccuracies or any misleading statements or false statements in this submission?

Mr Warrington said:

Yes, I am. There is an appendix at the rear of the document that talks about the amount of consultation that has occurred.

And I drop down a couple of pages —

**Ms Tierney** — On a point of order, Acting President, you did uphold a point of order from Mr Leane that went to the very point that I am going to make, and that is that we are now dealing with the content of the inquiry and that is improper.

**Ms BATH** — On the point of order, Acting President, first of all, I am not on the committee. Second of all, I am reading from the interim report that has been tabled, and we are making statements on the report. If that is invalid, then we should not have tabled this report.

**The ACTING PRESIDENT (Mr Purcell)** — I do not uphold the point of order. Ms Bath, you can continue.

**Ms BATH** — Going back to it, the chair said:

And that particular attachment, attachment D, claims that there were 35 699 volunteers who had the opportunity for consultation. So that is incorrect?

And Mr Warrington replied, 'Correct'.

My point is that the government submission was inaccurate about the consultation process and the number of people. It is rather disappointing when they have had loads of time to do this.

My next point goes to somebody that we have discussed already, Mr Jack Rush, QC.

**Ms Lovell** — The eminent QC.

**Ms BATH** — Yes, the eminent QC. You actually just took the words out of my mouth, thank you, Ms Lovell. He is an eminent gentleman in both his professional life and his private life. He has an intimate knowledge of the department which was once the Department of Sustainability and Environment, now the Department of Environment, Land, Water and Planning. He has also been a volunteer firefighter in his local patch. He is the commodore of a Royal Australian Navy reserve, and he knows about volunteers. His credibility points are unqualified. In relation to the royal commission he is quoted in this interim report as having said:

... change needs to be based on thorough, detailed investigation and analysis, with a full understanding of what is desired to be achieved by the change, the repercussions of the change on existing structures and the cost of the change.

With respect to lack of consultation, he said:

Without being able to comprehensively justify and explain the need and desirability for change, you are off to a very bad start.

With respect to people coming into my office, I have had both volunteers from across Gippsland and also volunteers from integrated stations. It led me a few weeks ago — in fact a month or two ago — to propose a question in this Parliament in relation to integrated stations. It was to the Minister for Emergency Services. I asked: what will look like, how will the volunteers be in an integrated station, how will their assets be distributed, will the assets be divided up, how will they be stored, and will there be segregation? I also asked the minister to explain what it would look like. His response to me — and it was very paltry indeed — was:

We'll work with volunteers in the ... integrated stations to identify the best solution ... This includes co-location ...

Now this is a dirty word for a lot of people.

... of volunteer brigades alongside FRV to ensure that volunteers can continue to work alongside the career staff as they always have.

In relation to co-location, Mr Rush's comments are noted in this transcript. He went on to say:

Fire Rescue Victoria will take over integrated CFA stations in this area. The impact on morale, the self-belief of volunteer firefighters, does not need me to describe it. Co-location in really bad stations turns a proud and effective force into second-class citizens. CFA staff and volunteers who train together, share facilities and work for the one organisation, its values, goals and procedures, are split, impacting on effective firefighting.

Mr Rush believes:

I can find no proper or reliable investigation into the impact of co-location on volunteers.

This government has not done its homework properly, and the volunteers do not like it.

## ADJOURNMENT

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

That the house do now adjourn.

## Shepparton alternate route

**Ms LOVELL** (Northern Victoria) — My adjournment matter is for the Minister for Roads and Road Safety, and it is regarding the condition of the Shepparton alternate route. My request of the minister is that he gives an immediate and substantial

17:52:30

commitment to undertake thorough maintenance on the C391 Shepparton alternate route from Kialla to Congupna.

The Shepparton alternate route is a 19.7-kilometre length of road located to the east of Shepparton. It is administered by VicRoads and incorporates River Road, Doyles Road and Grahamvale Road. The route joins the Goulburn Valley Highway at two locations, south of Shepparton at Kialla and to the north at Congupna, effectively bypassing the city centre.

The Shepparton alternate route is a major freight route for transport companies travelling both within Victoria and interstate. A study commissioned by Greater Shepparton City Council in 2013 found that nearly 10 000 vehicles a day use the alternate route and the study predicted planned growth of residential, industrial and commercial infrastructure around the route into the future.

I recently inspected the alternate route for myself and found areas in urgent need of maintenance, with large potholes scattered along this important stretch of road. The Andrews government claims to care about the safety of regional Victorian road users, but the deplorable state of the Shepparton alternate route proves that this is just political spin from this government.

In the period between 2007 and 2011, 34 injury collisions occurred on the Shepparton alternate route. Alarming 35 per cent of these collisions involved trucks — more than the Goulburn Valley and Midland Highways combined. This underlines the large volume of trucks that use the route and the importance of keeping it in a safe condition for all road users.

According to Victoria Police's assistant commissioner for road policing, Doug Fryer, the cost of road trauma to the Victorian economy is anywhere between \$3 billion to \$4 billion per annum. One Victorian is injured on our roads every 2 hours and one person dies every day and a half. These are sad yet extraordinary numbers and highlight the role we all have to reduce road trauma in our great state.

In the 2017–18 budget the Andrews government promised \$260 million to repair unsafe and deteriorating road surfaces in regional Victoria. It is time this government put its money where its mouth is and complete urgent repairs to the Shepparton alternate route. Will the minister give an immediate and substantial commitment to undertake thorough maintenance on the C391 Shepparton alternate route from Kialla to Congupna?

## Wallan bus services

**Ms SYMES** (Northern Victoria) — My adjournment matter this evening is for the Minister for Public Transport, and it follows on from a transport forum that the Assembly member for Yan Yean, the minister and I had the pleasure of attending in Wallan. It was a great opportunity to talk to that community about their public transport needs. It is a growing community. It has roughly 15 000 to 18 000 people at the moment and is expected to double in 15 years, so it is an area that has some challenges in terms of people getting from point A to point B when they want to get from point A to point B.

The train station is inconveniently located on the outskirts of town, which makes it virtually impossible for those passengers who are seeking to use the train to access it without a car or without a bus. Probably the loudest requests that came from residents at that forum was a call for more buses so that the community could access the train station. At the moment there is one service, and it goes in one round route, which is not overly convenient unless you live towards the end of that route, which is a quick trip to the train.

The call from the community, which I support, is for two bus services, so that you can reduce the size of the route to make it more attractive for people to choose the bus rather than their car, and also to meet more of the trains that come and go from Wallan. In addition a Saturday service would be much appreciated, particularly for the young people of Wallan. The action that I seek from the minister is a commitment and funding following on from that transport forum and that the minister provide additional bus services for the community of Wallan.

## Melbourne Airport rail link

**Ms PATTEN** (Northern Metropolitan) — My adjournment matter is for the Minister for Public Transport, and it is in consideration of the ongoing discussion about an airport link. I noticed in the print media in June that the federal government said that they might 'go it alone' on a Melbourne Airport rail link, and this appears to be a bit of stand-off between the state and federal governments over infrastructure spending in Victoria.

Reportedly the state government in some ways in playing down the project's urgency has pointed to advice from Infrastructure Victoria that says the project would be needed in the next 15 to 30 years and would cost \$5 billion, but in making my adjournment contribution today I would like to invite the

government to consider this project in a different light — not as a single line between Melbourne and Tullamarine but as a gateway to regional Victoria, and I refer to the Rail Futures Institute intercity plan.

The Rail Futures Institute plan would create a ‘state of cities’ in Victoria linked by fast rail to Melbourne via a major hub at Melbourne Airport. This key driver would incentivise the population rebalancing that we are going to need as Melbourne grows and we start to use those regional areas and build our regional cities. This would significantly reduce travel distances and enhance opportunities for those regional cities as far as living, jobs and improved housing affordability.

The plan provides a blueprint for the next 30 years of regional rail development to support projected population growth, commencing with the construction of a Melbourne Airport link. This would provide enhanced business and travel opportunities for Bendigo residents via a Bendigo-Castlemaine-Melbourne Airport-Melbourne CBD fast rail. I call on the minister to examine the Rail Futures Institute plan and look at reprioritising this infrastructure spending in what I consider is not just an airport link but it would provide a hub for improving our regional connections.

### Child abuse redress

**Ms SPRINGLE** (South Eastern Metropolitan) — My adjournment matter is for the Attorney-General. Access to redress for survivors of child abuse has been a major recommendation of both the Royal Commission into Institutional Responses to Child Sexual Abuse and in Victoria the inquiry into the handling of child abuse by religious and other non-government organisations.

The royal commission’s *Redress and Civil Litigation Report* was handed down in September 2015. As many of us will recall, the royal commission recommended a single national redress scheme established by the Australian government. The *Betrayal of Trust* report was published in November 2013.

Recommendation 28.1 from the *Betrayal of Trust* report recommended consideration of a government-run Victorian redress scheme for victims of child abuse in an institutional context.

The government’s commitment to full implementation of all Betrayal of Trust inquiry recommendations has the full support of many members in this chamber and certainly of the Greens. Ensuring that the recommendations of both processes are met clearly represents a significant challenge, but we have seen

painfully limited and inadequate progress on redress and compensation over the past three and a half years.

Late last year the federal government announced the establishment of a national redress scheme, which is currently under development and due to launch in 2018. While we know very little about the detail of the commonwealth scheme, we do know that it will apply only to victims of child sexual abuse. It will not address the *Betrayal of Trust* recommendation, which covers all forms of criminal child abuse including unlawful physical assaults, sexual abuse offences, criminal neglect and the facilitation of such offences. It will not cover cultural abuse, which many survivors, victims and advocates regard as being an important deficiency.

Victims of past crimes have been left waiting too long, and we cannot take yet another year to deliver a scheme that meets the needs of some but ignores the suffering of many who have suffered other types of serious abuse. The action I am seeking from the Attorney-General is that the government immediately commence planning for a complementary Victorian redress scheme that addresses gaps in the national scheme and meets Victoria’s *Betrayal of Trust* commitments.

### Veterans in Construction

18:02:30

**Mr LEANE** (Eastern Metropolitan) — My adjournment matter is directed to the Premier because it does cover a number of portfolios areas, including veterans, public transport, roads, health and a number of infrastructure areas. It pertains to a group I met recently called Veterans in Construction and in particular to the leading person in that organisation, Dan Cairnes, who is working towards getting returned service men and women opportunities on construction sites — and in particular in this case on state government construction sites — to address something that I actually did not really focus on or understand until recently: that some returned service people do struggle to get employment when they return from whatever duty they performed on our behalf in the services. As I said, I find it quite amazing that that is the case, but the statistics show that it is. One of the problems Dan pointed out to me was that in the services you do get accreditations like certificate II for opening a parachute — which I think would be very important if you are jumping out of a plane with a parachute — but you do not get certificates in things like first aid, even though they do get trained to the point where they can put intravenous drips into people and so forth. That is a worry they have when they come out — that they do not have certain accreditations that they believe would help them get employment.

Mr Cairnes and others have set up this group inside the RSL, and the action I seek from the Premier is for him to meet Mr Cairnes and whoever else he would like to bring along to talk about the program and any way the government can assist their endeavours to assist the employment of returned service people, because obviously they would be an asset to any employer, I would think — a great asset — and they should not be struggling to get employment. If they would like to work in the construction industry and particularly in the infrastructure program the state government is rolling out, then I think if we can facilitate that through this group in an easy fashion and assist them, that would be fantastic. If the Premier could meet this group soon, we could work out a plan on how to assist them.

### **Bulla gas supply**

**Mr FINN** (Western Metropolitan) — I wish to raise a matter tonight for the Minister for Energy, Environment and Climate Change, and it concerns an issue that I have had a great deal of interest in for a number of years now, and that is the issue of natural gas or indeed the lack thereof in the township of Bulla. Bulla is a small community halfway between the airport and Sunbury — in fact it is 5 minutes from the airport, which makes it even more extraordinary that this little township has no connection to natural gas. We look around the state and we see natural gas being connected to a whole range of towns — some hundreds and perhaps even thousands of miles from Melbourne — but here we are 5 minutes from the airport and Bulla is still on the gas canisters, and of course that is extremely expensive. It has to be said that this year has been a particularly cold winter — there is no global warming in Bulla, I can assure you — and as a result of that the amount of gas that has been used has been quite extreme, if I can use the term that is used by some others.

I have noticed in recent times that Cr Jack Medcraft, a councillor who represents the Bulla area on the Hume City Council, has come out in support of connecting Bulla with natural gas, and I very much welcome that because, as I think I have said before, it is long overdue. In 2017 to have a community so close to Melbourne not connected to natural gas is extraordinary. It is something that most Victorians take for granted; they just assume that that is their entitlement, but unfortunately it is not for the good people of Bulla, and I must declare my interest here: I am one of them, and I know just how much we have to spend just to keep warm in winter. I am asking the minister to take this on board and to give her full support to the connection of natural gas to Bulla asap. As I say, it is long overdue. I welcome Cr Medcraft's support for this ongoing

campaign, and I am very, very hopeful that this campaign will very soon come to an end with the connection of gas to Bulla. There will be great rejoicing in the streets, I can assure you, and the government will be welcomed warmly if indeed they were to facilitate the connection of gas to Bulla.

### **Metro Tunnel**

**Mr MELHEM** (Western Metropolitan) — My adjournment matter is directed to the Minister for Public Transport and Minister for Major Projects, the Honourable Jacinta Allan. I note the Victorian government's recent announcement that the Melbourne Metro Tunnel is projected to inject 7000 jobs into the local Victorian economy, making it the single largest transport project in Victorian history. This project will deliver a swathe of opportunities for young apprentices, trainees and engineers and all those who fall along the supply chain. It is a massive win for Victorian raw material providers, with 88 per cent of materials to be sourced locally. The commitment to use 93 per cent local steel will assist in maintaining the operation of businesses such as Arrium in my electorate.

The Western Metropolitan Region will benefit immensely from this project, with a new precast yard to be built in the west and a significant reinjection of work into the John Holland rail centre in Spotswood. Importantly the project has also provided an incredible opportunity to hire re-skilled workers who are currently doing it tough in areas such as the Latrobe Valley and Geelong, and soon there will be a lot of auto workers from Toyota in my electorate in Altona who will find themselves out of work towards the end of the year. The Victorian government has already begun advertising these jobs on its Metro Tunnel website. I commend the government on its commitment to local jobs. The action I seek is that the minister provide me with further details outlining how the Melbourne Metro project will benefit the local economy and provide jobs for Victorians, particularly in the Western Metropolitan Region.

**The ACTING PRESIDENT** (Mr Ramsay) — Can I just confirm with you, Mr Melhem, the action you are seeking from the minister — which minister was that?

**Mr MELHEM** — Minister Allan, the Minister for Public Transport.

**The ACTING PRESIDENT** (Mr Ramsay) — That she provide you with further details in relation to the Melbourne Metro rail project?

**Mr MELHEM** — That is right.

18:10:00

### **Mental health services**

**Ms BATH** (Eastern Victoria) — My adjournment matter this evening is for the Minister for Mental Health. It is a rather sad story, one that tragically happens frequently across Victoria. The action I seek from the minister — and I will explain the individual case — is for him to refer an individual case to the chief psychiatrist for individual review. A very sad situation happened in my electorate when a young person tragically took their own life. I will keep the details undefined and I will provide specifics to the minister in due course, including the names of the person and their family.

The family is grieving intensely, and that is a fair and reasonable thing. They are hoping that this tragedy does not happen again. They have asked me to look at having a review so that it does not happen again. They want the chief psychiatrist to look at how it happened, why it happened and whether some recommendations can be made so that others do not have to face the same circumstances.

Mental health in regional Victoria still has many hurdles to overcome. In 2012 the chief psychiatrist, through a range of mechanisms, came up with some recommendations. I am sure both the previous and current governments have acted on those. I believe there has been progress made. But in order to stem the tide of tragedy in terms of avoidable deaths, I ask that the minister ask the chief psychiatrist to look into this matter. As I said, I will relate specific information from the family to him in due course.

We need good mental health services in country Victoria. Mental health services are often the interface between police, professionals and hospitals and individuals and their families. Sometimes that interface gets confused. Sometimes because of the changing nature of the workplace, information is not transferred as it should be. In truth I believe country Victoria often fares worse than city Victoria simply because of the tyranny of distance. This is a very serious situation. I feel sorry for the family. I am sure the minister will support this cause.

### **Hume Valley School**

**Mr ONDARCHIE** (Northern Metropolitan) — My adjournment matter tonight is for the Minister for Education, and it is about Hume Valley School's funding being withheld. The issue, which amounts to the loss of several hundred thousand dollars, has been raised on numerous occasions with the Department of

Education and Training, but the school is yet to receive a positive response.

The matter relates to the fact that submissions for applications for enrolment and for students eligible for the program for students with disability are required throughout 2016–17. Unfortunately, unbeknownst to the management of Hume Valley School, the team member who was responsible for putting in these applications suffered some significant personal issues which resulted in them not putting them in on time. As a result the funding was not provided by the department of education. This has resulted in a significant deficit and had a major impact on staffing levels and programs for the staff and students at Hume Valley School.

The school is not seeking additional or extraordinary funds, just those to which the students are entitled and which are already allocated in the department of education budget. All of the students at Hume Valley School have an intellectual disability, with a large number also coming from disadvantaged, multicultural and traumatic backgrounds. Many of the students have complex educational and wellbeing needs which require significant intervention and support.

The funding issue has been raised without success with the department of education on a number of occasions and the school feels like they are getting a bit of a run-around with the bureaucracy and the red tape. This should not be a difficult issue to resolve. They were unable to put in the application on time due to a personal issue of a member of staff. Those applications have now been sent in. All that is required is for the department to sort this out.

The action I seek from the minister is that he intervene and instruct the department of education to work with Hume Valley School to reinstate the funding entitlement and advise me of the outcome.

### **North Road, Ormond, level crossing**

**Ms CROZIER** (Southern Metropolitan) — My adjournment matter this evening is to the Minister for Water. I have raised a number of issues that various constituents have brought to my attention around the North Road level crossing. That level crossing removal involves rail under road. This removal was funded by the previous coalition government and has provided great benefits not only to the local community but also to many other people in neighbouring electorates who use North Road.

What concerns me is in relation to the flooding that occurred in December 2016 and which caused

significant damage to a number of residents' homes. A series of meetings have been held with the Level Crossing Removal Authority, Melbourne Water and various residents groups. I believe the member for Bentleigh in the other place, Mr Staikos, has also been involved in some of these meetings.

18:20:00 During the course of those meetings there have been some concerns raised, and of course while we have got other level crossing removal programs occurring across the city these issues of flooding could occur in other areas. I am wanting to get some clarity around exactly what happened in relation to this particular level crossing area when that flooding occurred in December last year.

One of the issues that the residents have raised with the Level Crossing Removal Authority, Melbourne Water, the local member and others has been the considerable psychological impact to them because of the damage that has been incurred. A joint letter from Melbourne Water and the Level Crossing Removal Authority was distributed to those affected residents and surrounding residents in early June with a survey asking them about the impacts of the flooding and how it has had a negative impact on them. The action I seek is that the minister provide an update of the findings from those very surveys that were given out to the affected households, businesses and others who participated in that particular survey.

### Responses

**Ms TIERNEY** (Minister for Corrections) — There were 10 adjournment matters this evening. The first was from Ms Lovell to Mr Donnellan, the Minister for Roads and Road Safety, seeking funding for a section of the C39 Shepparton alternative route.

The second matter was from Ms Symes to the Minister for Public Transport in relation to public transport needs in Wallan, requesting more buses connecting with the railway station.

The third was also to the Minister for Public Transport from Ms Patten. It was in relation to the airport link and was seeking that the minister examine the Rail Futures Institute plan.

The fourth was from Ms Springle to the Attorney-General, wanting the Victorian government to plan a further *Betrayal of Trust* document or plan with respect to the commitments made to *Betrayal of Trust*.

The fifth was from Mr Leane to the Premier and was in relation to veterans who have difficulties finding employment once they have concluded their services, in

particular wanting the Premier to meet with the leadership group from Veterans in Construction so that they could work out measures that might be able to assist veterans in gaining employment.

The sixth was from Mr Finn to the Minister for Energy, Environment and Climate Change calling for a natural gas connection to Bulla.

The seventh was from Mr Melhem to the Minister for Public Transport, and it was in relation to Melbourne Metro. He was seeking details on how the project will assist locals in his electorate.

The eighth was from Ms Bath to the Minister for Mental Health, Mr Foley. Ms Bath mentioned that there had been a recent death in her community and that the family is wanting the chief psychiatrist to review what happened as a measure to work against this happening to others.

The ninth was from Mr Ondarchie to the Minister for Education, Mr Merlino, and it was in relation to the Hume Valley School, in particular funding, as applications were not put in on time because of personal circumstances around those who would normally submit those applications. He is seeking that the minister intervene and get the department to sort out the funding.

The final matter was in relation to water issues in Ms Crozier's electorate, and it was directed to the Minister for Water, Ms Neville, seeking the release of survey findings of an exercise that was conducted fairly recently.

I have a written response to an adjournment debate matter raised by Mr Davis on 21 June.

**The ACTING PRESIDENT (Mr Ramsay)** — Order! The house now stands adjourned.

**House adjourned 6.21 p.m.**