PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-SEVENTH PARLIAMENT

FIRST SESSION

Tuesday, 1 April 2014

(Extract from book 5)

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By authority of the Victorian Government Printer

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The Honourable ALEX CHERNOV, AC, QC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

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(from 17 March 2014)

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Privileges Committee — Ms Darveniza, Mr D. Davis, Mr Drum, Ms Lovell, Ms Pennicuik, Mrs Peulich and Mr Scheffer.

Procedure Committee — The President, Mr Dalla-Riva, Mr D. Davis, Mr Drum, Mr Lenders, Ms Pennicuik and Mr Viney

Legislative Council standing committees

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Economy and Infrastructure References Committee — Mr Barber, Mrs Coote, #Ms Crozier, Mr Finn, #Mr Leane, Mr Lenders, Mr Melhem, Mr D. D O'Brien, #Mr Ondarchie, Ms Pulford and Mr Ramsay.

Environment and Planning Legislation Committee — Mr Dalla-Riva, #Mr Finn, #Ms Hartland, Mrs Kronberg, #Mr Leane, Mr Ondarchie, Ms Pennicuik, #Mrs Peulich, Mr Ronalds, Mr Scheffer, #Mr Tarlamis, Mr Tee and Ms Tierney.

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Public Accounts and Estimates Committee — (*Council*): Mr D. R. J. O'Brien and Mr Ondarchie. (*Assembly*): Mr Angus, Ms Garrett, Mr Morris, Mr Pakula and Mr Scott.

Road Safety Committee — (*Council*): Mr Elsbury. (*Assembly*): Mr Languiller, Mr Perera, Mr Tilley and Mr Thompson.

Rural and Regional Committee — (*Council*): Mr D. R. J. O'Brien. (*Assembly*): Mr Howard, Mr Katos, Mr Trezise and Mr Weller.

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Council — Clerk of the Legislative Council: Mr W. R. Tunnecliffe

Parliamentary Services — Secretary: Mr P. Lochert

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FIFTY-SEVENTH PARLIAMENT — FIRST SESSION

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The Hon. D. K. DRUM (from 17 March 2013)
The Hon. P. R. HALL (to 17 March 2013)

Deputy Leader of The Nationals:
Mr D. R. J. O'BRIEN (from 17 March 2013)
Mr D. K. DRUM (to 17 March 2013)

Member	Region	Party	Member	Region	Party
Atkinson, Hon. Bruce Norman	Eastern Metropolitan	LP	Lovell, Hon. Wendy Ann	Northern Victoria	LP
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Broad, Ms Candy Celeste	Northern Victoria	ALP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
Coote, Mrs Andrea	Southern Metropolitan	LP	Millar, Mrs Amanda Louise [4]	Northern Victoria	LP
Crozier, Ms Georgina Mary	Southern Metropolitan	LP	O'Brien, Mr Daniel David [8]	Eastern Victoria	Nats
Dalla-Riva, Hon. Richard Alex Gordon	Eastern Metropolitan	LP	O'Brien, Mr David Roland Joseph	Western Victoria	Nats
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Davis, Hon. David McLean	Southern Metropolitan	LP	Ondarchie, Mr Craig Philip	Northern Metropolitan	LP
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Drum, Mr Damian Kevin	Northern Victoria	Nats	Pennicuik, Ms Susan Margaret	Southern Metropolitan	Greens
Eideh, Mr Khalil M.	Western Metropolitan	ALP	Petrovich, Mrs Donna-Lee [3]	Northern Victoria	LP
Elasmar, Mr Nazih	Northern Metropolitan	ALP	Peulich, Mrs Inga	South Eastern Metropolitan	LP
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Finn, Mr Bernard Thomas C.	Western Metropolitan	LP	Ramsay, Mr Simon	Western Victoria	LP
Guy, Hon. Matthew Jason	Northern Metropolitan	LP	Rich-Phillips, Hon. Gordon Kenneth	South Eastern Metropolitan	LP
Hall, Hon. Peter Ronald [7]	Eastern Victoria	Nats	Ronalds, Mr Andrew Mark [6]	Eastern Victoria	LP
Hartland, Ms Colleen Mildred	Western Metropolitan	Greens	Scheffer, Mr Johan Emiel	Eastern Victoria	ALP
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Koch, Mr David Frank	Western Victoria	LP	Tarlamis, Mr Lee Reginald	South Eastern Metropolitan	ALP
Kronberg, Mrs Janice Susan	Eastern Metropolitan	LP	Tee, Mr Brian Lennox	Eastern Metropolitan	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Lenders, Mr John	Southern Metropolitan	ALP	Viney, Mr Matthew Shaw	Eastern Victoria	ALP

[1] Resigned 26 March 2013
[2] Appointed 8 May 2013
[3] Resigned 1 July 2013
[4] Appointed 21 August 2013
[5] Resigned 3 February 2014
[6] Appointed 5 February 2014
[7] Resigned 17 March 2014
[8] Appointed 26 March 2014

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TUESDAY, 1 APRIL 2014

Tuesday, 1 April 2014

The PRESIDENT (Hon. B. N. Atkinson) took the chair at 2.07 p.m. and read the prayer.

ROYAL ASSENT

Message read advising royal assent to:

Corrections Amendment (Parole) Act 2014
Education and Training Reform Amendment (Registration of Early Childhood Teachers and Victorian Institute of Teaching) Act 2014
Environment Protection and Sustainability Victoria Amendment Act 2014
Gambling and Liquor Legislation Amendment (Reduction of Red Tape) Act 2014
Health Services Amendment Act 2014
Victorian Civil and Administrative Tribunal Amendment Act 2014.

QUESTIONS WITHOUT NOTICE

Health funding

Mr JENNINGS (South Eastern Metropolitan) — My question is to the Minister for Health. Most members of the chamber, if not the community, would well and truly remember that when the commonwealth government released the midyear economic and fiscal (MYEFO) outlook update at the end of 2012, the minister became very agitated. He became very vocal and called for the reversal of that decision to take $107 million out of the Victorian hospital system. Yet on the midyear update of December 2013, in which the Abbott federal government ripped $277 million out of the Victorian hospital system, the minister seems to have been silent. Has the minister made any comment on that matter? Has he drawn that to the community's attention? Has he taken this matter up with the federal government? What actions has he taken?

An honourable member — How many questions?

Mr JENNINGS — They are all effectively one.

The PRESIDENT — Order! Not in my view. Can we have one question?

Hon. D. M. Davis — I am happy to take them all.

The PRESIDENT — Order! I understand the Leader of the Government's enthusiasm for answering questions on every occasion. The problem for me is that I have to consider precedent. If I allow the member to get away with having multiple questions on this occasion, then how do I stop another member on another occasion when somebody is not quite so enthusiastic about answering multiple questions? I ask Mr Jennings for one question.

Mr JENNINGS — Certainly. My failing was that I was giving the minister many options to answer what is one question: what statement has he made about the Abbott government ripping $277 million out of the Victorian hospital system in December 2013?

Hon. D. M. DAVIS (Minister for Health) — Nothing could be further from the truth than the way the member has characterised these matters. In fact what occurred in this case — unlike the Plibersek-Gillard cuts — was that the federal Minister for Health put $66 million into the health system, in complete contrast to the decision of the Gillard-Plibersek administration. Let me be clear with the chamber — —

An honourable member interjected.

Hon. D. M. DAVIS — That is right; Mr Jennings is wrong. That is the point. He is completely and utterly wrong. The federal minister put $66 million back in to smooth what had occurred.

I draw the house's attention to the midyear economic and fiscal outlook cuts to federal support for our hospital system. Mr Jennings will remember that in December 2012, $107 million was cut from Victorian hospitals, and he voted in favour of those cuts. At that time, the decision by Tanya Plibersek and Julia Gillard was to cut, over four years, $475 million. Eventually Tanya Plibersek and Julia Gillard were shamed into putting $107 million back into the system, but what they did not do was put the remaining $368 million back into the system.

Let me explain the impact of those cuts in this context. Ballarat Health Services this year will have $2.6 million less funding than it would otherwise have had because of the Plibersek-Gillard cuts.

An honourable member interjected.

Hon. D. M. DAVIS — Less; that is right. There will be $9.6 million less over three years because of the Plibersek-Gillard-King cuts, and Barwon Health will be $4.484 million worse off this year because of the cuts made by Tanya Plibersek and Julia Gillard. There will be $16.561 million less over three years because of the cuts made by Tanya Plibersek and Julia Gillard. Bendigo Health will be $2.693 million worse off because of the cuts made by Tanya Plibersek and Julia Gillard. Over three years they will be $9.947 million worse off, which is just shy of $10 million, because of

Tanya Plibersek and Julia Gillard and their cuts to our hospital system.

The amount over the forward estimates period is $368 million, including in this period, because of the cuts from Tanya Plibersek and Julia Gillard. The difference in the treatment of the MYEFO changes was that the last time Tanya Plibersek and Julia Gillard cut — —

Mr Leane interjected.

Hon. D. M. DAVIS — Yes, they put in some of the money, but they did not put in the four years. The difference this time is they did put money back in from the start. They covered the arrangements this time, and we were able to negotiate with the federal minister and come to an outcome. I have been very clear on the record that we are concerned about the national partnership funding — the almost $100 million that falls to zero on 1 July. I certainly communicated our concerns about that matter, but the tragedy is that Mr Jennings voted in this chamber in favour of the cuts.

Supplementary question

Mr JENNINGS (South Eastern Metropolitan) — As you can tell from my jaw, President, I was flabbergasted by the minister's answer in relation to his command of the hospital budget in Victoria. Is the minister refuting the fact that in the first three budgets of his government he has taken out savings of $825 million from the health portfolio, compounded by $368 million which was announced in the term of the Gillard government, and compounded by $277 million which has been announced by the Abbott government? Does he refute those figures ? Does he claim that the $277 million does not exist?

Hon. D. M. DAVIS (Minister for Health) — We have again the multi-question technique. There are about nine questions there. I am happy to answer them one by one. I probably just need a bit of an extension of time.

Let me be quite clear. The funding of health services in Victoria has gone up every year under this government — every year. More than $2 billion in additional health funding has gone in, to more than $14.3 billion. That is what has happened under this government. It is true that through smarter buying through Health Purchasing Victoria we are crunching costs to get better value for our purchasing and health services. But the funding of our health service has gone up every single year. Key hospitals have received more money every year and will continue to do so under this government. The tragedy was that in December 2012 Julia Gillard and Tanya Plibersek, with the connivance and support of Mr Jennings, cut funding to our health services. He should hang his head in shame, and he should apologise.

Ambulance officers

Mr D. D. O'BRIEN (Eastern Victoria) — My question is also to the Minister for Health, the Honourable David Davis. Can the minister update the house on any developments in the ambulance union enterprise bargaining agreement?

Hon. D. M. DAVIS (Minister for Health) — I thank the member for his question. As the chamber will know, there has been a long-running enterprise bargaining agreement negotiation with the hardline Ambulance Employees Australia of Victoria union, which has been very difficult to negotiate with. In that context I welcome the announcement yesterday afternoon that Ambulance Victoria, with the government's support and that of the ambulance union, will head back to the Fair Work Commission. I make it very clear that where there is talking, there is an opportunity to get an outcome. I welcome the capacity to talk at Fair Work. Late afternoon on Thursday, and another session has been set for Monday afternoon, the union and Ambulance Victoria will meet to discuss some further flexibilities that can be worked through between the parties. I welcome the decision of both parties to go back to Fair Work and do that in good faith.

The ambulance union has been a challenging union — no-one would disagree with that — and we are a very long way from reaching a conclusion on these matters. Nonetheless, the welcome step is a return to Fair Work for conciliation, for discussion, for talking and for working through some arrangements that may be to the benefit of the state, and particularly our patients, but also the ambulance union.

The government, of course, has a significant offer on the table for the ambulance union — a $1500 sign-on bonus, 6 per cent up-front and two further tranches of 3 per cent, bringing it to a total of 12 per cent, which is a pretty reasonable pay offer in these times — and certainly the government and Ambulance Victoria remain prepared to discuss these matters. Obviously other matters are part of that offer — matters regarding the offer to negotiate the union's work value and ultimately to arbitrate on those — and there are also some matters that Ambulance Victoria seeks to negotiate and ultimately arbitrate on, but in the environment of conciliation at Fair Work with Deputy President Smith the opportunity will be there for both

parties to work in good faith to find a solution to this matter.

Health funding

Mr JENNINGS (South Eastern Metropolitan) — My next question is to the Minister for Health. I provided the minister with two opportunities to refute the $277 million coming out of the hospital budget in Victoria due to Abbott government cuts, and whilst he tried to confuse us with other numbers — and I am not quite sure where they came from — he did not refute the $277 million on any occasion. The minister should take this opportunity to clarify the following for the Victorian community. Of the $560 million saved across the nation, 49.5 per cent of it was allocated as a reduction for Victoria. Has the minister taken up this specific matter with the commonwealth Minister for Health, Peter Dutton, to redress what has clearly been an inequitable result for Victoria?

Hon. D. M. DAVIS (Minister for Health) — The member must have his ears painted on. He did not listen. What I indicated was that the commonwealth minister had made a separate, additional payment to Victoria. Yes, I did talk to the commonwealth minister about these matters; yes, he was much more receptive — —

Mr Jennings — He done you over!

Hon. D. M. DAVIS — No, let us be quite clear. He has paid money to make sure these adjustments are not of the type we saw in 2012. So my answer is yes, I do refute what the member said, and I indicate that it was a productive conversation with the federal minister and that he has paid money.

Supplementary question

Mr JENNINGS (South Eastern Metropolitan) — I would be very wary of Trojan horses. I suggest to the minister that maybe it would be wise for him to account for what has been the reduction in this financial year of $27 million net less coming into Victorian hospitals as a result of those savings. He accused the Gillard government of totally inappropriate behaviour and of making a reduction during the course of a financial year, when $27 million is coming out this year. Can he refute that $27 million is coming out this financial year?

Hon. D. M. DAVIS (Minister for Health) — I am not sure if the member still has his ears painted on, but what I am saying is that a separate and additional payment was made by the federal government. He needs to understand that the difference here is that the federal government was prepared to work with the states, to make the adjustment in a constructive way and to put additional money in. I am sorry that he does not seem to be listening. I cannot be clearer than to say that the federal government made a separate, concurrent payment, and that is a different matter than what happened in 2012, when the money was cut cold and money fell in the middle of the year. I have got to say — —

Mr Jennings interjected.

Hon. D. M. DAVIS — Indeed, the Royal Victorian Eye and Ear Hospital was not in any way changed. I also say about the midyear economic and fiscal outlook announcement that Peter's Project received $10 million in Warrnambool, that we received $5 million for the catheter laboratory in Albury-Wodonga and that the eye and ear hospital was still funded. Despite the bleating of opposition members, we had to point that out to them.

Docklands development

Mrs COOTE (Southern Metropolitan) — My question is for my very good friend and colleague the Minister for Planning. Can the minister advise the house of what action the government has taken to bring forward new community facilities in Melbourne's Docklands precinct?

Hon. M. J. GUY (Minister for Planning) — I thank my very good friend and colleague Mrs Coote for her fabulous question about the Melbourne Docklands precinct. As people in this chamber would know, Docklands is changing. Docklands is now becoming a real suburb of the future for Melbourne, a suburb where more people than anywhere else in Australia ride and walk to work and, importantly, where community facilities are finally being put in place. Later this year I will have a lot of pleasure in joining the Lord Mayor to open our new library and a brand-new park and to view the commencement of works on new sporting fields. They are all products of this government to build better community infrastructure for those who live around the Docklands precinct.

Mrs Coote's question asked about new community infrastructure, and that includes artwork, which is important throughout the developments that are occurring in Docklands. Recently I was at Docklands Collins Square to unveil the commencement of construction of a new artwork called *Supersonic*. It will be a large piece of art — the largest in the Docklands area — and it will span the towers. *Supersonic* will link the western towers to the eastern towers, creating a canopy effect similar to that of the great space at Collins Place. We will have Docklands Collins Square

bookending Collins Street with Collins Place — two great developments with large open space areas that the community will be able to be a part of.

It is no accident that Docklands is starting to do well. In fact it is worthwhile reminding this chamber of some of the developments that have been either opened or expanded in Docklands over the last year or so: the Myer building; Collins Square, which I have just talked about and which is the largest mixed-use development in Australia; the NAB building; the Mirvac apartments; Waterfront City; the Salter building; the MAB Corporation buildings; and Bendigo Bank. All those buildings are expanding, and what is very important is that those people who are investing in Docklands are doing so with the ability to construct buildings and provide workplaces that are safe and non-intimidatory. We are seeing that with Docklands; we have not seen it with other areas of the city.

I am hoping that the Construction, Forestry, Mining and Energy Union's (CFMEU) reign of terror over industrial sites in the city does not extend to Docklands, as pieces of art like *Supersonic* would not be able to be built should we have industrial warfare ramped up by the CFMEU. Imagine the future of the piece of art that I have just been asked about by Mrs Coote, the piece I have just been talking about, if the CFMEU ran the building industry in this state, had control over planning in this state and had a dictatorial role over the approval processes of those developments in Docklands that I have just mentioned. It is worthwhile noting that there is only one person that I am aware of in this chamber who proudly still remains a CFMEU member, and that is none other than Brian Tee.

The PRESIDENT — Order! The minister reflecting on Mr Tee is a long way from the question that was asked and from my point of view definitely constitutes debating. I understand how the minister may well have some concerns about the progress of certain developments, but it might be apposite to return to Mrs Coote's question.

Hon. M. J. GUY — The piece of artwork *Supersonic* is indeed supersonic, and what would be supersonic would be the destruction of the Victorian building industry should the CFMEU come to power in Victoria via a complicit Andrews Labor government.

Health funding

Mr JENNINGS (South Eastern Metropolitan) — I will provide my question to the Minister for Health as an opportunity for him to remind me on a third occasion that I have got cloth ears, but perhaps he will resist that temptation and just explain very clearly to the chamber, even from his perspective, let alone that of the $277 million cut that has been imposed on Victorian hospitals by the Abbott federal government, what he believes the effect will be on Victorian hospitals over the forward estimates of the midyear economic and fiscal outlook announced by the Abbott government on 17 December.

Hon. D. M. DAVIS (Minister for Health) — Let me be clear. We now have a very complex funding situation at a national level with health care.

Mr Jennings interjected.

Hon. D. M. DAVIS — I do. I am probably one of the few around the country who does understand the complexities of this. I indicate that there are a number of key variables that are part of the system and — —

Honourable members interjecting.

The PRESIDENT — Order! There is clearly way too much interjection and babble for me to hear the minister, let alone Hansard reporters and other members who are interested in the response to Mr Jennings's question. The minister to continue without assistance.

Hon. D. M. DAVIS — I was trying to say that we have a number of complex factors — indexation factors, adjustments on population, determinations by the Independent Hospital Pricing Authority (IHPA) and other bodies of indexation arrangements, and quantification of activity — and all these complex factors mix to come up with a conclusion. What was unacceptable in December 2012 was for the commonwealth to make a set of cuts that were made without reference to the states by the federal Treasurer, Wayne Swan, in secret, and still we have not been able to see the details of the calculations and contributions by Wayne Swan. The former federal Minister for Health, Tanya Plibersek, refused to even request the working documents from Wayne Swan at the time. But more broadly in this context, we have a series of factors — —

Mr Jennings interjected.

Hon. D. M. DAVIS — President, I am trying to be very helpful to the chamber here and explain the context, and I indicate that we have expressed considerable concern about the wind-up of the national partnership agreement on 30 June. I have certainly communicated that. It is a matter of public record that the Premier has made his points well known about the fall-off in subacute money on 30 June and the impact

that it will have on our system. I have also indicated that the current federal Minister for Health, Peter Dutton, is someone you can have a discussion with, unlike Tanya Plibersek. Peter Dutton was prepared to put additional funding in to ensure that, unlike when Tanya Plibersek cut the money out of our health system, we are able to manage changes in the system.

A final determination of indexation factors is yet to be made for the forthcoming year, and the debate about the national partnership agreement is something about which the state government is very concerned to strongly put its case to the commonwealth, including the need for adjustment that occurs with the national partnership arrangements. I also indicate with the indexation arrangements that the IHPA initially came forward with indexation arrangements of 0.24 per cent. That was untenable, and Victoria was very active in putting its case to the IHPA for a proper adjustment, which will be in the order of 3.9 per cent, a very different outcome that has been achieved for this state.

I indicate that unlike the opposition, which toadied up to the Labor Party and was prepared to vote to sell out Victoria, we are not. We are happy to have the fight where it is required. We will talk softly, we will negotiate and we will get a good outcome. The difference this time is that Peter Dutton paid extra money, and that is not what Tanya Plibersek did. It might be worth reminding the member that the $368 million in midyear economic and fiscal outlook cuts from 2012 are still washing through the system; $99.5 million this year is the cut by Tanya Plibersek and former Prime Minister Julia Gillard — —

The PRESIDENT — Order! Thank you, Minister.

Supplementary question

Mr JENNINGS (South Eastern Metropolitan) — In my supplementary question I apologise for reiterating that I believe the cuts announced in that midyear economic and fiscal outlook were $277 million over the forward estimates in Victoria for hospitals. I have now invited the minister to disprove that on four occasions. Most recently he refused to even talk about what he believes the net figure to be. Has the minister a view about the net impact of that financial statement? Will the budget in Victoria in the next four years go up or down according to that adjustment?

Hon. D. M. DAVIS (Minister for Health) — As I have indicated to the member, the indexation arrangements affect these matters as well, and they have not been determined. Let me be clear. The final outcomes of these matters have not been determined, but the federal minister paid additional money. Unlike Tanya Plibersek and Julia Gillard, the Abbott government and Peter Dutton made an adjustment to these matters to ensure that the outcome the member was referring to did not occur. The member is wrong in the numbers he put forward because of the adjustment made by Minister Dutton. The additional money that he paid means that the member's numbers are completely wrong.

Social housing

Mr ONDARCHIE (Northern Metropolitan) — My question is for the Minister for Housing, the Honourable Wendy Lovell, and I ask: can the minister detail how the Victorian Napthine coalition government is providing better assets for Victoria through the Victorian social housing framework?

Hon. W. A. LOVELL (Minister for Housing) — I thank the Kinder King for his question and for his ongoing interest in those less fortunate than himself, whether they be people in public housing or young Victorians who need assistance in early childhood. Mr Ondarchie is one of the strongest advocates for his electorate I have known, and he is always ready to advocate on behalf of people.

When the coalition came to government, it inherited a public housing system that was in crisis. Those are not our words; they are the words of the Victorian Auditor-General. He said the future of public housing was at risk. He said 10 000 properties were about to fall off the edge of a cliff and would no longer be available to be used as public housing. He said the former government had mismanaged this portfolio. He said there was a lack of long-term vision because the department, under the guidance of the former Minister for Housing, Richard Wynne, the member for Richmond in the Assembly, had no detailed knowledge of the housing stock. Richard Wynne should hang his head in shame.

In contrast the coalition government has delivered a $1.3 billion plan to save public housing. Over the next five years we will invest $1.3 billion in maintenance and upgrades of public housing properties to halt the deterioration that was happening under Labor and to renew housing that is ageing or that no longer meets the needs of tenants. We will develop regional housing plans to ensure that in regional Victoria housing is located in the areas that will give the best outcomes for tenants. We will also enhance the role of the community housing sector through the director of housing, who is considering a stock transfer to community housing associations. We will explore the

opportunities for public-private partnerships for the renewal of public housing estates.

We have not just sat on our hands while we have delivered this plan. In our first three years we have delivered around 6800 new public housing properties and renovated around 4500 properties. We have also invested in better management of the public housing portfolio. We have better financial oversight of the portfolio and we have begun to renew estates.

In the Heidelberg West area of Mr Ondarchie's electorate, the old Olympic Village, we are reinvesting $160 million over 10 years to replace 600 unsuitable or outdated public housing properties. On the Carlton estate 246 new social housing apartments will replace 192 old units. In Westmeadows there will be 144 new social housing dwellings and a 120-bed aged-care facility. In Geelong, in Mr Koch's electorate and where Mr Koch chairs the community liaison committee for the new Norlane project, we are investing $80 million to deliver 160 new private homes and 160 new public housing homes.

We are investing in public housing. We are putting this portfolio on a sustainable footing into the future. The former minister should hang his head in shame.

Health funding

Mr JENNINGS (South Eastern Metropolitan) — My question is for the Minister for Health. When the midyear economic update was made by the Gillard government in 2012 it led to some dislocation of Victorian hospitals and the minister adjusted the statement of priorities at that time to cut the cloth of hospital operations. Whether the minister is correct in saying that the budget went up or I am correct in saying that the Abbott government cuts have taken the budget down, has there been any alteration to the statement of priorities to adjust either greater output from Victorian hospitals, according to the minister, or a reduction in outputs from Victorian hospitals, according to my interpretation of the cuts? Have there been any adjustments one way or the other?

Hon. D. M. DAVIS (Minister for Health) — As the member will perhaps understand, the health service is governed, as he has described, by the statements of priorities that are put out; but where there are significant or precipitate changes there may well be a need to adjust the statement of priorities. In this case, from time to time the government of course in the normal manner of business will adjust funding in certain areas. Where there is a need for additional funding the government will from time to time provide additional funding. I do not have the figures in front of me, but in a number of health services over the past 12 months, including since midyear, I can say that we have certainly increased funding for specific purposes across the system.

Supplementary question

Mr JENNINGS (South Eastern Metropolitan) — The minister has indicated to us that he is not adjusting the statement of priorities but he is indicating that there could be adjustments in the output performance. Is the minister telling the chamber and the Victorian community that there will be increased outcomes in Victorian hospitals this year due to the funding alterations by the federal government in December 2013?

Hon. D. M. DAVIS (Minister for Health) — What I can indicate is that the state government will be seeking at every turn to make sure that the maximum funding is going to front-line services, and that is what we are doing. That is why we are doing smarter purchasing with Health Purchasing Victoria. Every time we make a purchasing decision that lowers the costs of the purchasing, we can put that money back into additional services.

Across the state, where I can and where the department can, we will put additional resources into specific services. That will be negotiated on a case-by-case circumstance. Where there is an additional funding requirement — there may be a particular need in a particular location — we will put additional resources into those locations. Therefore I can indicate that for a number of health services across the state I have in this financial year put additional resources into areas of specific need.

Information and communications technology

Hon. R. A. DALLA-RIVA (Eastern Metropolitan) — My question without notice is to the Minister for Technology. Can the minister inform the house of any recently established ICT headquarters in Victoria?

Hon. G. K. RICH-PHILLIPS (Minister for Technology) — I thank Mr Dalla-Riva for his question, for his interest in the Victorian ICT industry and for the opportunity to talk about some of the great successes that the Victorian ICT industry experienced through the month of March, which was a great month for ICT in Victoria in terms of international investment.

Through the course of the month we had no fewer than three significant new international investments

announced in ICT here in Victoria. The first was Eventbrite, a San Francisco-based events ticketing company which not only provides ticketing for concerts and large-scale events but also is increasingly providing ticketing services for corporate and smaller events through its online portal. Eventbrite announced that Melbourne would become its Asia-Pacific headquarters moving into the future with the creation of 30 new ICT jobs to support that expansion in Australia. Elsita Meyer-Brandt, who is leading the expansion project into Victoria, in talking about Eventbrite's announcement stated:

> Melbourne is the perfect location for the company's new headquarters, as we've found it to be incredibly important to surround ourselves with other technology companies and entrepreneurs that are trying to better the world through technology.

That is a very strong endorsement of Melbourne as an ICT hub.

The second announcement we had was by Hightail, a Silicon Valley-based ICT company, which also announced that Melbourne would become its Australian and Asia-Pacific headquarters with the creation of some 20 new ICT jobs. Kevin Mackin, who is Hightail's general manager in Australia and Asia-Pacific, talking about their expansion plans said:

> … the combination of Victoria's dynamic creative industry and strong talent pool of IT executives made Melbourne the perfect setting for Hightail's Asia-Pacific headquarters.

That is a second very strong endorsement of the ICT environment, indeed the business environment, in Victoria.

The third great announcement for the ICT sector in Victoria in March was Infotech. Infotech is a longstanding participant in the ICT sector in Victoria, having first established its headquarters in Melbourne in 2005. Infotech is one of the largest ICT companies out of India, and I was delighted in mid-March to join Infotech for one of its industry forums in Melbourne, talking about future opportunities in ICT in government and in academia in terms of the potential opportunities which exist for technology to expand and improve service delivery in government and in institutions such as our tertiary institutions. As part of that forum I was delighted that Infotech announced an additional 150 jobs in its facility, its presence, in Melbourne.

March was a great month for ICT in Victoria. We saw two new Asia-Pacific headquarters announced for Victoria and we saw 200 new jobs announced for Victoria, which is a great achievement for the state. It highlights the strength of our ICT sector, and it highlights that Victoria remains a competitive place to invest in ICT.

City of Stonnington planning

Mr BARBER (Northern Metropolitan) — My question is to the Minister for Planning, Mr Guy. The minister may be aware that Stonnington City Council is going through the process of exhibiting amendment C186. The purpose of that amendment is to allow open space contributions on property development to be increased in order to provide a source of funding for new and enhanced open space in the area. The minister's last intervention on this matter was to cut the levies on open space for a particular developer. Can the minister tell me whether the council's time and energy is being well invested in going down this path? In other words, can the minister assure us that his decisions on this matter will be in the interests of livability of the citizens of the area, not the profitability of property developers in the area?

The PRESIDENT — Order! I assume that the last point is the question — is that right? — because more than one question was posed by the member in that question as well. Members have the opportunity to present a preamble to put their question in context, but that is not an opportunity to pose a Gatling gun series of questions. On this occasion the error was only two, rather than Mr Jennings's question, which had quite a number more. Nonetheless, it is important to recognise the preamble as a context for the question and to pose a single question. Mr Barber has nodded, indicating that the last statement he made was the question that he wants to put to the minister.

Hon. M. J. GUY (Minister for Planning) — By way of background, Mr Barber may be aware that in the past developers in the Forrest Hill precinct have offered through development contributions a larger contribution to the council than they are required to pay, and developers have had those offers knocked back by the council, who has subsequently come in after the event and asked for money from developers in order to facilitate contributions at a local level. To my mind, it is crazy that a council would not accept a developer's offer of an increased level, or a larger than requested level, of local contribution, but that has been the case.

I noted commentary from the Stonnington council — it must have been about a month and a half ago — where it said that development contributions cannot be used for open space purchasing or otherwise. They can be. The council chooses how it wants to set its development contributions regime. It has chosen not to, which again I find quite quizzical, because I would have thought the council would in fact use a

development contribution for that purpose. The council is certainly not wasting its time; in fact the government has put forward a number of very clear initiatives through Plan Melbourne in relation to open space, which I am happy to have a conversation with the Stonnington council about.

In relation to the Forrest Hill precinct, I would say very clearly that we have had discussions in the past — I have had discussions with varying make-ups of the council, in terms of the mayoralty and others, over the last three years — about putting in place a proper development contributions regime for the Forrest Hill precinct rather than conducting that on an ad hoc, application-by-application basis. I would have thought that would be a sensible way forward. If the council chooses C186 as a sensible way forward in line with our soon-to-be-released development contribution plan reforms, I think that would be a sensible thing to do. But I would again say that in the past this council has had an ad hoc view around what should or should not be in development contributions, depending on the application, and that has not always served the ratepayers in the best way.

Supplementary question

Mr BARBER (Northern Metropolitan) — Can I take it from that that the minister himself will rule out any further ad hoc interventions in the area until C186 has been completed?

Hon. M. J. GUY (Minister for Planning) — In answer to Mr Barber's question, if that includes putting in place mandatory controls or new controls over the Orrong Road site, I am sure the council would not agree with the premise of that question.

Mr Barber — I am talking about C186.

Hon. M. J. GUY — Whether it is the C186 or a development contributions regime across the entire area, I am not sure the council would agree with that. As Mr Barber knows, I am sure, the council has written to me asking me to intervene in matters in relation to high-rise buildings. I am not sure the council would agree with the premise that I should say I will not intervene in any matter, given that on my desk is a letter from the council requesting that I intervene to stop a high-rise development. That is, to use Mr Barber's words, an ad hoc intervention into the council's own planning scheme.

Prison and community partnerships

Mr KOCH (Western Victoria) — My question without notice is to my colleague the Minister for Corrections, the Honourable Edward O'Donohue. Can the minister update the house on the important work Victorian prisoners are carrying out to benefit communities right across our great state of Victoria?

Hon. E. J. O'DONOHUE (Minister for Corrections) — I thank Mr Koch for his question and indeed for his longstanding interest in the corrections system, particularly in his electorate of Western Victoria Region. Across the corrections system a diverse range of work programs are being undertaken by prisoners. The Victorian government believes this is good for the prisoners themselves — they learn new skills and get a sense of self-esteem from being involved in a productive work environment — but it also benefits the local communities in and for which they do the work.

I was very pleased recently to visit the Marngoneet Correctional Centre near Lara. I was pleased to see the Give Where You Live program under way there. This program sees prisoners rolling up their sleeves and working in the thriving garden and horticulture area of the prison. As part of that program fresh produce is delivered to members of the community who are most in need. The prison is providing the busy Geelong Food Relief Centre with approximately 1000 kilograms of fresh produce each and every month. I was pleased to see this very important program firsthand, talk to the prison officers who oversee it and learn from them about the benefits for the local community and also for the prisoners, who are learning additional skills. The prison should be very proud of this partnership.

I am also pleased to share with the house another exciting initiative at Marngoneet. Prisoners are taking part in the Friendship Seat program, an innovative project where prisoners build friendship seats to help prevent bullying in schools. In a partnership between the Alannah and Madeline Foundation, the Department of Justice and the Department of Education and Early Childhood Development, the friendship seats are being installed in primary schools by supervised offenders on community work orders. The seats are designed for students who may be feeling lonely and are seeking company, actively promoting friendship and kindness. The seats generate a caring school community environment and will hopefully reduce instances of bullying. I understand that prisoners who have participated in this project have all felt a great sense of pride. Indeed the project was recognised at last year's Community Work Partnership Awards, receiving a runner-up award in the Most Outstanding New Project category.

As I have stated previously, this work does not just benefit the community; the prisoners themselves learn new skills and get a sense of contributing to the

community. This is reinforced by a recent report on government services data, which reveals that 89.1 per cent of eligible prisoners in the Victorian corrections system are doing some form of work. That is good for prisoners, it is good for prisons and most importantly it is good for the local communities in which this valuable work is done.

Mr Lenders interjected.

Hon. E. J. O'DONOHUE — Finally, to pick up the interjection from Mr Lenders, let me extend an invitation to the shadow Minister for Corrections, the member for Lyndhurst in the Assembly, to visit a prison. It has been more than 100 days since Mr Pakula became the shadow minister. I invite him to visit a prison and to see for himself some of this outstanding work and some of the ways prisoners are giving back to local communities. It is worth seeing with one's own eyes, and I invite Mr Pakula, after more than 100 days as shadow minister, to visit a prison.

QUESTIONS ON NOTICE

Answers

Hon. D. M. DAVIS (Minister for Health) — I have the following answers to questions on notice: 9515, 9930, 10 048, 10 050 and 10 051.

PETITIONS

Following petition presented to house:

Boral Western Landfill

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council the proposal by Boral to expand the capacity of the western landfill site at Christies Road, Ravenhall, which will have a long-term detrimental impact on surrounding communities.

The petitioners therefore request that the Minister for Planning, Hon. Matthew Guy, intervene to reject the proposal to expand the site and ensure any decision by the Melton City Council that approves expansion is overturned.

By Mr MELHEM (Western Metropolitan) (4755 signatures).

Laid on table.

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

PAPERS

Laid on table by Clerk:

Crimes Act 1958 — Chief Commissioner of Police's forensic sampling authorisations, pursuant to section 464Z(2) of the Act.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:

Benalla Planning Scheme — Amendment C10.

Boroondara Planning Scheme — Amendment C147.

Mornington Peninsula Planning Scheme — Amendment C163 (Part 2).

South Gippsland Planning Scheme — Amendment C79.

Southern Grampians Planning Scheme — Amendment C31.

Stonnington Planning Scheme — Amendment C174.

Towong Planning Scheme — Amendment C31.

Wangaratta Planning Scheme — Amendments C38 and C46.

Whittlesea Planning Scheme — Amendment C177.

A Statutory Rule under the Gas Safety Act 1997 — No. 9.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 9 and 10.

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

Electricity Safety Amendment (Bushfire Mitigation) Act 2014 — Whole Act (except section 12(2)) — 1 April 2014 *(Gazette No. S94, 25 March 2014).*

Energy Legislation Amendment (General) Act 2014 — 1 April 2014 *(Gazette No. S94, 25 March 2014).*

Gambling Regulation Amendment (Pre-commitment) Act 2014 — Whole Act (except sections 32, 33 and 34) — 30 March 2014 *(Gazette No. S94, 25 March 2014).*

NOTICES OF MOTION

Notice of motion given.

Mr ONDARCHIE having given notice of motion:

The PRESIDENT — Order! I intend to look at that motion in the context of the references to Mr Tee to determine whether it is appropriate that he be linked with the Construction, Forestry, Mining and Energy Union (CFMEU) in the way that that motion expresses. There are circumstances where members belong to various organisations, but they do not necessarily endorse all the actions of those organisations. It will probably be all right, but I will run the ruler over it, because I did not see that motion before it came to the Parliament.

Hon. D. M. Davis — On a point of order, President, considering your examination of this motion, it is important to note that Mr Tee has recorded membership of the CFMEU on his register of interests, and he is entitled to have that membership. But as I understood the text of the motion as was read out, what is important is that Mr Ondarchie was seeking greater public declaration by the member as particular sites are discussed on which the CFMEU has coverage. It is a matter for the house as to whether that is in the public interest. It would be Mr Ondarchie's contention, and indeed mine, that it would be for the house to make that decision, and it would be in the public interest for people to know more.

The PRESIDENT — Order! The Leader of the Government's point is not a point of order as such — it is actually debating. I know he is trying to provide some guidance to me as I review this motion. There are many instances of debates coming before this place where members do not declare a conflict of interest or an association with an organisation that might be relevant to that debate. It has not been the practice of the house to expect them to do so on every occasion. This motion suggests that Mr Tee should have declared a conflict of interest when making statements about the Myer Emporium, for instance. We need to judge the status of a member and their ability to influence the outside organisation.

There have been instances in federal Parliament where members have held shares and there have been disputes over whether they should have declared a conflict of interest, but it has been clear that their shareholding has been small and there has been no influence over an organisation's policies and actions. If this motion were to pass, it would raise a new, high bar which would require all members in future to declare a conflict of interest whenever any matter was raised in this Parliament where any membership that they might have was relevant. That might be fair and it might be what we want to achieve, but we need to think about whether this is a shot at Mr Tee on this occasion or whether it is our expectation going forward. That is what I want to think about.

Hon. M. J. Guy — But that is a matter for the house.

The PRESIDENT — Order! Yes, it is a matter for the house, but not necessarily in the context of this motion. We would be instituting a very different measure for members of Parliament, and I do not think that that measure should be introduced by way of a subclause in a motion that seeks to do much more and is in particular having a go at the CFMEU. If we are to look at that as a question for the house, it might well be a separate question that we should consider for the house in terms of members' stances.

Further notices of motion given.

Ms PULFORD having given notice of motion:

The PRESIDENT — Order! I will also consider that motion in the context of the word 'toadying'. Frankly we can do better than that in terms of the motions we put.

Ms PULFORD — On a point of order, President, I actually had the words 'defend his Liberal Party colleagues' in my original draft but chose to use the words the Minister for Health used in question time. It is the standard that he set. I am happy to go with 'defend' if you would prefer.

The PRESIDENT — Order! I would prefer that. Again, my problem is that I did not have a copy of that motion. We could well have addressed any concerns I had from the Chair's point of view if I had had these motions in advance.

I have now had an opportunity to read Mr Ondarchie's motion, and I will let it stand as it is. On this occasion I am satisfied that this is a question for the house the way it has been stated. As I have indicated, it would have been more helpful to me as Chair if I had seen it in advance, then I would have been in a position to understand exactly the intent of the motion. The concern I have is that sometimes when I am hearing motions I have to digest, as does the house, exactly what they mean. I was concerned about the way this was being put, but having had the opportunity now — and I thank Mr Ondarchie for the courtesy of providing me with a copy of this motion — I am satisfied that this is a motion that would be relevant for the house to determine, as distinct from me requesting any change to the motion as put.

BUSINESS OF THE HOUSE

General business

Mr LENDERS (Southern Metropolitan) — By leave, I move:

> That precedence be given to the following general business on Wednesday, 2 April 2014:
>
> (1) order of the day 15, resumption of debate on motion relating to the production of documents order for the business case for the proposed east–west link;
>
> (2) notice of motion 754 standing in the name of Ms Tierney relating to rising unemployment;

(3) notice of motion 747 standing in the name of Mr Jennings relating to the government's position on climate change;

(4) notice of motion 724 standing in the name of Ms Hartland relating to the Economy and Infrastructure Legislation Committee's final report on the Accident Compensation Legislation (Fair Protection for Firefighters) Bill 2011;

(5) notice of motion 714 standing in the name of Ms Hartland relating to the production of documents detailing the Country Fire Authority and Victorian WorkCover Authority actuarial assessment and cost estimates; and

(6) order of the day 11, resumption of debate on motion referring a matter to the Legal and Social Issues References Committee relating to heatwave planning, response and recovery.

Motion agreed to.

MEMBERS STATEMENTS

Bannockburn secondary school

Ms PULFORD (Western Victoria) — More than 400 people took to the streets of Bannockburn on Sunday, walking from the site of the current school to the site of a proposed new school. Bannockburn Primary School council president Felicity Bolitho is leading this community campaign in support of a budget commitment this year to build a new school for the community. Protesters proudly displayed T-shirts emblazoned with the words 'Where's our school 4 Banno?'.

The current primary school is home to 530 students. It needs 11 portables on the school site to accommodate the current school population. Space is at such a premium that one of these portables is located on the basketball courts. The community is asking for funding for a new school — a much-needed prep to year 9 or year 12 campus.

The Shire of Golden Plains does not have a secondary school. With an estimated residential population of over 19 000 and a growing number of primary and secondary school-age children in the area, the need is increasingly desperate. It is time the government answered the question: where is the school for Banno?

The Warehouse Clunes

Mr RAMSAY (Western Victoria) — I attended two significant announcements on the weekend. The first was at Clunes, where with Senator Michael Ronaldson I attended the opening of the $3 million community space known as The Warehouse Clunes. This is a wonderful space which houses a new library to which the state government contributed $50 000, the federal government $2.7 million and Clunes Museum volunteers $50 000. This was a bipartisan approach from the federal government and the state government, with contributions from local government and volunteers from Clunes Museum.

VicRoads Ballarat relocation

Mr RAMSAY — I attended with the Premier on Sunday in Ballarat the significant announcement of the relocation of VicRoads headquarters from Kew to Ballarat, which will occur if the coalition is re-elected in November. This relocation will produce 400 jobs and $40 million of economic value every year in the Ballarat community. That was a fantastic announcement by the Premier.

Ballarat leaders forum

Mr RAMSAY (Western Victoria) — This announcement was preceded by the Leadership Ballarat and Western Region leaders forum, which I attended with the Premier and stakeholders a month earlier. I congratulate all those involved in the forum for their encouragement of investment in Ballarat, such as the VicRoads relocation; the railway station precinct development; $46 million for the Ballarat Base Hospital upgrade and helipad; the Ballarat West employment zone, which will create 9000 jobs; the Federation University Australia development; $5.57 million for the airport upgrade; and $2.1 million for the Ballarat Technology Park.

Hidenobu Sobashima

Mr ELASMAR (Northern Metropolitan) — On 24 March I was invited to a farewell function for the outgoing Consul-General of Japan, His Excellency Hidenobu Sobashima. While it was a sad occasion, I was glad of the opportunity to wish Mr Sobashima a personal farewell and a safe journey to his homeland, Japan. I also commend him for his gracious and distinguished career.

Louis Fleyfel

Mr ELASMAR — I was invited with my wife, Heam, to attend a celebration of the investiture of Mr Louis Fleyfel, AO, in the recently announced honours. It was an extremely pleasant occasion which served to remind me of the wonderful personal contribution Louis has made to enhance the lives of Lebanese Australian migrants to Victoria. I congratulate him on being a most worthy recipient.

Australian Greek Ex-Servicemen's Association

Mr ELASMAR — On Saturday, 29 March, I attended the Australian Greek Ex-Servicemen's Association's Remembrance Day celebration, commemorating the 15 March 1821 commencement of the war of independence. After the wreath laying ceremony I took the opportunity to mingle and meet again the participants and the executive committee members who had organised this annual event.

Television and film industry

Mrs COOTE (Southern Metropolitan) — I would like to commend the Minister for Innovation, who is also the Minister for Tourism and Major Events and Minister for Employment and Trade, for the support she has given to the screen and film industry here in Victoria. It is interesting to note that since the coalition was elected 140 film and television projects have been supported by this government, which is an enormous number. In recent announcements Minister Asher has provided $1.9 million for screen projects. This will create 1800 new jobs and will engender production expenditure of $28 million. This is particularly important because it is not just the films and projects themselves that benefit but also the add-ons. Our young people are coming through schools such as the Victorian College of the Arts and other places, and they need to have places to hone their production skills.

It is interesting to note some of the productions that have been supported. There will be six documentaries, two feature films and three television series. They will include *After the Wave — The World's Greatest Forensic Detective Story*; *Monkey Grip — Story of a Novel*; *Other Earths — Life in Space*; *She's Making My Baby*; *The Great Australian Fly*; *Uranium — Twisting the Dragon's Tail*; *A Long Way Home*, which is a fiction feature; and *Holding the Man*, which is made by Goalpost Pictures. Fiction television includes *It's a Date*, series 2; *Nowhere Boys*, series 2; and *HJ5*, which is produced by Moody Street Kids. Many of these production companies are in Southern Metropolitan Region, and they do a phenomenal job. I congratulate Minister Asher.

Boral Western Landfill

Ms HARTLAND (Western Metropolitan) — For the past 30 years I have been involved in campaigning to clean up the western suburbs in the face of hazardous, toxic and other waste. I was a founding member of the Hazardous Materials Action Group, which is more commonly known as HAZMAG.

This week I put in my formal objection to the proposed expansion of Boral's Western Landfill in Ravenhall. My personal objection was in addition to more than 4000 already received by the Melton City Council.

It was just last week that I put in a formal objection to a proposed above-ground expansion of the Wests Road tip in Werribee.

This proposed Boral expansion has the potential to impact the surrounding neighbourhoods of Deer Park, Caroline Springs, Truganina and potentially further afield. The community concerns are similar for these two proposals: inadequate buffers, water and odour pollution, litter, dust, visual impacts and other amenity impacts, with inadequate consideration of environmental and community impacts. I share these environmental, health and wellbeing concerns.

I congratulate the local residents for standing up for their community and their environment. I am behind them 100 per cent, especially in light of the fact that they will be at a rally tonight outside the Melton council offices to send the message that the community wants the proposal rejected.

I am also thrilled to hear about the 4700 names on a petition that Mr Melhem presented today. This clearly shows the community does not want this site and it should be rejected.

Meeniyan Country Fire Authority station

Mr RONALDS (Eastern Victoria) — I was pleased to open the Meeniyan fire station recently on behalf of the Minister for Police and Emergency Services, who is also the Minister for Bushfire Response. The new $525 000 Meeniyan Country Fire Authority station will support the brigade's dedicated members who respond to as many as 40 fires in a year. While the South Gippsland community of Meeniyan is relatively small, its Country Fire Authority brigade has responded to large structural fires throughout the district. Volunteers from this station recently assisted during the East Gippsland fires, and they have been involved in significant campaigns at Wilsons Promontory.

The brigade currently has 53 dedicated volunteers who give up their time to protect others. Very importantly, they also have a strong junior squad, which will ensure the ongoing future of the brigade.

This upgrade is part of the Victorian coalition government's ongoing commitment to build and upgrade 250 rural fire stations across the state at a cost of $125 million, which is another way this government is delivering for all Victorians.

Climate change

Mr SCHEFFER (Eastern Victoria) — The fifth report of the Intergovernmental Panel on Climate Change has had not the slightest effect on the Abbott government. The Prime Minister paid lip-service to the report, saying that the country had to take strong and effective action against climate change and that the universally discredited direct action policy would do the trick. The coalition is in the grip of a dangerous illusion. The fifth report is concerned with how the world responds to the global warming that is caused by increases in greenhouse emissions that are in turn caused by human activity. The report is not concerned with trying to convince anyone that since the industrial revolution human activity has caused increased temperatures, and it will therefore be of little interest to those members of the coalition who believe the whole thing is a ruse.

Scientists warn that global warming is increasing the risk of death, injury, ill health and disrupted livelihoods, especially along low-lying coastal areas that are more susceptible to storm surges, flooding and sea level rises. They warn of risks due to episodes of extreme weather that can cause infrastructure networks and critical services such as electricity, water supply, health and emergency services to breakdown. They warn of the risk of people dying because of exposure to extreme heat, especially vulnerable city dwellers and those working outside in the country and they also warn of job losses and the fall in earnings in country areas owing to limited water for both drinking and irrigating. Climate change is the pre-eminent issue we face, and the coalition must get serious in the interests of the country.

Geelong High School

Mr KOCH (Western Victoria) — Last Friday I proudly joined Premier Denis Napthine in Geelong as he announced that the Geelong High School will be completely rebuilt under a Victorian coalition government, with a $20 million overhaul of the entire campus. Work will be completed in three phases, with the first $8.5 million stage to be funded in the upcoming state budget and the remaining $11.5 million to be included in future budgets.

Nearly 1000 students attend Geelong high, and this commitment will deliver new state-of-the-art learning spaces that will complement modern teaching methods. The redevelopment will see new administration and technology facilities, a new library, improvements to sporting facilities and an upgrade to the arts and hospitality wings. Despite 11 years of opportunity, the Labor government and the retiring local member for Geelong, who boasts he is a former Geelong high student, failed to fund this much-needed redevelopment or even address the school's dire maintenance backlog. Instead of empty rhetoric and sloganeering, the coalition government immediately provided more than $240 000 of funding for urgent maintenance works after coming to office and has now pledged $20 million to completely rebuild the school while retaining the original facade.

The century-old Geelong High School holds many special memories for the community. This announcement is indeed welcome news for students, teachers and parents, both past and present. Paula Kontelj, former Geelong High School student and Liberal candidate for Geelong, joined the Premier for this announcement, applauding the move to restore this remarkable education icon in Geelong.

Shepparton rail services

Ms DARVENIZA (Northern Victoria) — Shepparton needs more train services to run to and from Melbourne. The community is sick and tired of a second-rate service and being forgotten in public transport funding announcements that see other regional areas such as Bendigo, Ballarat and Geelong well serviced. Two hundred Goulburn Valley residents met in Shepparton recently to vent their anger at the substandard service. The words 'shafted', 'ignored' and 'forgotten' were all used to describe the way the community feels.

Two weeks ago the Minister for Public Transport, Terry Mulder, announced $117 million in public transport spending for an additional V/Locity train as part of extra rolling stock for Bendigo, Ballarat, Traralgon and Geelong. Minister Mulder last visited Shepparton in October 2011 to discuss the region's rail problems. The minister said he got the message and also, 'I'm the minister and I'll be pushing'. He also said he would return to Melbourne with potential short, medium and long-term improvements that needed to be made to the service from Shepparton to Melbourne and from Melbourne to Shepparton. Goulburn Valley rail customers want to know why they keep being ignored and overlooked by the Liberal-Nationals state government when it comes to funding a rail service they require.

Graffiti

Ms CROZIER (Southern Metropolitan) — The news report yesterday of 18 cars and a number of shops being vandalised in a graffiti spree with a damage bill

of $50 000 is completely unacceptable. The vandals who carried out the act have no respect or regard for other people's property. Graffiti is a crime and carries severe penalties, including maximum fines in excess of $33 000 and up to two years jail.

It was therefore timely that I was in Oakleigh yesterday to present to the local traders a graffiti removal kit. Portable graffiti removal systems have been allocated across Victoria, and I commend the Minister for Crime Prevention, Mr Edward O'Donohue, on this important and very well-received initiative, which will allow local communities to address removal of unsightly graffiti on private property. I was shown some of that unsightly graffiti in the laneway and on property fences in the main Oakleigh village by the secretary of the Oakleigh Traders Association, Cindy Hartnett. It is an area that she and others take great pride in. Cindy's business has previously been targeted by vandals. Cindy took immediate action in painting over the graffiti on the boundary fence, but that was time and money that she had to provide because of the senseless action of others.

The coalition government has committed more than $10 million over four years to its anti-graffiti plan to support local communities to tackle illegal graffiti. The graffiti kits provided to local traders will now enable them to remove graffiti promptly. Prompt removal deters graffiti and lessens its effect. Graffiti is unsightly, influences public perceptions of public safety and is costly to local business and communities for its removal. Tagging and graffiti should not be tolerated.

National Playgroup Week

Ms MIKAKOS (Northern Metropolitan) — Last Friday, as part of National Playgroup Week, I was pleased to visit the Aurora playgroup, which is a supported playgroup in Thomastown for children with hearing loss. National Playgroup Week is a celebration of the benefits of all playgroups within our community. In Victoria 25 000 families and 40 000 children a week attend playgroups. Supported playgroups are vitally important as they provide opportunities for parents and children who would not otherwise access a playgroup. They give children the opportunity to develop their motor skills, to be exposed to sensory experiences and to enhance their social skills. They also provide families with the opportunities to establish friendships and long-term social support structures as well as develop their parenting skills, parenting capacity and confidence. I congratulate Playgroup Victoria for the various activities it organised as part of National Playgroup Week, and I particularly record my thanks to Aurora playgroup for allowing me to visit.

Lalor and District Men's Shed

Ms MIKAKOS — On the same day I was also extremely honoured to attend the official opening of the Lalor and District Men's Shed, along with the member for Thomastown in the other place, Bronwyn Halfpenny; the federal member for Scullin, Andrew Giles; Whittlesea mayor, Mary Lalios; and Cr Kris Pavlidis. Men's sheds are a wonderful initiative that can help reduce isolation felt by men and help them re-engage with their community. I particularly pay tribute to Bronwyn Halfpenny, who played a leading role in the community campaign to establish this important resource. This men's shed received no government funding but was instead supported by local businesses such as Sutton Tools and Bunnings Warehouse, along with Peter Lalor Vocational College, the Australian Manufacturing Workers Union, the Electrical Trades Union and the National Union of Workers. Congratulations to everyone involved, particularly the member for Thomastown.

CORRECTIONS AMENDMENT (FURTHER PAROLE REFORM) BILL 2014

Second reading

Debate resumed from 13 March; motion of Hon. E. J. O'DONOHUE (Minister for Corrections).

Mr TEE (Eastern Metropolitan) — I welcome the opportunity to speak on the Corrections Amendment (Further Parole Reform) Bill 2014, which deals with the very important issue of the conditions which are placed on prisoners who are released into the community. It is an important part of our system because it provides a level of ongoing monitoring and control and a regime for the supervision of prisoners upon their release. The bill deals with 2 of the 23 recommendations from the Callinan review. The opposition will not oppose the bill.

Essentially, as part of that, the bill provides a two-tiered process for the granting of parole to serious, violent or sexual offenders. That means there will be a category of offenders who have committed serious offences whose parole applications will be considered in the first instance by a panel of board members and, if it is unanimously approved by that board, there will be a review panel with the capacity to grant, vary or overturn the parole recommendation. The second provision in the bill deals with the situation where a parolee while on parole is convicted of a further offence punishable by prison. The bill provides that the Adult Parole Board of Victoria is not able to grant parole until

at least half of the parolee's remaining parole period has elapsed.

The opposition's concern is not so much with that provision but really about the way in which the provision has been portrayed by the government. The government has said in its media release that all offenders who reoffend while on parole must serve at least half of their remaining parole period in prison before being reconsidered for parole. All offenders who reoffend while on parole must serve at least half of their remaining parole period, but the reality is that is not the case. The reality is that there is some flexibility. The parole board has a discretion to make an order before that time if it is satisfied it is justified. Our concern is with the presentation by the government of those provisions. The government is not being completely honest with the Victorian people. It is saying one thing publicly, but then in this legislation it is providing or doing something else. We are concerned about the secrecy surrounding the Callinan report, about its late release and that there was very little capacity for engagement in it.

Mr D. R. J. O'Brien interjected.

Mr TEE — We are concerned about that process, Mr O'Brien. We are also concerned about how this government promises or says one thing and then does something completely different. That is unhelpful for a whole range of reasons. We are dealing with a serious part of our criminal justice system. It is also an issue that goes to the integrity of the government and politicians more broadly in this place. I urge those opposite, including Mr David O'Brien, to level with the Victorian people.

Another important thing worth noting is the broader context of our criminal justice system and particularly our prison system, which in three years has become quite dysfunctional. We only need to look at the outputs of parts of the system to realise how dysfunctional the corrections system has become under this government. The state's recidivism rate has increased, with nearly 37 per cent of prisoners returning to jail within two years.

Mr Finn interjected.

Mr TEE — Mr Finn might think that having more crimes committed is a matter of interjection, but the reality and what people are experiencing is increased crime under this government and increased recidivism rates. Arrest rates have increased because there is increased crime. We have seen the prison population increasing and crime going up. It is not working, and no amount of spin from Mr Finn or from the government is going to convince the people out there that somehow they are better off, because the truth is — and they know it — they are not better off after three years of this government.

We have also seen the report of the Ombudsman on his investigation into deaths and harm in custody, tabled in March, which talks about the increase in prison overcrowding, the increase in violence and the increase in assault and self-harm. The Ombudsman found that prison staff are at greater risk of being assaulted as a result of overcrowding, and increasingly we are finding that police cells are being used as de facto prisons. Instead of police officers going out to do what they should be doing, which is catching criminals and solving crime — —

Mr Finn — That is exactly what they are doing.

Mr TEE — It is not, because what is happening is that they are babysitting prisoners who are in police cells because of the overcrowding in the system. Our front-line police officers are sitting behind desks, babysitting prisoners because of overcrowding in the prison system. No wonder the crime rate is increasing. We have a system which is in crisis, a system which cannot deliver prisoners to court when they are required to attend — —

Mr D. R. J. O'Brien interjected.

Mr TEE — What we want to go back to and what the Victorian public wants to go back to is lower crime rates, not higher crime rates, with a better system, not a worst system. That is what the Victorian public deserves rather than the system we have now where we are spending more on prison beds than we are on hospital beds. I do not think anyone would see that as a good thing. We have a system that is so skewed and twisted that it is producing shocking returns for taxpayers.

I urge those opposite to rethink their strategy. This is another bill that has been introduced under the very ad hoc approach that has been adopted by this government where you do not have a comprehensive reform and you do not have a strategic approach. Rather there has been an ad hoc approach taken with four bills introduced to make amendments to the Corrections Act 1986 in the three and a bit years of this government. On any measure, whether it is prison overcrowding, whether it is police babysitting prisoners in police cells and not being on the front line, whether it is recidivism rates, whether it is the rates of criminal activity, whether it is the ad hoc approach where we see

a new bill introduced sooner than every 12 months to plug holes and fix up bits and pieces, it is not the sort of system that Victorians deserve. I urge those opposite to do better.

Mr D. R. J. O'BRIEN (Western Victoria) — It is with great pleasure that I rise to make a contribution to debate on the Corrections Amendment (Further Parole Reform) Bill 2014. This important bill will implement the final tranche of legislative reforms arising from the review of the parole system undertaken by the former High Court judge, Justice Ian Callinan. It is this government and this minister and the process started by the previous Minister for Corrections that have taken the important steps and the carefully considered initiatives to respond to the crisis that had occurred in Victoria's parole system and which developed under the administration of the former government and resulted in a number of horrific and tragic murders and other offences committed by parolees, notwithstanding opportunities for the community to be protected.

This minister, this government and I as a member of the government are proud to stand here, and we make no apologies for the priority this government has placed on community safety. We will stand our record against the Labor government's record at any time, not only on parole reforms but also in relation to the suite of law and order reforms this government has brought into play through the Attorney-General, through the installation of the portfolio of crime prevention, and through the important parliamentary committee inquiry that is being chaired very well by Acting President Ramsay in consultation with the other members of the Law Reform, Drugs and Crime Prevention Committee to look at the scourge of ice use in the community.

In relation to Mr Tee's most recent contribution, I am astounded that he has made a habit of not speaking to what the government is doing or what is occurring but instead has put up misleading facts and assertions about what his modus operandi was when he was involved in the previous government and the former ministry as an adviser, which was to spin and mislead the Victorian community. He has done that again. I invited him to correct the record. In fact I took the time to put a notice of motion on the notice paper inviting Mr Tee to correct the record in relation to his continual assertions that the Callinan review did not involve extensive public consultation. I do not need to reiterate those matters because they remain on the record, but in the most recent of his contributions Mr Tee has persisted with that ridiculous and misplaced assertion.

This is carefully considered parole reform, and I am proud to be here as the final tranche of the Callinan recommendations, as they have become known, are being put to the Parliament by this government. The government has identified additional measures that need to be the subject of legislation — and they are in this bill, which introduces the final tranche of these reforms. In particular, the key aspect of the bill is clause 7, which will allow a two-tier process to operate in relation to serious sexual offenders, who have been the cause of much tragedy in the community and the subject of significant concern regarding the operations of the Adult Parole Board of Victoria in both an administrative and legislative sense.

It is quite a short bill, and it is worth considering how clause 7 operates and what it will establish. Importantly it establishes a new division of the parole board called the serious violent offender or sexual offender (SVOSO) parole division, comprising the chairperson of the board, one full-time or part-time member of the board selected by the chairperson and any other member of the board selected by the chairperson from time to time. The sole function of the SVOSO division, as set out in new section 74AAB(2), inserted by clause 7, will be to decide whether or not to release a prisoner on parole in respect of a sexual offence or a serious violent offence. Again, as an aside, Mr Tee's assertion that the government has not been clear about where this particular reform is aimed is incorrect, not only because of the press releases that have been put out by the minister but also because of the terms of the bill.

More importantly, in relation to the substance of the bill I emphasise that this two-tier approach for these most serious sexual offences still involves a review that is conducted by another division of the parole board or the existing parole board but that it puts in a carefully constructed second tier — a specialist division of the parole board — to try to ensure that these very difficult decisions about parole pick up the learnings from the Callinan report and respect the community's desire for there to be greater protection while still assessing the prospects of rehabilitation and those other difficult factors to consider, for which the experience of the parole board is considered important. Hopefully legislating for this second stage will allow a better system to operate. It is something Justice Callinan recommended and something this government is proud to implement.

It is also important to note that in the operations under new section 74AAB(5):

> The SVOSO division may only make an order that a prisoner be released on parole in respect of a sexual offence or a serious violent offence if —

(a) another division of the Board has recommended that parole be granted; and

(b) the SVOSO division has considered the recommendation.

That in a sense puts in the two-stage process. There are further checks in new subsection (6), which says that 'a member of the SVOSO division must not have sat as a member of the division making the recommendation', so it is a genuine two-tier process that hopefully will provide that additional level of oversight or a secondary decision-making process to make sure that in any serious cases the community's protection is enhanced.

Mr Tee talked about recidivism. According to the findings of the Cummins review and certainly the evidence that I received as a member of the parliamentary committee inquiring into institutional child abuse, there is no doubt that sexual offenders are some of the most incorrigible, if not the most incorrigible, offenders — that is, their recidivism rate is high. That is a fact regarding paedophiles and other sexual offenders. Therefore it is a well-considered measure that this targeted provision should put in this second check. It will be an important step to ensure that there is every chance that government can provide that these horrific murders, about which many members of Parliament from all sides of the chamber have spoken eloquently, will not occur again. It is this important clause that is in a sense the first significant clause of the bill that I have talked about in my short contribution.

The other clauses of the bill that are relevant are clauses 8 and 9, which also arise from measure 3 of the review by Justice Callinan. They deal with prisoners who have had their parole cancelled due to further offending and who return to serve the prison sentence for which they were originally paroled, as recommended by measure 3. The bill provides that such a prisoner is not eligible for parole until the prisoner has served a further term of imprisonment equal to half of the parole period remaining at the time the prison sentence was cancelled. Such reoffending is defined in clause 9 as being convicted of an offence punishable by imprisonment committed while on parole.

The requirement to serve a term of imprisonment of at least half the remaining parole period sets out a minimum period, and that should be emphasised. For example, if at the time of cancellation of parole a prisoner has four years parole remaining, the board must not grant parole until at least two years imprisonment has been served. Further, it should be noted that a prisoner who is on parole for life and has their parole cancelled due to reoffending must serve three years in prison from the time parole was cancelled.

As recommended by measure 5 in the Callinan report, the bill also provides that the board may make an order for parole before the minimum time in prison has been served following the cancellation of parole if the board is satisfied that circumstances exist which justify doing so. This important reform will provide a stronger consequence for reoffending while on parole. A minimum period in prison must also be served unless circumstances justify otherwise; parole is not automatic.

This fits into the overriding paramount consideration that this government has also introduced, which was emphasised in earlier pieces of legislation, in particular in what was called Elsa's law — that parole is a privilege, not a right. It is something provided for a prisoner who becomes eligible to be released subject to the conditions that are legislated and the conditions and considerations of the parole board. Again, this government makes no apology for protecting and improving the protections for the community. It is something that this community has desired and sought.

In conclusion, I refer to a summary of some of the legislation that has been introduced by this government. It includes the Corrections Amendment Act 2013, which clarifies the power of the Adult Parole Board of Victoria to cancel parole in the case of offending that occurred partially within the parole period. The Justice Legislation Amendment (Cancellation of Parole and Other Matters) Act 2013, which was called Elsa's law, commenced on 20 May 2013. It provides for the cancellation of parole in circumstances where a prisoner is charged with, convicted of or found guilty of certain offences while on parole.

The Corrections Amendment (Breach of Parole) Act 2013 provides that it is an offence, punishable by up to three months imprisonment, for a prisoner to be in breach of a prescribed term or condition of his or her parole order without reasonable excuse. The Corrections Amendment (Parole Reform) Act 2013 commenced on 20 November 2013. This act reformed the composition of the adult parole board by allowing the appointment of retired judges of superior courts of other jurisdictions, expanding the classes of members eligible to be appointed as chairperson and providing for the appointment of a deputy chairperson and maximum terms of office.

The Corrections Legislation Amendment Bill 2013 was introduced in the Legislative Assembly on 10 December 2013 and passed by the Legislative

Council. We also had the second reading of the Corrections Amendment (Parole) Bill 2014 in the Legislative Council on 18 February. Then there has been the Corrections Amendment (Further Parole Reform) Bill 2014, which members are debating now. With that short list, this government has demonstrated that it is committed to the serious reforms recommended by the Callinan review.

I was also present recently at Marngoneet prison for the swearing in of 23 new prison officers, which was a particularly proud moment. The speeches that the new prison officers gave about their intentions to work within the parole system were very inspiring. As the minister outlined during question time, the government is continuing its process of trying to educate and reform prisoners within the prison system, including the Landmate program and other programs. As was pointed out in the review of the parole system report, 89.1 per cent of eligible prisoners are doing some work from prison, and that is a good thing.

Mr Finn interjected.

Mr D. R. J. O'BRIEN — I will ignore the interjections from Mr Finn at this point, humorous as they may be, as this is a very serious matter. I absolutely commend the work of the minister, and I call on the Labor Party to come on board and support these important reforms that the Victorian community has called for and has entrusted this government and minister with carefully implementing. With this bill, the final tranche of the Callinan recommendations are being implemented, and I commend the bill to the house.

Ms PENNICUIK (Southern Metropolitan) — The purpose of the Corrections Amendment (Further Parole Reform) Bill 2014 is to implement further legislative reforms arising from measures identified in the review of the parole system in Victoria, which was undertaken by former High Court Justice Ian Callinan. The bill introduces a few measures, the key ones in clause 7. It amends the Corrections Act 1986 to identify a category of serious or violent sexual offender for whom a two-tier approach to the granting of parole will apply. This category will apply to prisoners who are serving a sentence of imprisonment for a conviction for a sexual offence or serious violent offence as defined in section 77(9) of the Corrections Act.

The two-tier approach involves the creation of a new serious violent offender or sexual offender (SVOSO) division of the Adult Parole Board of Victoria. This division will consist of the chairperson of the board together with at least one full-time member or one part-time member and any other members the chairperson may select from time to time. This will ensure that the chairperson of the board is involved in the decision to grant parole to sex offenders or serious violent offenders. Only the SVOSO division will be able to grant parole to this category of prisoner, and it can do so only after receiving a recommendation from another division of the board that parole be granted. The SVOSO division can refuse to grant parole to the prisoner even though another division of the board has recommended the prisoner be granted parole.

The chairperson and the members of the SVOSO division reviewing the recommendation of the other division of the board must not have been members of the division that made the recommendation in favour of parole. This reform implements measure 5 of the Callinan review, which recommended that:

> All offenders should be categorised on conviction and sentencing for a non-parole term of imprisonment according to the nature and severity of the offence. It should then follow that consideration for parole can be given by the board according to the gravity of the offence.

In support of that recommendation former Justice Callinan said that:

> … in practice it has proved to be too easy for serious violent and sexual offenders to obtain and remain on parole. There needs to be a clear categorisation of offenders on their conviction, and special consideration given to serious violent and sexual offenders.

The Greens are very supportive of this particular measure. In the debate on the Corrections Amendment (Breach of Parole) Bill 2013, I made the comment that:

> To me it has always seemed that one of the basic problems is what appears to be a lack of a separation of these types of offenders —

that is, serious violent offenders or serious sex offenders —

> from the bulk of the prison population when considering parole. This is an issue that has been highlighted by former Justice Ian Callinan and by Professor James Ogloff in their reports, as well as by the Chief Commissioner of Police, Ken Lay. The problem is what to do with those offenders at the end of their sentences when there are no conditions or supervisory requirements, as there are when they are on parole.

In reading the Callinan report members will recall that issues were raised about the work overload of members of the Adult Parole Board of Victoria, the fact that they did not always have access to the correct records at the correct time and that they were working with paper-based not electronic systems. The report commented that they appeared to deal with all applications for

parole in a similar way. It seemed to me that consideration of parole for serious offenders should be separated from consideration of the bulk of the prison population who are not serious violent offenders or sex offenders. That would lead to better outcomes, make the work of adult parole board members easier to manage and help them reach the correct decisions with regard to the granting or not granting of parole.

One of the issues that has been raised with regard to this provision is that of home invasion, burglary and breaking-and-entering-type offences. The Law Institute of Victoria has raised the issue that adding burglary, in the absence of violence or other aggravating features, to this category of the most serious criminals is unnecessary. However, I think those particular issues could again be considered by the adult parole board when deciding whether or not parole should be granted.

Clause 8 of the bill makes it clear that if a prisoner is sentenced to another prison sentence while on parole, the prisoner's parole is taken to have been cancelled on the sentence being imposed. Clause 9 provides that if the parole is or has been cancelled and a prisoner has been returned to prison and is convicted of further offending that occurred during the period they were on parole, the board is not able to make a parole order granting parole to the prisoner again unless at least half of the prisoner's remaining parole period at the time parole was cancelled has elapsed and the board is satisfied that circumstances exist which justify doing so.

In his contribution Mr Tee raised the point that the government in its public announcements has said that all prisoners will be covered by this particular provision, implying that no prisoner will be able to be released unless at least half of the prisoner's remaining parole period has elapsed. However, this provision goes on to say the prisoner can be released if the board is satisfied that circumstances exist which justify doing so, which in practice may mean that that provision may not apply to all prisoners. Therefore I take Mr Tee's point that the government should not imply or make it seem as if this provision is categorically going to apply to all prisoners when that is not what is provided for in the bill. The provision in the bill allows the board to make a different ruling if circumstances exist that justify doing so. An exception to the general rule is where a prisoner is serving a life sentence. In this case a minimum period of three years must be served before the adult parole board may make a further parole order. This reform relates to measure 3 of the Callinan review.

The Greens are supporting this bill and the changes made to the adult parole board to make it clearer and easier for its members to fulfil the difficult task they perform on behalf of the people of Victoria. On other occasions I have stood here, as have other members, speaking on other parole bills that have come before us in the last few years and talked about the background to the legislation — that is, the heinous crimes that have been committed by some parolees and indeed by people on bail and/or parole at the same time and how that has destroyed people's lives and the lives of their families and friends. Enacting legislation is only one side of the issue. Making the necessary reforms to the parole system which I have supported, is only one side of the equation. The other is supporting prisoners, including serious violent offenders and sex offenders, when they are released and providing programs while they are in prison,

In debate on the Corrections Amendment (Breach of Parole) Bill 2013 in September last year I raised that issue and asked the government about what programs were in place for these offenders in prison. I was informed on that occasion that there is a range of treatment programs available to violent offenders and sex offenders et cetera such as behaviour programs, individual treatment and case management. However, I discovered that many if not most of those programs are delivered towards the end of a prisoner's sentence and made the comment that studies have shown that offenders should be attending programs and receiving rehabilitation assistance from the time they enter prison. It appears that at the moment the programs are available mainly for participants up to 6 months prior to their release and up to 12 months post-release in some circumstances.

This is an issue that was also raised in relation to the case of Arthur Aggelidis, which was reported in the *Age* of 10 February. In this case the Court of Appeal president, Justice Chris Maxwell, and Justices Phillip Priest and Paul Coghlan said the attack by Arthur Aggelidis on a police officer whilst on parole was both 'entirely predictable and almost certainly preventable'. The attack by Mr Aggelidis is of concern.

Justice Maxwell said:

> The crucial feature, in my view, is that the appellant's relapse into mental illness — and into offending behaviour — can be traced directly to the inexplicable failure of the correctional authorities, at the time of his release on parole, to make the necessary arrangements for his transition back into the community …

Justice Maxwell also said:

> …when the appellant was released … No provision had been made for appropriate accommodation; he did not have a referral to an area mental health service; there had been no

> pre-release visit from Centrelink; and he was not given personal identification documents, which he needed in order to obtain assistance and treatment.
>
> Counsel for the appellant maintained that his release in such circumstances triggered an involuntary relapse into severe mental illness, which substantially diminished his personal culpability for this offending, and the relevance of both specific and general deterrence.

He noted that this was the third time that such a lack of necessary arrangements were made for Mr Aggelidis when released on parole:

> This was his third parole release since 24 July 2009. On each previous occasion he had breached his parole and was returned to custody.

Justice Maxwell then sentenced him to a lower sentence of imprisonment for the assault on the police officer.

While it is necessary to make these changes to the parole system, it is also necessary to make sure that Corrections Victoria and the Department of Justice deal with the release of prisoners, most of whom will eventually be released, and to make sure that appropriate supports are in place for those people, particularly in cases where there are mental health issues. Corrections Victoria and the department need to ensure that programs are delivered to prisoners while in prison — and there do not seem to be enough of those programs — and that people are not just released through the prison door with no support or assistance to help them reintegrate into the community. Such assistance is also a community safety measure. It is not a community safety measure to release prisoners without supports, and to have the President of the Court of Appeal, Justice Maxwell, say as much brings that message home to everybody.

Lastly, the bill makes amendments to clarify the mechanics of board meetings — that is, that a division of the board consists of at least three members to account for meetings when more than three members are present; and ensures that the procedural requirements set out in section 66 of the act also apply to meetings of divisions of the board. With those remarks and not reprosecuting the reasons that I have already outlined in previous contributions on parole reform, the Greens will be supporting the bill.

Mr RONALDS (Eastern Victoria) — The government has been clear in saying that the parole system has failed and that it needs to be fixed. Members of the coalition have gone about the task of doing this in the interests of community safety. In fact it is what the community expects and is entitled to. Changes which we have already introduced have made our parole system in Victoria the toughest in Australia. I will outline some of this government's substantial reforms to the parole system. Parole legislation has been changed so that a serious violent offender or sex offender who is convicted of further similar crimes while on parole goes straight back to jail. We have also passed legislation to make the breach of parole an offence punishable by a jail term to be served on top of the offender's original sentence. We have made extensive administrative reforms to improve information sharing and the operations of the adult parole system. These reforms have been undertaken on a simple principle — that is, that parole is a privilege, not a right, and that community safety must be the first consideration in parole matters. Legislation enshrining these principles passed the Victorian Parliament on 29 October 2013.

The Corrections Amendment (Further Parole Reforms) Bill 2014 introduces a two-tier decision-making process for the granting of parole for serious violent offenders and sex offenders and will ensure that prisoners who have had their parole cancelled due to reoffending serve half the unexpired portion of parole before being reconsidered for parole by the board. We have toughened sentencing, we have already made changes to parole and we are undertaking the largest expansion of the corrections system in terms of capacity and reach in Victoria's history.

In August last year the government released the Callinan review into the adult parole system in Victoria. As the Premier and the Minister for Corrections have stated, the safety of the community is the first priority of the Adult Parole Board of Victoria, and for the first time this has been enshrined in law. Legislation giving effect to this and other recommendations was passed in October last year, and progress towards the implementation of all the Callinan recommendations is well under way. The government has now committed $84.1 million in output funding over four years to overhaul Victoria's parole system.

These reforms will see system-wide changes to the way the parole system operates, including the introduction of a new risk assessment and management framework to toughen the parole system and ensure community safety is paramount in all parole decisions. This is a significant step in the government's ongoing reform of the parole system, making it very clear to offenders and the whole Victorian community that parole is a privilege, not a right. There has been substantial renewal at the adult parole board. As recommended by Mr Callinan, the government has increased the adult parole board's full-time membership from one to four and has also appointed a new full-time chair, retired Supreme Court Judge Bill Gillard.

The bill will amend the Corrections Act 1986 to implement the final tranche of legislative reforms arising from the measures identified in the Callinan review. The review was released on 20 August 2013 and identifies 23 measures for improvement to Victoria's adult parole system. The government has acted swiftly to implement the Callinan review and has already implemented a range of legislative and administrative reforms, including ensuring community safety is the highest priority in parole decisions.

This bill responds to measures 3 and 5 of the Callinan review. Measure 5 identifies a special category of offender for whom a two-tier approach will apply when the adult parole board is deciding whether to release them on parole. In particular this applies to the release on parole of a prisoner who has been convicted of a sexual offence or a serious violent offence. Measure 3 of the Callinan review provides that, subject to certain exceptions, if a prisoner has his or her parole cancelled due to reoffending, the prisoner is not eligible to be released on parole again until he or she has served a term of imprisonment equal to half of the parole period remaining at the time the parole was cancelled.

This government is once again delivering for all Victorians and making Victoria a safer place to live.

Hon. E. J. O'DONOHUE (Minister for Corrections) — I thank those who have spoken on the bill for their contributions to the debate, and I welcome the support of the Greens. In a moment I will clarify a couple of points in relation to Ms Pennicuik's comments.

First, I reflect on some of the comments made by Mr Tee. Despite what he would allege, these reforms to the parole system have been systematic, thorough and driven by a very clear process. That process started with the commissioning by the government of former High Court judge Ian Callinan to undertake a comprehensive and thorough review of the adult parole system. Mr Callinan was commissioned in May. He reported to government in July, and in August the government released the report in full, save for some very minor redactions. Any statement by Mr Tee about this process not being clear and transparent is false and offensive.

When Mr Callinan's report was released the government announced that it would implement the thrust and tenor of all 23 recommendations. The legislation before the house today, coupled with the $84.1 million of funding which I have previously announced, is the final piece of legislation required to deliver on those 23 recommendations. The government, in a very expeditious and diligent way, has commissioned a thorough and detailed review of the parole system and has then gone about delivering those reforms.

In previous contributions in this place Mr Tee has made a range of errors about the process that has been undertaken. He has referred to the Gray report when citing another report. He has asserted that there has not been consultation when the report identifies those with whom Mr Callinan consulted. He has asserted that the terms of reference were not public when indeed they are there on page 3 of the same report. Regrettably, Mr Tee is at it again today. In my opinion, his comments are flippant and shallow, and they are offensive to the victims who have already suffered too much. He has demonstrated his complete lack of understanding of the justice system in this state, and this from a person who was recruited to the Parliament by the former Attorney-General. He was the former Attorney-General's Parliamentary Secretary for Justice for over two years. In his contribution he completely neglected the substance of the bill, which provides for the implementation of the final recommendations of the Callinan review. From Mr Tee's words, is the community to assume that he opposes these reforms? Are we indeed to assume he opposes all the parole reforms, in the face of the appalling crimes committed by parolees under the system that his party bequeathed to this state?

Mr Tee's stance is no surprise. It is in line with the ridiculous stance of his colleague Mr Jennings, which was made clear earlier this year. Mr Jennings offered the view in a media conference that the sentencing on parole provisions should not have been tightened until prison capacity was sufficiently increased; dangerous parolees should just stay on the street while we take on the project of building the new prison that Labor was told three times to build but did not. This is a nonsensical position. It is a dangerous position. It is a position that would endanger members of the Victorian community in the same way that Labor allowed them to be endangered under 11 years of its rule. Mr Tee has made clear once again that Victorians can choose this government's approach or return to his party's cavalier approach to community safety.

In acknowledging the support of the Greens — and I thank Ms Pennicuik for her support for this bill — I draw the attention of members to the press release I issued on 12 March which details the $84.1 million to be provided over four years to fund the changes associated with the parole reform process. That press release and those reforms respond directly to the issues Ms Pennicuik raised.

Ms Pennicuik talked about offenders only receiving treatment towards the end of their sentences and only receiving a limited amount of treatment for their violent or sexual behaviour. That was under the system this government inherited. That was Labor's system. Under the reforms we have implemented, and as a result of the investment of $84.1 million by this government, serious violent offenders and sex offenders will be categorised and dealt with differently, the risk assessment and identification of treatment programs will occur from the start of a sentence, and serious violent offenders and sex offenders must complete required treatment and be of good behaviour in prison before they will be considered for parole. The adequate completion of those behavioural change programs is a precondition for consideration for parole. I think that deals with the issues Ms Pennicuik has raised. The government is providing the investment to deliver on the sorts of reforms Ms Pennicuik raised.

I also make the point that the investment that is part of this reform package is not just within the prison environment, it is in the community corrections environment. More resources will be provided to community corrections so that more senior people can be recruited to manage serious violent offenders and sex offenders. We know that Mr Callinan identified that under the previous system additional resources were required for community corrections, and that is exactly what this government has delivered. With this package of $84.1 million, coupled with the legislative reforms that this Parliament has now considered, the intent and thrust of Mr Callinan's 23 recommendations have been implemented.

In conclusion, this has been a very stressful period for the victims of crime and their families, particularly those who have suffered at the hands of parolees. It has also been a very difficult time for the Adult Parole Board of Victoria, and I pay tribute to the new chair, Mr Bill Gillard, a former Supreme Court judge, for his leadership since he has taken over the role. He is the first full-time chair in the adult parole board's history. The parole board has been given additional resources so that it can do its job in the way that the Victorian community expects.

I also pay tribute to and thank the hardworking team at Corrections Victoria, which has done so much of the work, in conjunction with esteemed people such as Professor James Ogloff, to deliver on these 23 recommendations. The government set the Department of Justice a very tight time frame in which to deliver on these recommendations, because that is what the community expected, and I am pleased that Corrections Victoria and the government have been able to respond in an expeditious way.

Read second time; by leave, proceeded to third reading.

Third reading

Motion agreed to.

Read third time.

GAME MANAGEMENT AUTHORITY BILL 2013

Second reading

Debate resumed from 13 March; motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Ms PULFORD (Western Victoria) — The Game Management Authority Bill 2013 provides the framework for a new independent statutory authority that will regulate game hunting in Victoria. This will be a matter of great interest to the 43 000 game licence holders in this state, and indeed to the many businesses across communities in Victoria that benefit from their activity. According to the minister's second-reading speech, this generates in the order of $100 million of economic activity for Victoria.

The legislation gives effect to a promise that the Liberal and Nationals parties made before the last election, so that is refreshing; it is an election promise that is being kept, unlike a bunch of others. It will establish the Game Management Authority, which will, from the date of effect of this legislation, be responsible for the roles currently undertaken by Game Victoria in the Department of Environment and Primary Industries. The government says that there will be no associated job losses and that staff from Game Victoria will simply be transferred across to the new authority. That is again a refreshing change from a government that cannot, hand on heart, say that there have not been a whole lot of public sector job losses in many areas of government service delivery. In this instance there are a number of people moving to a separate new agency to do very similar work to what they are currently doing.

The bill defines the objectives of the authority as to promote sustainability and responsibility in game hunting and to perform its functions and exercise its powers in a manner it considers best achieves those functions. This includes licence management, monitoring and the undertaking of research and analysis of the environmental, social and economic impacts of game hunting and game management. These are all

worthy things; better decisions are generally made with additional information.

The authority will also be responsible for making recommendations to government in relation to the control of pest animals; the declaration of the opening and closing or scale of game hunting season limits that are in place, which of course can change from season to season; and the management of public and private land insofar as it relates to game and its habitat. The minister will appoint a skills-based board to oversee the direction of the authority. It can only be a good thing that this authority will be required to provide a report to the Parliament on an annual basis. The bill contains a number of other consequential amendments so that this ties up what is a reasonably neat and tidy transfer of responsibilities from one part of government to another.

For these reasons — because it is a promise that the government was very clear about before the election, because it will improve information available to people in Victoria who have an interest in this issue and because it will support a greater degree of transparency in game management in Victoria — the Labor Party will not be opposing the bill.

Mr BARBER (Northern Metropolitan) — If the best thing the Labor Party can say about this bill, the Game Management Authority Bill 2013, is that it will make the cruel destruction of our native fauna a bit more transparent, that should be reason enough for the Greens to oppose the bill. But the bill does more than that: it in fact sets up a body the job of which is to promote game hunting in Victoria.

When we talk about game hunting, we are talking about two types of game: one is a range of invasive species, feral animals, from deer to goat to pigs and the rest of it; and the other is for the most part native waterbirds that are hunted in the annual duck hunting season. As far as the former goes, we can see that game hunting has been singularly ineffective at clearing our public and private lands of invasive species. We can use the available information or we can use our own experience to know that recreational deer shooting has had absolutely no impact when it comes to controlling deer numbers. There are more of them in more of our land areas than we have seen before. That makes sense because deer hunters are not interested in wiping out deer; they are interested in continuing populations of deer at healthy levels so that they can shoot them.

The whole purpose of management of public land should be to restore and protect the environment, and deer, for example, are having a huge impact. In areas where they are highly concentrated they dig up the ground, selectively browse some threatened plant species — they give quite a beating to many plant species, actually — and even move out into farmland, where they do damage to fences and crops. Increasingly you hear that they are a cause of road hazards. Deer are just giant feral goats, and in areas where they are causing damage they need to be removed from public land by experienced, motivated professional shooters who are paid to go in there and do that job, not cut-lunch commandos who come up from the city for a fun weekend every so often and maybe come back with a deer. Maybe they do not; maybe they just have a good time.

As far as that side of it goes, the game-hunting fraternity likes to have it both ways. It says it is keeping populations down, but in actual fact it is lobbying hard to maintain those populations. Once this authority is up and running with its specific legislative charter and the money behind it, that is exactly what it will be doing too.

When it comes to shooting our native fauna, particularly waterbirds in the annual duck-shooting slaughter, that is a different question entirely. That is an activity the vast majority of Victorians believe should not be happening. We saw the annual duck shoot start just a few weeks ago, and despite the warnings of the Greens and others, there was yet again more destruction of threatened species, such as freckled ducks. Hundreds of them were pulled off wetlands where, if we had had our way, shooting would not have been occurring. That is on top of the hundreds of birds — protected species — slaughtered at Box Flat the previous season, where warnings were also given that something similar had happened the year before. If three years in a row, with all the necessary warnings, the department is completely incapable of enforcing the law, then it is time for duck season to end.

In any case, even with the best will in the world we would still be seeing the cruelty and the disruption to otherwise peaceful environments from this brief burst of activity by a handful of hunters on the first day, followed by pretty sporadic activity after that. I know that they are supposed to do duck identification tests and all the rest of it, where they should be able to tell a protected species from a game species, but 100 freckled ducks were pulled off those wetlands after the opening of the season, along with 26 Eurasian coots, 3 ravens, 1 great crested grebe and a swan. Anybody should be able to identify the difference between a swan and a duck. In addition, there were many discarded game species. There is a bag limit, but if a hunter keeps shooting just for the thrill of it, it is only those ducks he actually picks up and takes home that make his bag

limit. That is why 163 discarded game species ducks were found on those same wetlands, alongside the protected species ducks.

The other day we heard the Leader of the Opposition, Daniel Andrews, the member for Mulgrave in the Assembly, talk about this on 3AW on a weekend morning. He was asked by a caller whether he had any plans to change things with regard to duck shooting. I have a few paragraphs of transcript. From Daniel Andrews we heard:

> Duck shooting — I have got no plans to change the way the duck season works now.

That is pretty shocking, given what we saw on opening day. He continues:

> There are limits, and you have to declare that a season can be viable. Not everyone likes that, but that is just a view that I have formed.

The 3AW presenter says, 'Yes, but you're a country lad'. Daniel Andrews says:

> Well, I am, and I also represent a working-class suburb, and there are plenty of people that live very close to me that are sporting shooters, and whether they go down to the shooting range down in Springvale in the middle of my seat or whether they go duck shooting, you know, that's a legitimate form of recreational activity. Again, not everybody will agree with that, but that's my view.

It could be that Mr Andrews does know a few people in his electorate who enjoy duck shooting — in fact the figures show that there are 135 licensed duck shooters in his electorate. It could be that Mr Andrews is on a first-name basis with all of them, but that is out of 35 000 registered voters in his seat, of whom licensed duck hunters — who certainly would not be shooting on the duck ponds of Springvale, because they are all loading up and heading up to some country area — represent 0.4 per cent.

Compare that to a survey conducted by reputable firm Roy Morgan Research, which asked the following question:

> In your opinion, should the shooting of native waterbirds for recreational purposes be banned in Victoria?

Seventy-five per cent of those surveyed said they thought the shooting of native waterbirds for recreational purposes should be banned in Victoria, 20 per cent thought it should not be banned and 5 per cent were undecided. Women, at 83 per cent, were more likely than men, at 67 per cent, to say the shooting of native waterbirds should be banned. Support for banning this activity was highest amongst younger people — 14 to 17-year-olds — at 80 per cent, and lowest amongst those aged 35 to 49, at 71 per cent. People living in Melbourne, at 80 per cent, were more likely than those living in country areas, at 63 per cent, to favour banning the shooting of native waterbirds.

Whether Mr Andrews sees himself as a country lad, a working-class lad or even a ladette, the fact is he is completely out of touch with the vast majority of the Victorian public, and he is much more focused on those 135 people in his electorate who quite like killing native waterbirds. Why is it that Mr Andrews is so passionately committed to the view of a microsegment of the community? The members of that microsegment are very passionate about their particular activity, and for that matter, they like their guns too. When you try to take their guns off them, they get very upset.

Former Prime Minister John Howard did take their guns away, after the tragic Port Arthur massacre. I know, having followed the issue since then, that the Labor Party has never let shooters forget that it was John Howard who took their guns away. Yes, Mr Andrews may be standing up for what he sees as the working-class interests of his electorate, or he may be standing up for the country, but what he is really standing up for are a group of people whose entire vote and in fact entire persona can switch in a microsecond when the threat is to take their guns away. This is not because these people need their guns to manage their farms; we are talking about people from inner Melbourne here. The people who worry me are the people who feel a bit better having a gun in the house. Personally I feel a bit worse living in a suburb where people have guns in their houses.

That is the game here. It is not the game of deer or ducks or whatever it is that might be left over to shoot when the feral animals have all been removed from public land, and hopefully from the damage they are doing to neighbouring farms as well. That will also not be the game when the vast majority of Victorians finally get their say and have duck shooting banned, as it is in most other states. The game here is the continued competition between the Labor and Liberal parties for that shooter vote.

There are a number of problems with this bill. As we saw in New South Wales, the governance arrangements will create conflicting roles for the government of promoting something and at the same time regulating it. The environmental purposes are spurious. Pest management will not be helped. It is well understood by those groups that study this intensively, such as the Invasive Animals Cooperative Research Centre, that hunting has no impact on the populations of these animals. For that matter, the fox bounty this

government is so in love with has been completely discredited in other jurisdictions as a method of controlling, much less reducing, fox populations. If the Greens had their way, the only hunting occurring on public land would be motivated and systematically organised efforts by professionally trained hunters to remove invasive species for environmental protection.

We will be voting against the second reading of this bill, and we will also be voting against the third reading of the bill. Generally speaking, if you make your vote clear and vote against the second reading of the bill, the point has been made. We do not always routinely vote on both the second and third readings, let alone every individual clause.

Ms Pennicuik — And every individual amendment.

Mr BARBER — Or every individual amendment that we might move to every individual clause. However, we received correspondence the other day from a constituent following the vote on the Summary Offences and Sentencing Amendment Bill 2013, which I will call the anti-protest bill. This constituent was querying why it was that we had not voted against the third reading of the bill. We thought we had made our view on that bill pretty clear. However, this constituent had written to a member of the upper house, a member for Southern Metropolitan Region, Ms Crozier, and Ms Crozier had replied to him saying that at the bill's third reading in the Legislative Council neither the Labor opposition nor the Greens voted against these important reforms. We found that to be a quite misleading characterisation of our position. If the point was that you did not vote against it in the third-reading stage because you did not care very much, that would be wrong, but that is not our position.

In any case, to make the situation very clear and so that our position cannot be misrepresented in future, we will now be voting against the third reading of a bill every time we vote against the second reading of a bill, and that will continue all the way through to the election. The letter from Ms Crozier to the constituent is the reason we will be doing that, and I want to make that very clear to the chamber.

I can understand why many members are discomforted by what was contained in the Summary Offences and Sentencing Amendment Bill 2013, because there are many people in Victoria who do not see themselves as protesters and do not ever imagine they will protest, but they sure as hell want to live in a state where you can protest against something, and what they are seeing is a group of policies being rolled out that are deeply unpopular. More and more everyday Victorians are understanding why people are protesting against these policies. They see them as being against what most Victorians want to see as the direction of the state, and for that matter they see the government's crackdown on protesters as a sign of desperation and of not listening.

That is a decidedly illiberal approach to a modern democracy like Victoria's and, ironically enough, one of the groups being cracked down on is the anti duck-shooting protesters. Time and again it is those groups who are going out there and actually discovering the illegality who are now banned from being on the wetlands, while at the same time the illegality — both in this duck shooting season and the last one and the one before that and for all those that we have all experienced over many years — seems to be completely out of control. No prosecutions are happening, and today we have the insult of a game management authority bill whose job is to actually go out and promote this behaviour. That is its clearly stated purpose. There is no need for it, there is no rationale for it, and the Greens will not be voting for it.

Mr RAMSAY (Western Victoria) — There we have it — a good old-fashioned Greens dummy spit. Mr Barber has traversed a number of bills in his contribution and talked about Greens philosophy in relation to duck shooting and protesting and all manner of things, but the reality is that the Greens do not like killing animals. They do not like people eating food from animals. That is the reality.

Mr Barber — I had a ham sandwich this morning!

Mr RAMSAY — If Mr Barber wants to keeping interjecting, this contribution can go as long as I want to take it.

The ACTING PRESIDENT (**Ms Crozier**) — Order! Through the Chair, Mr Ramsay. Mr Barber has made his contribution.

Mr RAMSAY — So fairly predictably, you can always depend on the Greens to muddy the waters on bills that have clear intent, are simple in nature and provide better administration, accountability, efficiency and transparency. We did not hear any of that in Mr Barber's contribution.

I am pleased to contribute to debate on the Game Management Authority Bill 2013, and I am happy to declare an interest in that I am a keen shooter. My family has been involved in shooting for generations, and we have enjoyed the sport both as recreational shooters but also as farmers controlling pests and vermin on our property. My father was a very keen clay shooter and a member of the local gun club, as you do

not actually have to shoot animals to enjoy shooting, as was suggested by Mr Barber. In fact some of my fondest memories are of spending time with my father in hides during duck season, walking the stubbles in March, flushing out the quail, or the fox drives with the Winchelsea Gun Club. I can assure Mr Barber that the fox bounties in Victoria have been looked upon with envy by other states in relation to both the way the bounties support local gun clubs and local families and the part they play in reducing fox litters.

One might wonder, given Mr Barber's contribution, what the purpose of the bill is, because no part of his contribution related to the bill itself, which is about setting up an authority to manage game in Victoria. He talked about freckled ducks and swans and about protesters and the Summary Offences Act 1966, all which has no relation to the bill at all and was just an opportunity to continue to drive the Greens ideology. It is no wonder that its support base is shrinking.

The purpose of the Game Management Authority Bill 2013 is the establishment of the Game Management Authority (GMA). It amends the Wildlife Act 1975, the Conservation, Forests and Lands Act 1987 and other acts, as well as make other minor amendments. The bill will fulfil yet another 2010 election commitment in establishing an independent Game Management Authority to regulate game hunting in Victoria, with a focus on compliance, investigation and discipline, ensuring the enforcement of the relevant legislation so that the hunting of game is carried out in a responsible and ethical way. What a strange thing to have the Greens not supporting that.

Recently there has been a great deal of activity relating to game hunting both as a recreational activity and as a means of pest management. The announcement last week by the Minister for Agriculture and Food Security, Peter Walsh, that there will be a two-year trial beginning at the end of March for kangaroo processing plants is a step in the right direction. The minister has laid out this trial process so that it will give all stakeholders an opportunity not only to participate but also to fully analyse the process.

The two-year trial involves a staged management plan giving licence-holders certain responsibilities, including the shooting of kangaroos and the freezing and processing of the meat through PrimeSafe, with the eventual end product to be used as pet food. It is designed in a way that is ethical in nature and responsive to environmental and animal welfare issues but also, and perhaps most significantly, creates an opportunity for a food source that otherwise would be wasted.

I assure members that anyone who has shot kangaroos and had them decaying in paddocks knows it is quite a smelly process. When you get a number of kangaroos decaying in close proximity to where you live, I assure members it is not pleasant. To have the opportunity to remove that waste to a productive end, in relation to pet food, is important and significant, and I can see some opportunity for using kangaroo meat as a human food source rather than as a pet food source in the future. Other states have done so, and once this trial process is finished and we are satisfied that all compliances and accountabilities are in place, I encourage looking at opportunities for Victorian land-holders to use kangaroos, which are basically pests, in the human food chain.

I will talk briefly about deer, which were also raised by Mr Barber. Starting in spring this year, 54 hunters have been authorised to cull 220 deer, including up to 70 in the Dandenong Ranges National Park, up to 130 in the Yellingbo Conservation Reserve and up to 20 in the Warramate Hills Nature Conservation Reserve. The aim of the cull is to provide protection for native vegetation, waterways and animals, such as the threatened lyrebird. There is purpose in allowing a controlled cull of deer in those national parks to provide both an environmental benefit and protection for some threatened bird species. Again, it is hard to understand why the Greens would not support a bill that protects both the environment and animals.

The Game Management Authority Bill 2013, as indicated by Ms Pulford, is an administrative bill which will give power to the members of the authority for the purposes of working with public land managers and making recommendations to the minister regarding the management and control of pest animals, hunting seasons, bag limits and public and private land as it relates to the habitat of the game. Functions of the authority include research, monitoring and the analysis of the environmental, social, cultural and economic impacts of game hunting and management. Again, I fail to see why the Greens would oppose those sorts of regulatory imposts and protection measures for the animals contained in this bill. It flies in the face of the Green's agenda.

The Game Management Authority will be directly accountable for the administrative, licensing, compliance and regulatory functions currently undertaken by Game Victoria, so there will be a shift of responsibility to the GMA. It will monitor and conduct research, as I said, and also work with public land managers. It will also be able to influence game management outcomes through making recommendations to relevant ministers on the control of

pest animals and the management of public and private land as it relates to game and its habitat. The GMA will draw its powers and responsibilities from principal acts: the Wildlife Act 1975 and the Conservation, Forests and Lands Act 1987.

The bill also provides for board members to be appointed by the minister, including a chairperson and deputy chairperson. The membership of the board will consist of not less than five and no more than nine members. The bill requires that the minister attempt to ensure that collectively board members have appropriate skills, knowledge and experience to assist the GMA to carry out its functions and achieve its objectives. It will be a skills-based board and, again, why would anyone oppose the introduction of a board reliant on skills?

Mr Barber interjected.

Mr RAMSAY — I say to Mr Barber that those skills will include legal practice, finance, accounting, public administration, animal welfare and game hunting and game management. It is a skills-based board.

The bill also specifies the terms of office for board members and includes provisions relating to their removal from office. The appropriate methods to deal with pecuniary interests and provisions relating to confidentiality are also outlined. The bill requires that the CEO of the GMA is to be appointed by the chairperson with the terms and conditions approved by the relevant minister, on the recommendation of board members, and specified in the instrument of appointment. The chairperson will also be the employer of all staff for the purposes of the Public Administration Act 2004, and all staff at the GMA, including the CEO, will be Victorian public service staff but independent of the Department of Environment and Primary Industries. The bill specifies that the CEO is responsible to the board for the day-to-day management of the authority.

The bill contains enforcement provisions which allow the GMA to appoint authorised officers to exercise powers and perform functions and duties for relevant laws. This is consistent with current authorisations of officers. It also requires the GMA to provide the minister with an annual report including a financial statement and any information relating to its objectives and functions. The bill also empowers the minister to provide directions to the GMA, and those must be published in the annual report for transparency and accountability. That is again something that I am surprised the Greens are opposing by not supporting this legislation. The bill also contains provisions requiring the GMA to prepare an annual business plan outlining its objectives, priorities and a budget for the three-year period. It also provides a range of provisions and consequential amendments to transfer legislative accountabilities and associated decision-making responsibilities to the GMA.

That is pretty well the bill in a nutshell. It is an administrative bill. It does none of the things that Mr Barber talked about — and I am happy to talk about the Summary Offences and Sentencing Amendment Act 2014, which is an act to allow businesses to carry on their business without being impeded by protesters. It has been warmly supported by the community of Victoria. Mr Barber also talked about protesting the duck hunting season. Part of the bill is to provide some safety to those protesters who are trying to impede the lawful activities of shooters involved in the duck hunting season.

Ms Pennicuik interjected.

Mr RAMSAY — I say to Ms Pennicuik that it is for their own safety, because when people protest on those wetlands illegally they put not only themselves but also others around them at risk through their actions. It is a good bill to provide public safety for those in the vicinity of the wetlands that are being utilised for the legal activities of duck hunters. All in all, I am pleased to see Labor supporting the bill. I am disappointed to see that the Greens are not supporting the bill, since it supports the environment and animal welfare. I commend the bill to the house.

Mr ELASMAR (Northern Metropolitan) — I rise to make a brief and concise contribution to the debate on the Game Management Authority Bill 2013. I understand that the main aim and focus of the bill is to put in place the Game Management Authority, which will regulate game hunting in Victoria and be an independent authority with powers of investigation and discipline to ensure compliance with the objectives of responsible and ethical game hunting in Victoria. To some people that statement of purpose may seem to be an oxymoron. Blood sports or game hunting will always be a controversial issue, but whether or not one agrees with the principle of game hunting, it is timely that a regulatory body be established to oversee compliance with responsible game hunting.

We are given to understand that all members of the Game Management Authority board will possess the appropriate skills, knowledge and experience to assist the authority to carry out its functions and achieve its objectives. Those skills will include legal practice, finance and accounting and, importantly, knowledge of and appreciation for animal welfare and wildlife

management. The Game Management Authority significantly will also have a research function, whereby it will have a role in monitoring and conducting research and analysing the environmental, social and economic impacts of game hunting and game management.

The most important aspect of the bill is the clearly defined process for ensuring that unethical or cruel hunting methods are not employed by irresponsible game hunters, and this is a good thing both for the wildlife and for hunters. Hunters will understand that this is now a regulated sport with consequences for non-compliance. There are 43 000 game licence holders in this state and the sector contributes $100 million to the Victorian economy, so it seems that game hunting has a long history in Victoria. It is not before time that legislation is before the house to regulate this industry. As my colleague Ms Pulford has already indicated to the house, Labor is not opposing this bill.

Hon. D. K. DRUM (Minister for Sport and Recreation) — I thank all those who spoke on the bill. In the case of Labor members, I thank them for not opposing the bill. In the case of the Greens members, I thank them for stating their case; at least they are consistent in their views on this issue. I go to the point Mr Barber made when he suggested that the Game Management Authority (GMA) will promote the activity of game hunting. He said that two or three times. Quite clearly the GMA will not promote game hunting; as the Minister for Agriculture and Food Security stated in his second-reading speech:

> Consistent with good regulatory practice, I have ensured that the functions of the GMA do not conflict with each other — a good regulator cannot both regulate and promote the industry. As such, the GMA will promote sustainability and responsibility in game hunting; however, it will not have an explicit role in promoting the industry.

Mr Barber interjected.

Hon. D. K. DRUM — We can tease it out, but we are talking about semantics, Mr Barber. However, it is very clear that the role of the GMA will not be to promote the industry.

I also touch on the point that recreational shooting does not eradicate pest species. That may or may not be the case, but as we know with feral animals such as foxes, if we were to eradicate 90 per cent of the fox population tomorrow, that would maintain the status quo given the ability of foxes to reproduce. As a government we are supportive of the 43 000 people in Victoria who hold game licences. Game hunting is a legal pastime that generates $100 million annually in economic activity in the state. With those few words, I again thank those members who spoke on the bill and wish the bill a speedy passage.

House divided on motion:

Ayes, 36

Atkinson, Mr	Lovell, Ms
Broad, Ms	Melhem, Mr
Coote, Mrs	Mikakos, Ms
Crozier, Ms	Millar, Mrs
Dalla-Riva, Mr	O'Brien, Mr D. D.
Darveniza, Ms	O'Brien, Mr D. R. J.
Davis, Mr D.	O'Donohue, Mr
Drum, Mr	Ondarchie, Mr
Eideh, Mr	Peulich, Mrs
Elasmar, Mr	Pulford, Ms
Elsbury, Mr	Ramsay, Mr (*Teller*)
Finn, Mr	Rich-Phillips, Mr
Guy, Mr	Ronalds, Mr
Jennings, Mr	Scheffer, Mr
Koch, Mr	Somyurek, Mr
Kronberg, Mrs	Tarlamis, Mr
Leane, Mr	Tee, Mr
Lenders, Mr	Tierney, Ms (*Teller*)

Noes, 3

Barber, Mr (*Teller*)	Pennicuik, Ms
Hartland, Ms (*Teller*)	

Motion agreed to.

Read second time.

Third reading

Hon. D. K. DRUM (Minister for Sport and Recreation) — By leave, I move:

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

House divided on motion:

Ayes, 36

Atkinson, Mr	Lovell, Ms
Broad, Ms	Melhem, Mr
Coote, Mrs	Mikakos, Ms
Crozier, Ms (*Teller*)	Millar, Mrs
Dalla-Riva, Mr	O'Brien, Mr D. D.
Darveniza, Ms	O'Brien, Mr D. R. J.
Davis, Mr D.	O'Donohue, Mr
Drum, Mr	Ondarchie, Mr
Eideh, Mr	Peulich, Mrs
Elasmar, Mr	Pulford, Ms
Elsbury, Mr	Ramsay, Mr
Finn, Mr	Rich-Phillips, Mr
Guy, Mr	Ronalds, Mr
Jennings, Mr	Scheffer, Mr
Koch, Mr	Somyurek, Mr (*Teller*)
Kronberg, Mrs	Tarlamis, Mr
Leane, Mr	Tee, Mr
Lenders, Mr	Tierney, Ms

Noes, 3

Barber, Mr (*Teller*)	Pennicuik, Ms (*Teller*)

Hartland, Ms

Motion agreed to.

Read third time.

CHILDREN, YOUTH AND FAMILIES AMENDMENT (SECURITY MEASURES) BILL 2013

Second reading

Debate resumed from 27 March; motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Ms MIKAKOS (Northern Metropolitan) — I rise to speak on the Children, Youth and Families Amendment (Security Measures) Bill 2013 and indicate at the outset that Labor will not be opposing this bill. We have a number of concerns, however, in relation to this bill, which I will be outlining in my contribution and a number of questions I wish to pursue during the committee stage of the debate.

The bill provides for a legislative framework to largely codify existing practices in Victoria's secure welfare services, amongst other things. The bill amends the Children, Youth and Families Act 2005 to provide for security arrangements for secure welfare services, to prohibit certain actions in relation to children placed in an out-of-home care service and to make amendments in relation to searches permitted in youth justice facilities to ensure consistency with definitions used in secure welfare services.

By way of background, secure welfare services provide a short-term secure placement option where the child or young person is provided with assistance and the placement occurs to ensure that child or young person's safety. They are considered an option of last resort and are used for some of our most vulnerable children in state care. These children are marginalised, vulnerable children, many of whom have experienced horrible trauma, abuse and neglect before being placed in out-of-home care.

In 2013 the Victorian Ombudsman conducted an investigation into Victoria's secure welfare services following a disclosure under the Whistleblowers Protection Act 2001 which contained several allegations raising concerns about the treatment of children in secure welfare. On page 44 of his *Annual Report 2013 — Part 1* the Ombudsman referred to this investigation and referred to identified concerns with aspects of how the Department of Human Services was managing secure welfare. These concerns included that children were being subjected to searches akin to prohibited strip searches and physical restraint without a legislative basis; that children were being placed in isolation without a legislative basis; that there was no independent visitor program for secure welfare as there is in adult prisons and youth justice centres; that there was poor record-keeping, which meant that a number of authorities for admission were not signed and there was no accurate data recording the use of restraint and isolation; and also that secure welfare was often at or near capacity, with staff expressing concern that placement decisions were based on capacity rather than on need.

The Ombudsman made eight recommendations to the department, all of which were accepted, and this was referred to on page 44 of the Ombudsman's *Annual Report 2013 — Part 1*. Whilst this bill implements measures to address some of the Ombudsman's concerns, I will be looking to government members to explain how the government will address the remaining concerns relating to Victoria's secure welfare services.

Coming to the issue of searches in secure welfare, I note that the bill provides for three types of searches within secure welfare services — a screening search, a frisk search and an unclothed search — and for the seizure of prohibited items. These provisions mirror the provisions for search and seizure in youth justice facilities, which were inserted into the act by the Children, Youth and Families Amendment (Security of Youth Justice Facilities) Bill 2011.

I recall that during debate on that bill I expressed a number of concerns around the search provisions as well as other measures in the bill. I note that during the briefing for the current bill the minister's chief of staff indicated that those provisions were being amended by this bill in response to concerns I had raised in that previous debate, and I am grateful to the government for addressing some of those concerns.

A screening search is one conducted by an electronic or mechanical device on all children and visitors to ensure that items such as drugs, cigarettes, weapons or other items which may be used to self-harm are not brought into the facility.

A frisk search is conducted by quickly running the hands over the person's outer clothing and requiring the person to remove his or her overcoat, coat or jacket or similar article of clothing; any gloves, shoes or hat; and anything else that can be conveniently removed by the person.

An unclothed search means a search of a person or of things in the possession of or under the control of a

person. That may include requiring a person to remove all of his or her clothes and an examination of the person's body — but not of the person's body cavities — and of those clothes. The search must be conducted by a staff member of the same sex as the child being searched unless the search is urgently required and a staff member of the same sex is not available, which I hope would only happen rarely, if ever. The bill provides that unclothed searches must be conducted in the presence of another staff member who is positioned in such a way that the child being searched is not in that other staff member's view.

The minister's second-reading speech acknowledges that child residents have experienced abuse and trauma, and that the people conducting any search need to be mindful of that. I am also very concerned about this, given we know that some children in out-of-home care are there because they have been sexually abused. I am sure that an unclothed search would be extremely traumatic for children in that situation.

During the debate on the 2011 bill I raised issues surrounding search provisions in youth justice facilities. At that time my particular concern was that assurances were given verbally during the briefing but were not explicitly set out in the legislation. The search provisions in this bill relate to the requirement that a staff member conducting a search must be of the same sex as the child being searched and that the search must be conducted in the presence of a second staff member, but the second staff member must not look at the child during the search. I am grateful that this issue has been explicitly set out in this bill so that there can be absolutely no doubt about search requirements.

Further clarification is required of whether a frisk or unclothed search will occur on admittance to a facility, as stated in the second-reading speech, or whether it may occur at any time in the interests of security and the good order of the facility, as legislated for in the bill. I will be seeking some clarification of that particular issue. In my view the threshold for conducting a frisk or unclothed search should be high and should only occur where there is a reasonable belief that a child resident is concealing prohibited items. I will be seeking some guidance on how that will work in practice.

I turn to clause 7, and in particular to new sections 72O and 72P. New section 72P provides for the seclusion of a child resident in a secure welfare service. Seclusion may only be authorised if all other reasonable steps have been taken to prevent a child from harming himself or herself or any other person or from damaging property, and the child's behaviour presents an immediate threat to his or her safety or the safety of any other person or to property. This period of seclusion must be approved by the secretary and, if necessary, reasonable force may be used to place a child in seclusion.

I have concerns about children being placed in seclusion for what could potentially be lengthy periods. The delegation powers suggest that this could occur for longer than 24 hours; therefore the use of seclusion for child residents, even as a last resort, would require very careful consideration. The seclusion provisions in this bill are essentially the equivalent of solitary confinement in prison and appear to be excessive, given that even the state's most dangerous prisoners are allowed out of their cells for at least an hour a day. Questions remain about whether a child would be allowed out for exercise or allowed visitors — such as their carer, parent or guardian — during a period of seclusion. I will be seeking some advice from the minister about these particular issues.

The bill provides that during seclusion a child must be closely supervised and observed at intervals of no longer than 15 minutes, and that all seclusions must be recorded in a register to enable monitoring to occur. These are all very serious provisions and, in my view, potentially punitive provisions. As I said in relation to the search provisions, I hope these provisions are exercised only rarely, given the very vulnerable state of these young people. We are talking here about children with mental health problems. We are talking about children who have experienced great trauma and abuse in their lives. I would be very concerned if seclusion were to be used in any way as a punitive measure. I will be seeking the minister's assurances in that respect.

Clause 8 contains a number of provisions relating to out-of-home care more broadly. According to the Victorian Auditor-General's report *Residential Care Services for Children*, which was tabled during the last sitting week of the Parliament, as of 30 June 2013 more than 6400 children were in out-of-home care in Victoria, 504 of whom were in residential care. Of these children, 211 were girls and 293 were boys, and their average age was 14 years. It is a sobering thought to discover that 5 per cent of these children had been in out-of-home care before their first birthday, and 29 per cent had experienced their first residential care placement before they were 12 years old. They are no doubt some of our most vulnerable children and need our full protection.

The Children, Youth and Families Act currently sets out the practice of and circumstances in which what is called reasonable force may be used within youth

justice facilities. However, it does not currently include provisions regulating its use within secure welfare services or in out-of-home care more broadly. Out-of-home care includes children in foster care, kinship care and residential care.

Clause 8 of the bill provides that physical force by carers, including corporal punishment or intimidation, is prohibited in secure welfare services and out-of-home care. The use of any psychological pressure intended to intimidate or humiliate is also prohibited. However, according to the minister's second-reading speech the bill will:

> … enable, in limited circumstances, the use of reasonable force when it is necessary to prevent children from harming themselves or others or damaging property and is necessary for the security of the secure welfare service or place where the child is cared for.

The opposition considers the use of searches, seclusion and reasonable force on children to be matters of grave concern, and it believes it is important where these practices are occurring that they are subject to a proper legislative basis, appropriate supervision and accountability. It is important that a legislative framework regulates these practices, and I take on board the Ombudsman's concerns in this respect.

I am supportive of the need to provide a legislative framework for these practices, but there are many unanswered questions about how these practices will be conducted. For example, will staff receive extra training in using reasonable force and seclusion and search powers? The government has not provided any detail as to what additional resources will be required to undertake such training, or what measures will be put in place to ensure that children are removed from seclusion when their behaviour subsides.

It is concerning that secure welfare services now come under the administrative umbrella of youth justice in that department. This subtle change may represent an overall shift in the culture and field of secure welfare services away from the therapeutic model of care. It is incumbent upon government members to attempt to allay these concerns and particularly upon the minister to give assurances during the committee stage on exactly how searches, seclusion and reasonable force will be used in practice.

I note that a number of stakeholders have expressed concerns about particular aspects of the bill. The Scrutiny of Acts and Regulations Committee (SARC) also received and considered a submission from the Victorian Equal Opportunity and Human Rights Commission. That submission very clearly spells out the fact that the minister's statement of compatibility failed to address all of the rights issues relating to this piece of legislation.

In particular the commission raised concerns that the bill fails to adequately explain whether it limits the rights of children in secure welfare services and whether any limitations on those rights are reasonable and justified. It also raised concerns that the unclothed search provisions potentially undermine the Charter of Human Rights and Responsibilities. In the commission's view the bill should be amended to include more extensive safeguards to protect the rights of children who may be subject to frisk and unclothed searches, seclusion and force.

Another issue raised by the commission that I also wish to draw attention to relates to:

> … the provisions of the bill which authorise the seclusion of a child if the child's behaviour presents an immediate threat to 'property', or the use of force on a child if it is reasonable and necessary to prevent the child from 'damaging property'.

I too find it greatly troubling that the provisions relating to the seclusion of a child enable this to occur in relation to damaging property. I can readily accept that reasonable steps need to be taken to prevent a child from harming themselves or another person, but I think we need to think very carefully before children are locked up for periods of seclusion because they have committed some kind of property damage to the unit in which they are living. Again, I will be seeking some guidance from the minister about this particular part of the bill, and I note that the Victorian Equal Opportunity and Human Rights Commission was similarly troubled by this aspect of the bill.

SARC referred to the Parliament for its consideration the alternative arrangements for unclothed searches, use of force and seclusion that were referred to in the submission of the Victorian Equal Opportunity and Human Rights Commission. While I will not go into that in any great depth at this point, I note that the equal opportunity and human rights commission in its submission suggested to the committee that particular safeguards could be put in place to protect children who are subject to searches and reasonable force in secure welfare settings. The commission particularly drew attention to the relevant provisions in the Australian Capital Territory Children and Young People Act 2008.

In its letter dated 30 January 2014 to Richard Dalla-Riva, the chairperson of SARC, the commission concluded that it:

> considers that the bill should be amended to include mechanisms for:

> reporting and monitoring the use of searches, seclusion and force in secure welfare services;
>
> making and reviewing complaints about the use of these practices; and
>
> ensuring that staff at secure welfare services receive appropriate and ongoing training on the use of these practices.

This is a letter from Kate Jenkins, the Victorian equal opportunity and human rights commissioner. I draw attention to this submission and note in particular the alternative approaches that were suggested by the commission. We will be seeking guidance as to why these alternative approaches were not considered suitable in this instance. I note that in its *Alert Digest* No. 1 of 2014 SARC concluded as follows:

> The committee refers to the Parliament for its consideration the alternative arrangements for unclothed searches, use of force and seclusion in the Children and Young Persons Act 2008 (ACT) and the Disability Act 2006 (Vic.) referred to in the submission from the Victorian Equal Opportunity and Human Rights Commission.

SARC certainly thought this submission was worthy of further consideration.

Lastly, the bill has a number of provisions that relate to the youth justice system. The bill clarifies the definition of searches within youth justice facilities to distinguish searches that involve contact with the body from those that do not. It also provides consistent definitions for youth justice facilities and secure welfare services. It is, again, a crucial point to evidence how under this government secure welfare services are being made to feel — certainly in terms of security — more like youth justice facilities.

We know that working in these services, particularly in the youth justice system, is not easy. The *Bendigo Advertiser* has reported today that staff at Malmsbury Youth Justice Centre are increasingly being assaulted and threatened by violent young offenders, and staff are raising concerns about young offenders becoming more aggressive. The government's casualisation of the workforce and the increasing number of staff leaving the system are leading to more inexperienced casual staff being employed who are often unaware of how to defuse an aggressive situation. This is in turn leading to more assaults on staff by young people who are residents of these facilities and more staff making Victorian WorkCover Authority claims as a result.

The *Age* reported as follows on 30 March:

> Based on a snapshot from December last year, about 18 out of every 100 workers in the division — the department's secure services division —
>
> is either on, or seeking, compensation for stress or injury, costing an average of $44 231 per claim.

The Community and Public Sector Union secretary, Karen Batt, was quoted in that article as saying that:

> There are increased levels of absenteeism because violence is escalating, the workplace is unsafe, and morale is low.

These are all very concerning matters that have come to light. It is clear that there is a great deal of pressure on the youth justice system at the moment and that that pressure is bringing the system to breaking point. We have got more staff injured, off work and at risk than ever before. The minister needs to urgently address these problems.

In order to manage Victoria's youth justice system more needs to be done about ways to prevent young people from entering the criminal justice system in the first place. Yet despite having released its youth diversions options paper 19 months ago, we are yet to see any response from the government in respect of this. I know that the sector is getting very frustrated about this issue and that without government funding existing youth diversion programs are at risk of being wound up soon. I urge the government to release its response, and soon.

This bill follows recent media reports of the shocking targeting of children in residential care services by gangs of paedophiles. These revelations forced the government to finally release its five-year plan for out-of-home care — a recommendation of the Cummins report. This plan, I point out, was expected by the sector last year. This announcement outlines a $128 million investment, $91 million of which was allocated in last year's budget. The government has largely been reannouncing funds that were already there last year. You have to wonder, when the Minister for Community Services, Minister Wooldridge, admitted that she had known about these serious allegations for 18 months, why the government and the minister did not take action to expend those funds that were in last year's budget and address these serious issues.

I welcome additional resources to support vulnerable children, but the package that has been announced does not address the fundamental problem identified by the sector around the lack of resourcing and staffing that exists in our residential care units and the fact that the Victorian Auditor-General has identified that these problems can lead to the sexual exploitation of children. The government needs to go back and look at how this

plan can better address the understaffing in residential care units.

Last week we saw the tabling of the Victorian Auditor-General's report *Residential Care Services for Children*. This report was critical of the government for its 'fundamental failure to oversee and ensure the safety of children in residential care'. It also found 'significant shortcomings' in Victoria's residential care services. Those quotes are on pages vii and iii of the report. In the report, the Auditor-General noted:

> … a 49 per cent increase in the number of category 1 incidents reported in residential care from 2011–12 to 2012–13. This was mainly due to a marked increase in absent/missing person reports.

He noted that:

> Missing children are at heightened risk of sexual exploitation … absconding can be an indicator of sexual exploitation …

That is on page 10 of the report.

The government's announcement relies on non-government organisations to expand therapeutic care, but the plan does not exactly state how this will be funded or how it will be achieved. The Auditor-General's report warns that up to 29 per cent more children are expected to enter residential care over the next four years, which is the equivalent of 150 additional placements, yet the government's immediate announcement outlines only an additional 48 placements in residential care. Even beyond the life of this five-year plan it will not meet the Auditor-General's projections of additional demand in residential care. The Auditor-General noted that:

> The system has insufficient capacity and capability to respond to the level of demand and growing complexity of children's needs.

The plan also promises more foster carers, but the Auditor-General found that the foster care system is shrinking on the minister's watch. I do not believe the plan addresses this issue of how the government is going to grow the number of foster carers in Victoria.

The figures that are coming out on this government's watch in relation to child protection are very concerning, and it is abundantly clear that the minister is not doing nearly enough to protect our vulnerable children. The Centre for Excellence in Child and Family Welfare issued a media release in response to the out-of-home care plan, which states the following:

> The problems with our child protection system have been highlighted numerous times over many years, yet the number of reports to child protection continues to rise steadily and increasing numbers of vulnerable children, particularly Aboriginal children, are being placed in out-of-home care. Early intervention family services struggle to keep up with demand, and the number of foster carers is decreasing while the need is growing.

The other thing that is missing here is the fact that there was really nothing in the plan that related to early intervention. We need to ensure that children do not have contact with the child protection system in the first place if that is possible. There was also a task force announced in respect of Aboriginal children, who have a disproportionately high level of contact not only with the child protection system but also with the youth justice system. Whilst I have absolute confidence in the abilities of Andrew Jackomos to chair that task force, it is disappointing that Aboriginal children have to wait yet again before issues that relate to them and their services are addressed.

I point out that there are also many recommendations in the Cummins report, which was handed down in January 2012. The report made 90 recommendations relating to the protection of Victoria's most vulnerable children. There are recommendations that are still to be implemented. I note that the report did not make specific recommendations with respect to secure welfare services; however, there are not many other recommendations in that report where there needs to be some action by the government. Issues around Aboriginal children, foster care, children from — —

Hon. W. A. Lovell — On a point of order, Acting President, I have been listening to the member for quite some time now talking about a Victorian Auditor-General's Office report on residential care and also the Cummins inquiry into vulnerable children, which she just admitted herself has nothing to do with secure welfare services. This is just commentary and not anything to do with the bill. I ask you to bring her back to the substance of the bill.

Ms MIKAKOS — On the point of order, Acting President, given that this minister is about to take this bill into committee, I am greatly concerned that she does not know that the bill relates to out-of-home care. I am addressing issues of out-of-home care.

The ACTING PRESIDENT (**Mr Finn**) — Order! I will not uphold the point of order just at the moment, but I caution Ms Mikakos to constrain her comments to the contents of the bill. I am sure that that will please Ms Lovell. It would please the Chair, and I am sure it would please the house.

Ms MIKAKOS — I know the minister and the government are very sensitive about the Auditor-

General's report because it was damning, and they know full well that it has shown up the lack of action by the government on child protection. The point I was making is that the Cummins report was released two years ago, and the government needs to ensure that those recommendations are actually implemented.

There is no doubt that the stripping away of jobs in the Department of Human Services (DHS), in the child protection area in particular, is having an impact. We have had more than 600 jobs disappear from the Department of Human Services, and people who work in the child protection system are telling me that this is having an impact. The stakeholders have expressed these concerns to me, and the minister herself knows that there are concerns about this. Stakeholders are also reporting that child protection workers are doing things like manning reception desks due to a lack of receptionists and administrative staff. If you do away with the more junior staff members in the Department of Human Services, someone is going to have to answer the phones and staff the reception desks, and that happens to be child protection workers.

The 2012–13 DHS annual report shows that the government fell well short of achieving its 97 per cent target for the percentage of child protection reports requiring a priority investigation being visited within two days. That is on page 42 of the report. The number of unallocated clients has also risen to 13.3 per cent from 12.8 per cent in 2011–12. This is on page 54 of that report. This follows on from a low of 11.5 per cent under Labor on 5 November 2010. The Productivity Commission's *Report on Government Services 2014* — the ROGS report released in January this year — also shows that Victoria is falling way behind other states in funding child protection.

In conclusion, whilst Labor does not oppose this bill, it has a number of great concerns about some of the more punitive measures contained in this bill and how they will be exercised in practice. I will be seeking to take this bill into committee just so that we can try to get on the record some clarity and greater certainty about how these provisions will work in practice. We are concerned that vulnerable children in the state's care may be further harmed by practices including search, seclusion and physical force. Our most vulnerable children in the state deserve to have the state's full protection, and I am concerned that the failures in our child protection system mean that they are not receiving that at the moment.

Mrs COOTE (Southern Metropolitan) — It gives me a great deal of pleasure to speak on the Children, Youth and Families Amendment (Security Measures) Bill 2013 and to remind the chamber that this builds upon a suite of programs and acts that Mary Wooldridge has implemented since becoming the Minister for Community Services in 2010.

After the long dissertation we just heard from Ms Mikakos — and I am very pleased to know that the Labor Party will not be opposing this bill — it is important to draw the chamber's attention back to Victoria's vulnerable children strategy, which came out of the Cummins report, and what transpired out of that. It is important to put that in the context of what we are discussing and debating here today.

This bill promotes the goals of that strategy by ensuring that safety and security practices occur within an explicit legislative framework, something which is consistent with the government's commitment to strengthen the child protection system and achieve better outcomes for vulnerable children and young people. Ms Mikakos has stood in this chamber and spoken on many of the bills that were introduced to the Parliament by Minister Wooldridge, knowing full well that they are supporting vulnerable children in our state.

At the outset I will correct Ms Mikakos. In her summing up she talked about going into committee and looking at the punitive aspects of this particular bill. I remind this chamber that this is about support for some of the most vulnerable children this state will ever come across — children who have been in home care since they were very small, in family circumstances that put paid to the term 'family' and who were put into situations that no-one, regardless of age, should have to experience.

These children have not only experienced things that most of us would never even have heard of; they are also abusing substances or are affected by alcohol and substance abuse. Many have been born with foetal alcohol syndrome. They may have been born as drug addicts, and their lives have gone on a downhill spiral from that moment onwards. This is not a punitive bill. It is a bill to make certain that we help these children, who are the most vulnerable in our community. It is important that we understand that.

The objective of the bill is to ensure greater transparency in the use of safety and security practices within youth justice facilities, secure welfare services and out-of-home care by providing for suitable regulation, monitoring and scrutiny. In addition, the bill is intended to enhance the safety, security and good order of Victoria's youth justice facilities and secure welfare services with clearly defined search provisions for detainees, residents of secure welfare services and

visitors attending facilities within an explicit legislative framework.

The bill will amend the Children, Youth and Families Act 2005 to provide for the use of safety and security practices in secure welfare services; provide for the use of searches on visitors to secure welfare services, except staff members and members of the judiciary; provide for the seclusion of a child in secure welfare services in specific circumstances; prohibit the use of physical force on a child in out-of-home care and secure welfare services, except in limited circumstances; clarify and amend the search provisions in youth justice facilities; and under search provisions provide for the seizure of contraband items considered to be a risk to residents, visitors and staff in secure welfare services and for the disposal of certain seized items.

I remind this chamber that every year we see an accumulation of knives and weapons that children bring into this building. An arsenal of knives, flick-knives and extraordinary pieces of ammunition are confiscated from schoolchildren who visit Parliament House. This legislation concerns children who are in a vulnerable situation and who may have access to a number of these types of weapons. Some of them may carry these weapons as part of their daily existence.

A secure welfare service is a residential service that provides short-term secure placement for children — and this is really important — who are subject to child protection involvement and who are at a substantial and immediate risk of harm. Children between the ages of 10 and 17 may be placed in a secure welfare service. In exceptional circumstances, children under the age of 10 may be admitted with the approval of the director. There are two units: a unit for girls, which is in Maribyrnong; and a unit for boys, which is in Ascot Vale. Each has the capacity to take up to 10 residents. Children may be admitted to a secure welfare service when the secretary or a court considers there is a substantial and immediate risk of harm to the child.

I reiterate that the aim of the secure welfare service (SWS) is to keep the young person safe while a suitable case plan is established to reduce the risk of harm and to return the child or young person to the community as soon as possible in a safe and planned way. A SWS is the most serious intervention child protection can utilise. These are locked facilities, and children can be placed in a SWS for a period not exceeding 21 days, with a further period in exceptional circumstances not exceeding 21 days.

Ms Mikakos raised the issue of training and eligibility for the staff in these facilities. I put on the record what the staff training involves. The implication behind Ms Mikakos's question was a shocking slur on people who are at the coalface of very difficult circumstances. Child protection workers in this state are exemplary. They do the most extraordinary work, and it is important that we understand what the front-line staff employed at an SWS do. All new recruits undergo fitness and psychological testing, complete a four-week induction program and are enrolled in a diploma of youth justice.

This training includes increasing staff members' understanding of child and adolescent development and the impact of abuse, neglect and trauma and increasing their understanding of the therapeutic approach and behaviour management techniques appropriate to managing this client group. This is a difficult client group, as we have said before. All staff are trained in preventing occupational violence, and they have regular refresher courses. This training emphasises early intervention strategies in order to minimise the use of force and restraint. All staff are certified in first aid. All staff are encouraged to have, as a minimum, a certificate IV in community services, youth work or similar.

Ms Mikakos discussed admissions and length of stays. From 1 January 2013 to 31 December 2013, 222 individual children were placed in an SWS. Of those, there were more females than males, and the average length of stay in an SWS for that period was 10 days for a female and 11 days for a male. The overall average was 10.5. The average age of admissions was 14 for a girl and 15 for a boy. Records of seclusion and restraint only began in 2012–13, which is another example of this government being open and transparent.

I will touch briefly on youth justice custodial centres, which are different in this state from other states. Youth justice custodial facilities detain children and young people on remand as well as those found guilty and sentenced to a period of detention. Children aged 10 to 17 years sentenced to a period of detention or remanded by the Children's Court are detained in a youth justice custodial centre. Young people aged 18 or older but less than 20 at the time of sentencing and sentenced to a period of detention by adult courts can be detained in a youth justice custodial centre through the dual-track system. The Victorian system is unique in the country.

There are two youth justice custodial centres located at Parkville, which is the youth justice precinct. One is the Melbourne Youth Justice Centre, which detains young

men aged 15 to 17, and the other is the Parkville Youth Residential Centre, which detains boys aged 10 to 14 and girls and young women aged 10 to 21 years. In addition, Malmsbury Youth Justice Centre detains young men aged 18 to 21 years sentenced to a youth justice centre order by an adult court, through that dual-track system I spoke of.

The bill will provide specifically for the use of safety and security practices in secure welfare services, which include searches of children in secure welfare services; seclusion, which has been mentioned; seizure of contraband, which I spoke of earlier; and non-contact screening searches on visitors to secure welfare services, clarifying the search provisions in youth justice facilities.

I want to emphasise that the bill also provides that physical force by carers, including corporal punishment and intimidation, is prohibited in secure welfare services and more broadly in out-of-home care. Ms Mikakos detailed the types of searches which can be conducted, and the bill details them and makes them very clear. Ms Mikakos also spoke at some length about seclusion. She talked quite emotively about solitary confinement.

I re-emphasise that this bill is about the security of the children in these centres. It is about the children's welfare. We are dealing with very vulnerable children, many of whom are affected by drugs or alcohol when they present to a centre, and it is about calming them down to make quite certain that we can get proper, safe plans in place for these children. We are not dealing with kindergarten children in a mainstream community, we are dealing with very vulnerable children.

The bill will legislate the practice of seclusion in secure welfare services and provide that it can only be used when all other reasonable steps have been taken to prevent a child or young person from harming themselves, harming others or damaging property and when the child's behaviour presents an immediate threat to their own safety or that of another person or to property. The use of seclusion will be subject to strict monitoring at, at least, 15-minute intervals and to recording. As I said before, these occurrences are now being recorded on a regular basis.

Reasonable force is something Ms Mikakos also spoke about. The bill provides that physical force is prohibited in both secure welfare services and out-of-home care except, as I said before, in limited circumstances where reasonable force may be used. There is some controversy about what reasonable force may actually mean, and an example of this would be holding a child to prevent them from harming themselves — for example, to prevent a child running out onto the road because he or she is so distressed — or restraining a child who is attempting to harm or assault another child. That is an example of reasonable force. The common law recognises a defence of 'reasonable chastisement' or 'reasonable correction', and in determining what is reasonable it is necessary to consider the age, physique and mentality of the child, as well as the means used to restrain the child.

I would like to talk about a couple of issues to which Ms Mikakos referred. One was about Aboriginal children. These provisions will apply to all children and young people entering secure services, including Aboriginal children. However, staff are trained and attuned to the particular needs of this very vulnerable group, and staff at secure services undergo cultural competency training to understand Aboriginal cultural beliefs and values to better respond to and care for Aboriginal children.

Ms Mikakos also spoke of the Victorian Equal Opportunity and Human Rights Commission, and indeed the Scrutiny of Acts and Regulations Committee has considered the commission's submission, as Ms Mikakos pointed out, but the amendments in the bill are consistent with the advice of the Victorian Government Solicitor's Office (VGSO) on the legislative amendment of the act, and the VGSO was involved in the drafting of the statement of compatibility.

These amendments introduce similar provisions to those which already apply to youth justice facilities, which were introduced into the act in 2011 and which also required consideration of their human rights impacts. As with the youth justice provisions, further safeguards will be added to the regulations under the act. Secure welfare services and youth justice facilities are both managed through the department's secure services system.

I am very proud that I am part of a government that has introduced a bill that clarifies, identifies and makes transparent a system that deals with a very difficult aspect of our community, and indeed I think it is incumbent upon us as legislators to understand the vulnerability of the children within that system. Luckily, it is a very small proportion of all of the children in our state, and it is important to put in perspective that so many children in our community live safe and happy lives, but for the small number of children who need extra support it is important that they are safe and protected and that the community at large knows exactly what is being dealt with and knows that

there is openness and transparency in dealing with these very difficult situations. I commend the bill to the house.

Ms HARTLAND (Western Metropolitan) — There is clearly a need to legally clarify security procedures at secure welfare facilities and to specifically prohibit certain actions in all of out-of-home care services. We need a legal basis on which practices and standards are kept and abuse can be identified. The past legislative omission was identified by the Victorian Ombudsman, after concerns were raised by a whistleblower about the treatment of children in secure welfare services.

The Victorian Ombudsman noted in his 2013 annual report that there was particular concern that there was no legislative basis for what he called prohibited strip searches or for restraint and isolation. He also identified that there was poor record keeping in respect of the use of restraint and isolation. Given the lack of a legislative basis and the lack of scrutiny around security measures at secure welfare services, the Greens obviously welcome the bill. The purpose of secure welfare services is to provide a short-term placement option for children or young people aged between 10 and 17 who are at substantial or immediate risk of harm, to keep them safe while plans are developed or revised to reduce their risk of harm and return them to the community as soon as possible.

Children who are assessed as being in need of secure welfare can be at risk of sexual exploitation by adults, and in the last few weeks unfortunate examples of what has happened to some young people have been given as self-harm, mental health issues and drug and alcohol use. Children and young people are placed into secure welfare services if they are on a custody to secretary order or guardianship to secretary order and the secretary is satisfied that there is substantial and immediate risk of harm to the child or young person. Children and young people can be placed in secure welfare services by an interim accommodation order or other court order if the court is satisfied there is a substantial and immediate risk of harm to the child.

The principal objective of the secure welfare service is crisis stabilisation. Children and young people who go into secure welfare services are amongst the most vulnerable in this state. As indicated by Mrs Coote and Ms Mikakos, they are often children who have come from the most horrendous situations. Their situations would include neglect, abuse and trauma. Given the vulnerability of these children and young people, it is critical that secure welfare is administered at the highest standards.

With that in mind, my overarching concern about this bill is that secure welfare is supposed to be for child protection and ultimately should be therapeutic. However, the security procedures outlined in this bill mean that children and young people going into or residing in secure welfare facilities will be subject to the same security provisions as those caught in the criminal justice system. I question the appropriateness of some of these procedures in youth justice, let alone in a child protection context.

I also note that a number of other concerns identified by the Victorian Ombudsman in the 2013 annual report have not yet been addressed. Those include there being no independent visitor program for secure welfare, as there is in adult prisons and youth justice centres. With secure welfare often being at or near capacity, staff express concerns that placement decisions are being based on capacity rather than on need.

The bill enables screen searches, frisk searches and unclothed searches — also known as strip searches — of a child or young person. The grounds for justification of a strip search are that it is either in the interests of security and good order of the service or the interests of safety and security. ‘Safety and security’ and ‘good order’ are very vague terms that I believe could be subject to abuse. I take up the point made by Mrs Coote about the high levels of skill of most child protection workers. She is right — it is probably 99 per cent — but we only need one or two who decide not to participate in the way they should and we have a problem. The bill also stipulates reasonable force, and I have a real problem with the concept of reasonable force because it is not clearly defined in this bill. During our briefing, which was very comprehensive, I do not think we ever came to the point of understanding what reasonable force is.

Reasonable force can be used to conduct a strip search. That wording mirrors section 488AC of the Children, Youth and Families Act 2005 with respect to young people in detention in youth justice facilities. It does not require the person to consider there to be reasonable grounds, for example, that a young person has in their possession an article that could potentially harm the young person or other persons within the facility. If we compare the search power under the Mental Health Bill 2014 — soon to be proclaimed — for example, we see quite a different standard. For people suffering mental illness — and let us remember that some people in secure units will be suffering mental illness — there are no powers to strip search, only to conduct the equivalent of a frisk search. There are stronger safeguards around conducting a frisk search. The

Mental Health Bill states in section 354 that a search may be conducted:

> … if the authorised person reasonably suspects that the person is carrying anything that —
>
> (a) presents a danger to the health and safety of the person or another person; or
>
> (b) could be used to assist the person to escape.

The Mental Health Bill does not allow a search simply in the interests of security and good order of service. It also specifies that the authorised person must conduct the least intrusive kind of search practicable in the circumstances. There is no such clause in the bill before us.

The power to conduct searches is obviously necessary, but with such vulnerable children and young people we also have to be extremely mindful that they may already have been subjected to abuse in the past. A strip search, particularly one where force is used, might be quite confronting and a degrading thing for the young person. I question the appropriateness of allowing strip searches, and if it is to be retained in the bill, there needs to be stronger language about requiring reasonable grounds for it and about it having to be the least intrusive kind of search practicable in the circumstances, and there need to be other safeguards.

The Greens are not alone in those concerns. The Victorian Equal Opportunity and Human Rights Commission stated in a submission to the Scrutiny of Acts and Regulations Committee that the unclothed search power may not be compatible with the Charter of Human Rights and Responsibilities and that there may be 'less restrictive ways of achieving safety and security of secure welfare services'. It stated that strip searching children may be incompatible with the best interests of the child and constitutes an invasion of privacy and that it is inherently degrading and potentially harmful to children and young people who are in need of special protection. It is also concerned that frisk searches are not required to be performed in front of another person. It has called for more extensive safeguards to protect the rights of children who might be subject to frisk searches and unclothed searches, if unclothed searches are to be retained in the bill. I refer members to the submission for further examples as to the appropriate language to improve the safeguards for frisk and strip searches.

The commission also considered that there should be mechanisms for the reporting and monitoring of use of searches. The Greens very much support this as a critical means to identify cases of abuse should they arise. The commission also called for mechanisms for complaints. Again this is critical for protecting the welfare of children in this out-of-home care situation.

I also note that there have been no directions provided as to the positions allowed to be used when exerting force to strip search a child. We know that holding someone in a prone position, for example, can be extremely dangerous, yet it is not ruled out in this context. This approach to searches is the first demonstration that, rather than taking a child protection approach, the provisions in this bill take a criminal justice approach. The Greens believe the government has failed in the bill to adequately consider the rights and experiences of these young people.

The second major area of concern is in respect of the use of seclusion. Seclusion is defined as the placing of a child in a locked room, separate from others and from the normal routine of the secure welfare service. Again reasonable force can be used to put a child in seclusion. We welcome the explicit prohibition of using seclusion for punishment. The bill states that the secretary must approve the period of seclusion; however, there is no provision in this bill that states the maximum period of seclusion or that the child should be released from seclusion immediately upon it becoming apparent that the young person's concerning behaviour has abated. The wording in this section mirrors section 488 of the Children, Youth and Families Act 2005 on the topic of the use of isolation in respect of young people in detention in youth justice facilities. In the new Mental Health Bill 2014, for example, clause 109 clearly states that in respect of restrictive interventions, including seclusion, if the person 'is satisfied that the continued use of the restrictive intervention on the other person is no longer necessary', they must immediately take steps to release the other person from the restrictive intervention. The absence of such a clause in this bill is demonstrative of the lack of a child protection, child welfare and human rights approach.

The Victorian Equal Opportunity and Human Rights Commission stated in a submission to the Scrutiny of Acts and Regulations Committee that it is not aware of legislation in any other state or territory that allows seclusion in its secure welfare services. The commission stated that secluding children can amount to cruel, inhuman and degrading treatment under the charter, particularly if there are insufficient safeguards in place to protect children's rights. There is concern that a threat to property is seen as grounds for seclusion. The commission has called for more extensive procedural safeguards to protect the rights of children who might be subjected to seclusion and force. Again the Greens agree with these concerns.

The Victorian Equal Opportunity and Human Rights Commission also called for a more extensive procedural safeguard to protect the rights of children who may be subjected to force. The commission considered that there should be mechanisms for reporting and monitoring the use of force.

To conclude, I do not believe this bill provides enough safeguards to protect vulnerable children and young people from trauma and abuse. Time and again it fails to include safeguards that have been included in the Mental Health Bill 2014. The comparison to the Mental Health Bill is most apt, as both mental health services and secure welfare services exist for the protection of people and children when they are at their most vulnerable. In recent weeks we have seen incidents where children we thought were receiving proper state care have been subjected to significant abuse. I would have thought the government would have learnt lessons from this and drafted a bill with quality safeguards to protect children and young people. Given the approach taken in this bill and the lack of clauses that protect children's rights, protect them from further trauma and demonstrate that this is a welfare and therapeutic environment, not a criminal justice environment, the Greens intend to move a referral of this bill to the Legal and Social Issues Legislation Committee for inquiry.

Mr ELASMAR (Northern Metropolitan) — I rise to make a brief contribution to the debate on the Children, Youth and Families Amendment (Security Measures) Bill 2013. This legislation seeks to put in place processes for dealing with very serious matters relating to children who are placed in Victoria's secure welfare services, and I reiterate that Labor will not be opposing the bill.

Primarily, the bill codifies existing practices by providing a legislative framework for them. Secure welfare services provide short-term placement options in which the safety of a child or young person is maximised by working with trained and hopefully highly skilled and well-managed persons. For the most part, these children are the most traumatised and at-risk children in state care.

It would be wonderful if, in an ideal world, there were no abused or damaged children. The sad fact is that many children are taken into care because of the inability of their parents to give them a normal and loving home environment. We can all rationalise and in certain circumstances sometimes justify the reasons for that, but at the end of the day if it falls upon the state government to intervene, then we must be prepared and ready to act as parents ourselves, in loco parentis.

The bill follows an investigation conducted by the Ombudsman in 2013 into secure welfare services. This investigation arose because a disclosure under the Whistleblowers Protection Act 2001 contained several serious allegations about the treatment of children in secure welfare. The investigation identified aspects of how the Department of Human Services was managing secure welfare. Those concerns included that children were being strip-searched and that physical restraint was being used without a legal basis. The Ombudsman's report identified that children were being put into isolation without a legal basis and that there is no independent visitor program for secure welfare such as there is at all prisons and youth justice centres.

As a parent, it is very difficult for me to understand how these children can be so mistreated by the very people who are supposed to love and protect them. The fact is that in order to safeguard the future of these young people, it is critical to the success of the process of caring that it be balanced by adequate funding and resources. I call upon the government to ensure that the best professional care is available for the most vulnerable in our community and within a proper legislative framework.

Mr ONDARCHIE (Northern Metropolitan) — I rise to speak on the Children, Youth and Families Amendment (Security Measures) Bill 2013. The bill demonstrates that this government is dedicated to making sure that vulnerable children in our society are given the care they need. We have to look out for our kids. If we do not work to protect our young ones, then as a society we have failed.

I acknowledge the contribution of Mrs Coote today. Unfortunately, she only got 15 minutes to make her contribution, but I could have listened to the strong points she made in support of the bill for another three-quarters of an hour. Mr Tee laughs about that, but I hope he understands the importance of what we are trying to do here. I also acknowledge Mr Elasmar's contribution. He is a good man; like me, he cares about kids. I make the point that across this place we stand as one in protecting our kids.

Shortly into my role as a member of Parliament I visited a youth justice centre. I had a meeting which was expected to take about 45 minutes, and I ended up staying for 4 hours. I spent a lot of time talking to the kids there. You know what? They are just kids who often find themselves in the wrong place at the wrong time or who mix with the wrong group. We look after those kids as well.

Other members have gone into elements of the bill at great length today. The bill talks about a range of things — searches, seclusion, and unauthorised items. I choose not to go through them again for the efficiency of the operations of this house, because others have covered them so well today.

The bill continues the work of this government and the Minister for Community Services, Ms Wooldridge, with funding for an additional 89 front-line child protection practitioners, the establishment of the Protecting Victoria's Vulnerable Children inquiry and the development of a new Children's Court facility in Broadmeadows, in my electorate.

In her contribution Ms Hartland talked about the incidents and said they were unfortunate. I do not think they are unfortunate; I think they are tragic. They are totally unacceptable. Each of us needs to work every day to make sure that this stuff does not happen. This side of the house will oppose Ms Hartland's proposed amendment for a number of reasons, not the least of which is her own argument regarding the report of the Auditor-General and about how long these things have been happening. Ms Hartland's amendment seeks to send the legislation off to a committee for further discussion and review. My view is that enough is enough; it is time to get on with it. It is time to get this sorted and to start looking after our kids. I am not looking for any diversionary tactic from anybody opposite to send this off to some other parallel discussion — some talkfest — when it is time to get on with it.

Ms Mikakos — How come your bill sat in the Assembly for weeks then?

Mr ONDARCHIE — Ms Mikakos interjects. I would have hoped she would just get behind this and get behind looking after kids, but interestingly enough she might want to have another talkfest about this.

We have all heard the horror stories of authorities overstepping their mark when proper vetting and regulation is not in place. The bill means this will be clearly illegal. The bill enshrines a culture in which the primary role for carers of children in secure statutory institutions is to protect and care for children, not to intimidate or subjugate them.

As legislators we have to acknowledge that no bill is absolutely perfect, but this bill puts in place the right parameters in which children in the state's care can be looked after. We as a government have instigated a number of initiatives. We are working continually to try to protect our vulnerable children. We established the Commission for Children and Young People, which started operating on 1 March 2013. It is headed by Bernie Geary and is independent of government. It has wide-ranging powers and responsibilities. We also initiated a new operating model for statutory child protection, which was rolled out in November 2012.

As I indicated earlier in my contribution, we have funded more child protection workers and developed a brand-new Children's Court facility in Broadmeadows, which will be a model of best practice. It will be child friendly and accessible and will adopt less adversarial decision-making processes in the best interests of children. There is also the $16.9 million Springboard program to help young people transition from care.

Since the election of this government, the key developments in this area have been as a result of the Protecting Victoria's Vulnerable Children inquiry, which was chaired by the Honourable Philip Cummins. It was a comprehensive inquiry to consider what had been in place in this area and what needed to be put in place. Since the report of that inquiry was handed down the Napthine coalition government has set about implementing a number of the inquiry's recommendations. We have invested $650 million in initiatives to protect children and families. This investment has led to an increase in the number of child protection workers. There has been significant investment in out-of-home care, including $91 million in the 2013–14 budget alone.

We know that the best place to keep a child with the right protection is in their home. This is an important bill as it goes to protecting our children and making sure that those vulnerable young ones in our society are best looked after. It is our job — nay, it is our calling — to look after Victoria's children. I commend this important bill to the house and wish it a speedy passage.

Debate adjourned on motion of Mr EIDEH (Western Metropolitan).

Debate adjourned until later this day.

Sitting suspended 6.27 p.m. until 8.02 p.m.

CARDINIA PLANNING SCHEME

Hon. M. J. GUY (Minister for Planning) — I move:

> That, pursuant to section 46AH of the Planning and Environment Act 1987, Cardinia planning scheme amendments C72 and C183 be ratified.

Amendment C183 was originally prepared by Cardinia Shire Council and is being made at the request of

Cardinia Shire Council. It rezones four small parcels of land in Monomeith and Dalmore from green wedge zone schedule 1 and green wedge zone schedule 1 special use to public use zone 4 to correctly reflect VicTrack's ownership of this land. The land has been identified as being in VicTrack ownership. As VicTrack is a public authority, the land being rezoned to public use zone 4 reflects the ownership and avoids the need for permit applications associated with the use and development of the land.

This amendment also implements the objective under section 4 of the Planning and Environment Act 1987 to protect public utilities and other assets and enable the orderly provision and coordination of public utilities and other facilities for the benefit of the community through ensuring that land for public use is correctly zoned to reflect that use. It should be stated that amendment C183 is a simple fix up of anomalies to align lot boundaries with the public use zone for VicTrack land. There are no plans to develop these land parcels.

Amendment C72 is an amendment regarding 8 Drake Court in Bunyip. Again, this amendment has been prepared by Cardinia Shire Council, which is the planning authority for this amendment. Amendment C72 is a combined planning scheme amendment and planning permit application that has the effect of creating a new allotment for drainage and conservation purposes outside the green wedge zone. The amendment will enable a low-density residential infill within the current urban growth boundary in the township of Bunyip. The amendment does require ratification, as is stated, and that is why it is before us today.

The land straddles the urban growth boundary. Amendment C72 rezones land inside the boundary from farming to low-density residential. Land outside will remain in the green wedge zone. This amendment also introduces a site-specific control under clause 52.03 of the Cardinia planning scheme and an associated incorporated document to allow the creation of a lot of less than 40 hectares on the green wedge zone land, which is why it is before us today.

Concurrent with the planning scheme amendment is a planning permit application made pursuant to section 96A(1) of the Planning and Environment Act 1987 that affects the subject land. This permit application allows for the subdivision of land into 14 lots, vegetation removal and the creation of a reserve and easement. The lot sizes will vary from 4000 to 9955 square metres, and they will be accessed via a road ending at the court head. A reserve containing the wetlands area will have a total area of 3.8 hectares and have pedestrian access from Drake Court along the southern boundary of the site and the proposed road. Thirteen lots in the proposed low-density area are within the urban growth boundary. One lot, for the purpose of drainage and conservation, which is to be vested in council, will be created in the green wedge zone outside the urban growth boundary. The lot created outside the urban growth boundary requires ratification by both houses of Parliament because it has the effect of altering and removing any controls over its subdivision. The Bunyip township strategy indicates that the portion of the land located inside the urban growth boundary is capable of being developed for low-density residential and that the development of this land provides the opportunity to increase the town's population and of course create economic and social benefits, albeit minor.

Amendment C72 does not allow for development outside the urban growth boundary; in fact it gifts a 3.8 hectare parcel to the council for a conservation and drainage reserve. I believe that these two amendments are worthy of support through the process of ratification by both houses that is required.

Mr TEE (Eastern Metropolitan) — I am pleased to speak on these two planning scheme amendments. As Mr Ondarchie and Ms Crozier are in the chamber, I probably should start by acknowledging that I might have a conflict if the Construction, Forestry, Mining and Energy Union owns any of the land. With that acknowledgement, I hope that Mr Ondarchie is satisfied and that any concerns he may have have been ameliorated.

As the minister has indicated, amendment C183 is really a fix up of green wedge land which should not be in the green wedge. It is owned and operated by VicTrack, which under the current requirements needs to obtain a permit for the work it does in the ordinary course of going about its business. The planning scheme amendment has been proposed by Cardinia Shire Council, and opposition members do not oppose what is really a common-sense planning scheme amendment.

In relation to amendment C72, again opposition members do not oppose that planning scheme amendment. We have looked at the process, including that the planning scheme amendment has been put forward by the council, that it has gone to a panel which made a number of recommendations which have been adopted and that it is consistent with the Bunyip township strategy. It does not decrease the size of the green wedge land. It allows for development outside the

green wedge zone, which as I said is consistent with the Bunyip township strategy. Having looked at the process, we are satisfied that there is no diminution in Melbourne's green wedge, which we certainly consider to be an important factor. For those reasons, opposition members will not oppose either of the planning scheme amendments.

Mr BARBER (Northern Metropolitan) — The Greens are happy to support this motion. As has been pointed out, the amendments affect very small parcels of land, with minimal planning issues. Nevertheless, they have gone through an open and transparent process along the way to being prepared, they have been available for public comment, submissions have been received and an intended decision has been put forward. That is in contrast to many other small and large planning scheme amendments where the minister steps in and does that.

While the process under the act is fundamentally the same whether the minister or the local council is the planning authority, the difference is that when it goes through a ministerial amendment without a public process an ordinary citizen watching the process does not have the opportunity of knowing who submitted and what the issues at stake are. It is the difference between an amendment going to a council where the argument is made in public, where considerations are laid out and where citizens can make an informed submission versus the exact same process happening within the four walls of the Department of Planning and Community Development, and yet it is worlds away in terms of the difference.

The second issue to note is that I am delighted to see that the easement and relevant VicTrack land for the former South Gippsland rail line is to be preserved. I would hate to see this being flogged off in the way so many other things are being flogged off at the moment. There will very soon be a fire sale of assets in Victoria. I read in the paper on Friday that the federal Treasurer is offering incentives to sell off $100 billion worth of state assets — recycling he calls it — and use the money to buy new assets. Included in the $100 million on the list the federal Treasurer referred to were both the port of Melbourne and our water authorities. No doubt to try to make up the difference they will sell every piece of public land they can flog off.

However, the citizens of South Gippsland, although they have been waiting and campaigning a long time for the restoration of rail services to their area, can be assured that, tonight at least, the relevant planning controls have been put in place to maintain this land in public use and that it will not, as we have seen so often with small parcels of public land, be rezoned to the highest commercial value and then have the real estate sign go up. For those reasons the Greens will be supporting these two amendments.

Motion agreed to.

CHILDREN, YOUTH AND FAMILIES AMENDMENT (SECURITY MEASURES) BILL 2013

Second reading

Debate resumed from earlier this day; motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Mr EIDEH (Western Metropolitan) — I am delighted to speak on the Children, Youth and Families Amendment (Security Measures) Bill 2013. This bill is very important as it ensures the welfare and protection of children in secure welfare services. I must say at the outset that Labor will not be opposing this bill. I am pleased that following the Ombudsman's recommendations this bill has come to fruition, as it was not long ago that I brought to this house my concerns over the Ombudsman's report into youths entering the adult prison system.

This bill systemises the current practices in Victoria's secure welfare services and amends the Children, Youth and Families Act 2005 to provide for security arrangements for secure welfare services. It prohibits certain actions in relation to children placed in these facilities and makes amendments to the provisions in the legislation relating to searches permitted in youth justice facilities to ensure that they are carried out using the same practices that are used when conducting such searches in secure welfare facilities. This is very important as these facilities are often the last resort for Victoria's most vulnerable children who are in state care.

We are all aware of the atrocities these children often face during their lives — abuse, trauma and neglect — and, as a result, that they are excluded from the joys and experiences to which every child is entitled. Secure welfare services, when operated properly, are very important to these children as they act as a safe refuge and officers are able to work with children to provide options to maximise their safety.

I understand the importance of secure welfare services to vulnerable children, so it was extremely disconcerting to read the Ombudsman's concerns about issues such as children being subjected to searches similar to prohibited strip searches and physical

restraint without legislative basis; children being placed in isolation without a legislative basis; no independent visitor program, unlike prisons and youth justice centres; and staff decisions being based on capacity issues as opposed to need, which should be paramount. This bill seeks to provide a legislative framework in this state to ensure that these practices no longer continue.

Whilst we on this side of the house believe that this legislation is a step in the right direction, we have very real and serious concerns about the correctional measures included in the bill and their ability to be exercised in practice, in particular searches, seclusion and what is defined as reasonable force, as they may actually cause further harm to already vulnerable children. We on this side of the house hope that this government commits the much-needed funding and resources to these facilities to ensure that staff are familiar with protocols and able to enforce this new legislation.

Regardless of which side of the house we sit on, I truly believe that we all share the belief that the safety of children is paramount. This bill is a step in the right direction to ensure that vulnerable children in the state's care are protected.

Ms CROZIER (Southern Metropolitan) — I am pleased to rise to make a contribution to the debate on the Children, Youth and Families Amendment (Security Measures) Bill 2013. I have been listening to the contributions of members in the chamber and thank those opposite for their support on this bill. I also thank members of the government who have outlined what the bill will do in great detail.

I want to raise a few points. This is an important area that the government has taken very seriously since coming to office in November 2010, and that has been highlighted in a number of contributions. One of the first tasks undertaken by the coalition government was to set up the Cummins inquiry — that is, the Protecting Victoria's Vulnerable Children Inquiry. That inquiry was tasked with investigating systemic problems in Victoria's child protection system and making recommendations to strengthen and improve the protection and support of vulnerable young Victorians.

The inquiry's report was very thorough, and I commend those who had input into it. I also commend the Minister for Community Services, Ms Wooldridge, for looking at the various recommendations and for implementing them in the time that we have been in government. Minister Wooldridge has been working extremely hard in what is sometimes a very difficult and complex area. I believe the minister has a genuine commitment to improving and strengthening Victoria's child protection system, which is evidenced by the number of initiatives she has undertaken.

Over the last three budgets and under the minister's leadership the Victorian coalition government has invested more than $650 million in initiatives to protect vulnerable children and families, including by providing more child protection workers, more senior workers on the front line and more support for junior child protection workers. That is an area that is very important in relation to protecting young Victorians; we need to put people with experience in the front line. The government has also reformed processes in the Children's Court, established an independent Commission for Children and Young People and appointed a commissioner for Aboriginal children and young people, the only such commissioner anywhere in Australia.

On 25 March — just last week — the government's out-of-home care five-year plan was released by the minister, which is supported by a $128 million package over four years. This plan will have a significant impact on improving the lives of children and young people who live in residential care. I highlight that many initiatives have been undertaken by the minister.

The provisions of the bill relate to various issues involving children and young Victorians. The bill amends the Children, Youth and Families Act 2005 to provide for the use of safety and security practices within various secure welfare services. In Victoria two secure welfare facilities for children and young people are operated by the Department of Human Services. The bill provides for searches of visitors to secure welfare services, except staff members and members of the judiciary; provides for the seclusion of a child in secure welfare services in specific circumstances; prohibits the use of physical force on a child in out-of-home care and secure welfare services, except in limited circumstances; and clarifies and amends search provisions in youth justice facilities. The department's youth justice facilities detain young people on remand and those found guilty and sentenced to a period of detention. It is important to clarify what can be undertaken in these facilities.

The bill provides for the seizure of contraband items under search provisions in secure welfare services when they are considered to pose a risk to residents, visitors or staff. The bill also provides for the disposal of certain seized items.

The bill will ensure greater transparency in the use of safety and security practices within the youth justice facilities I have described — secure welfare services and out-of-home care facilities — by providing for suitable regulation, monitoring and scrutiny to enhance the safety, security and good order of youth justice facilities and secure welfare services, with clearly defined search provisions for detainees, residents and visitors at these services and facilities within an explicit legislative framework.

It is clear what the bill will do. I note that consultation was undertaken with a number of key stakeholders, including out-of-home care services, Anglicare Victoria, Berry Street, the Salvation Army and MacKillop Family Services. Consultation was also undertaken with the Commission for Children and Young People, which has supported the bill in principle. The department and the commission have agreed to work in partnership to support the bill's successful implementation. There has been significant support from a number of agencies and people who have a very real interest in this important area.

I note that there is a very real issue about the security and safety of these facilities and services. While researching the background of this bill I came across an article from December 2010 about an escape attempt at the Melbourne Youth Justice Centre in Parkville. The staff foiled an attempted break-out by three violent offenders just months after a successful escape by six teenagers which had led to a 36-hour man-hunt. This article states:

> In the latest escape bid, a staff member overheard three youths discussing their plan on December 4 … The teenagers planned to take a staff member hostage inside the maximum security remand unit using a homemade wooden knife and then force their way out.
>
> The plan was identical to the break-out in May of six teenagers who took a 61-year-old staff member hostage with a homemade knife.

The article goes on to explain what the police did and their proactive work, but it only goes to show the shortcomings of the system we inherited and what has been done to improve outcomes for the safety and security of not only those young people but also the visitors to the various facilities and the staff who look after our most young and vulnerable people.

Many aspects of the bill have already been covered off. Ms Mikakos raised concerns about seclusion, but in her contribution Mrs Coote covered them off extensively and thoroughly. I do not think there is any issue in relation to seclusion. This bill has been well thought through, and I commend it to the house.

Mr FINN (Western Metropolitan) — I rise to warmly support the Children, Youth and Families Amendment (Security Measures) Bill 2013. As many members of this house will be aware, I spend a great deal of my life trying to protect children. That is a matter on the public record.

As legislators, and indeed as adults, we have a particular responsibility to protect children, and we are aware that we have a particular responsibility to ensure that children have the best start in life and are given every opportunity to reach their full potential as human beings. I believe this bill goes some way towards that by assisting in that process. The bill cracks open the line, if you like, between protecting the community and protecting the child, because that is what we have to do. Unfortunately there are some young people who are a threat to our community, to our safety and to their own safety, and we have to take measures to ensure that that safety is protected.

In his contribution to the debate Mr Ondarchie used the word 'tragedy', and it is a tragedy that we need legislation of this sort. It is a tragedy that some children are faced with physical or mental violence, with being caught up in the drug culture and with sexual abuse.

To my way of thinking — as somebody coming from the very happy and warm family environment in which I was raised — it is very hard to understand how anybody could abuse a child. In fact it is impossible for me to understand how anybody could take advantage of a child, whether that be sexual advantage or in some other way. I just do not understand the thinking of anybody who would do that. There was some legislation debated earlier today about the prison system, which might form part of the answer in dealing with people who think that way. Legislation which provides support and protection for children who are caught up in this vicious world that we sometimes find ourselves in is very welcome.

We all know there is one answer to the question of how we can protect these children, and Mr Ondarchie touched upon it a bit earlier. It is indeed a thing called family. I do not despair easily, but sometimes I start to rip my hair out when I see what has happened to the family as we know it in this country compared with the family I grew up in and the family in which I am raising my children. I do not hesitate in saying that the ideal upbringing for any child is with a mum and a dad — and perhaps siblings, but certainly a mum and a dad — but we know there are circumstances that prevent that from happening. Whether it be the death of a parent, a divorce or whatever it may be, there are circumstances that prevent that from happening. There

are instances where families, children and indeed parents go off the rails, and it is the community's responsibility to step in and protect children who may be in danger.

I should mention those parents who just do not take any responsibility for their children at all. I could be naive in this regard, but it seems to me that there are a lot more of these people around now than we have ever had before. Having a child does not make you a parent. Having a child allows you to say that you are a parent, but looking after that child and bringing that child up properly in a way that gives them every opportunity to fulfil his or her potential in life is what makes somebody a parent, and there are a lot of them around. There are a lot of very good parents about. There are some wonderful parents in single-parent families. I know a lot of children who were brought up by single mums who had to work three jobs and struggled to provide the sort of support those children needed. But they have done it, and we as a community, and particularly as a Parliament, should salute them for that.

However, realistically we need to provide a situation where these children stay out of trouble and stay out of jail. I have had a lot to do with Les Twentyman over a number of years — perhaps he can get his knighthood now! — and he tells some horrific stories. Indeed I have heard about some horrific stories that he has had to cope with and some of the children and young people he has dealt with. This is a very important bill. As I say, it is sad that we need to pass a bill such as this, but it is necessary, and I wish it a speedy passage through the house.

Motion agreed to.

Read second time.

Referral to committee

Ms HARTLAND (Western Metropolitan) — By leave, I move:

> That the Children, Youth and Families Amendment (Security Measures) Bill 2013 be referred to the Legal and Social Issues Legislation Committee for inquiry, consideration and report by 8 May 2014.

I will speak to this motion only briefly. I start off by addressing the comment Mr Ondarchie made that I just want this to be a talkfest. Actually, I do not just want this to be a talkfest. This is an incredibly important piece of legislation that goes to the very heart of assisting children who are sometimes in the worst situations you can imagine. That is why they are put in a secure welfare unit. We have a reasonable piece of legislation that can be made really good if we clarify some of these issues. I do not think it is a talkfest when you actually want to improve the legislation. I am not attempting to delay the bill. It should also be noted that this bill has been around since last year. It has been sitting in the lower house for quite some time. I do not believe is a talkfest to send the bill to a legislation committee to make sure it is exactly right. It is our responsibility as legislators to get it right.

As I outlined in my speech in the second-reading debate, the Greens have concerns about the lack of welfare safeguards in this bill around the use of strip searches and seclusion in particular. We are not alone in our concerns. The Victorian Equal Opportunity and Human Rights Commission has raised similar concerns, stating that the provisions in regard to strip searches and isolation may be in breach of the Charter of Human Rights and Responsibilities. This is of obvious concern to the Greens.

As I have already outlined, safeguards around searches and seclusion in the Mental Health Bill 2014, which we passed only last week, are absent from this bill, yet both bills relate to secure services for extremely vulnerable children who are at risk of harming themselves and others. I believe that lack of consistency between these two bills is highly problematic. Instead of aligning the bill with human rights best practice, as was done in the Mental Health Bill, the government has aligned the treatment of the state's most vulnerable children with practices that take place in the criminal justice context. A number of speakers tonight have mentioned the types of dangers that occur in criminal justice facilities, but we are talking about a secure unit here, not, as I understand it, a youth justice service.

This is not good enough, and the provisions in this bill can be made better. To subject a child who has already suffered abuse to a strip search when they are supposed to be in a therapeutic environment is quite contrary to the purposes of the bill. We need to investigate whether it is possible to achieve the same outcome through less invasive means. Certainly in drafting the Mental Health Bill the government did not perceive it necessary to conduct strip searches and instead just allowed frisk searches. Creating a legislative basis for security provisions in secure welfare services is, I believe, a key opportunity to review practices.

I am suggesting the committee report by 8 May, which is not a lengthy period of time. I understand the government will oppose the referral, as it has now opposed the last 43 referrals to committees. That is extremely short sighted. If this government were truly transparent on issues of legislation, it would allow its

legislation to come under some scrutiny to make sure that we get the best bills possible.

Ms MIKAKOS (Northern Metropolitan) — I rise to indicate to the house that the Labor opposition will be supporting Ms Hartland's motion. I do so because whilst we are not opposing the bill, as I have already indicated to the house, we have a number of grave reservations about the provisions in this bill. The powers contained in it, particularly as they relate to searches, seclusion and the use of reasonable force, are quite serious; I would hope they would only be used in the rarest of circumstances and that there would be an appropriate level of oversight.

I raised a number of concerns in respect of these issues during the second-reading debate, and I will certainly be pursuing those issues in the committee stage, but I have not heard explanations given so far by government members that have allayed my concerns. This bill would benefit from further consideration through an upper house committee process that would enable submissions to be taken and could have regard to various stakeholders.

The bill was introduced in the Legislative Assembly on 10 December last year, and when Parliament resumed this year the bill languished in the Legislative Assembly for three sitting weeks. The bill was not debated until last sitting week — the fourth sitting week of 2014. If the government regarded this bill as urgent, then it had every opportunity to have the bill debated and passed much earlier in the year. For those reasons, I am supporting the motion moved by Ms Hartland that would enable this bill to be considered and a report to come back to this house by the end of the next sitting week, by 8 May. I do not think that period of time would cause undue delay to the passage of the bill, and it would enable a few weeks in the interim, during the Easter period and beyond, for hearings to be held and submissions to be called for from various interested parties such as the Law Institute of Victoria and those working in residential and out-of-home care services. I would be interested to hear what they have to say about this bill.

Hon. W. A. LOVELL (Minister for Housing) — The government will not be supporting Ms Hartland's motion. This is a bill on which there has been extensive consultation with the sector. There has been consultation with key out-of-home care service providers, including Anglicare Victoria, Berry Street, the Salvation Army and MacKillop Family Services, as well as peak bodies. The Centre for Excellence in Child and Family Welfare and the Foster Care Association of Victoria were consulted with regard to the provisions prohibiting the use of physical force, and all were supportive of the bill. The Commission for Children and Young People supports the bill in principle, and the Department of Human Services and the commission have agreed to work in partnership to support the successful implementation of the legislation. Consultation also occurred with the Department of Justice, the Department of Treasury and Finance, and the Department of Premier and Cabinet, and these departments also support the bill. There has been extensive consultation. As Ms Mikakos pointed out, this bill has been out for public scrutiny for a number of weeks now, and that was plenty of time for anyone concerned about the bill to raise their concerns with the minister.

This bill also embeds what is current practice and puts some protections around that current practice. Therefore the government will not be supporting sending this bill to a committee. I would also point out that both Ms Hartland and Ms Mikakos have been given extensive briefings by the minister and the department on this bill. We are happy to answer questions in committee about this bill tonight. I would also like to point out to Ms Hartland that this bill makes no provision at all for strip searches. Emotive language does not help to protect these vulnerable young children; this bill does.

Ms HARTLAND (Western Metropolitan) — No matter what Ms Lovell calls it, when a child is being searched with possibly just a dressing gown on and is naked under that gown, that is a strip search. I am more than happy to use that term. We should use the terms that are appropriate to what is actually happening. I am very disappointed, as usual, with the government, because it is never prepared to have its legislation questioned. The whole point of the legislation committees is to do just that. It is really unfortunate that this government never wants to put itself under any kind of scrutiny.

House divided on motion:

Ayes, 18

Barber, Mr	Melhem, Mr (*Teller*)
Broad, Ms	Mikakos, Ms
Darveniza, Ms	Pennicuik, Ms
Eideh, Mr	Pulford, Ms
Elasmar, Mr	Scheffer, Mr
Hartland, Ms	Somyurek, Mr
Jennings, Mr	Tarlamis, Mr
Leane, Mr	Tee, Mr
Lenders, Mr	Tierney, Ms (*Teller*)

Noes, 20

Coote, Mrs	Lovell, Ms
Crozier, Ms	Millar, Mrs

Dalla-Riva, Mr	O'Brien, Mr D. D. (*Teller*)
Davis, Mr D.	O'Brien, Mr D. R. J.
Drum, Mr	O'Donohue, Mr
Elsbury, Mr	Ondarchie, Mr
Finn, Mr	Peulich, Mrs
Guy, Mr	Ramsay, Mr
Koch, Mr	Rich-Phillips, Mr
Kronberg, Mrs	Ronalds, Mr (*Teller*)

Pairs

Viney, Mr	Atkinson, Mr

Motion negatived.

Committed.

Committee

Clause 1

Hon. W. A. LOVELL (Minister for Housing) — I ask that Andrea Coote join me at the table.

Leave granted.

Ms MIKAKOS (Northern Metropolitan) — Just for the record, with respect to this bill can the minister outline to the committee what consultation occurred with external bodies, not just government departments?

Hon. W. A. LOVELL (Minister for Housing) — As I just outlined in my reason for the government not supporting the bill being referred to a committee, there was extensive consultation with key out-of-home care service providers, including Anglicare Victoria, Berry Street, the Salvation Army and MacKillop Family Services, as well as peak bodies, the Centre for Excellence in Child and Family Welfare Inc. and the Foster Care Association of Victoria. They were consulted with regard to the provisions prohibiting the use of physical force, and all were supportive of the bill. The Commission for Children and Young People supports the bill in principle, and the Department of Education and Early Childhood Development and the commission have agreed to work in partnership to support the successful implementation of the legislation. Consultation also occurred with the Department of Justice, the Department of Treasury and Finance and the Department of Premier and Cabinet, and these departments also support the bill. As I also outlined in my previous answer, the bill has been in the public domain for quite some weeks now, and there has been ample opportunity for anyone to raise any further concerns with the minister.

Ms MIKAKOS (Northern Metropolitan) — The minister said that out-of-home care agencies and peak bodies were consulted with respect to the reasonable force provision, but were they consulted about the secure welfare provisions of the bill?

Hon. W. A. LOVELL (Minister for Housing) — Yes, they were.

Ms MIKAKOS (Northern Metropolitan) — Coming to the issue of training, there are a number of new provisions. A legislative framework has been established, and there are new legislative provisions regarding searches, seclusion and the use of reasonable force. What training will be put in place to ensure that departmental and agency staff are adequately trained in respect of these new provisions?

Hon. W. A. LOVELL (Minister for Housing) — These are not new provisions to the system. They are new provisions that have been put into legislation, but they embed what is current practice, so no additional resources or funding will be required to support the implementation as each of these security measures is current practice. Specifically, no new screening devices are required, and all staff responsible for implementing the proposed security measures receive training in all practices upon commencement of employment and prior to implementing such practices. A specific training package is under development for the community sector employees in respect of the use of reasonable force. This will simply require community service organisations to brief their staff about the new provisions at unit meetings.

Ms MIKAKOS (Northern Metropolitan) — Following on from the minister's response, is she saying that there is no deviation in any way to what is existing practice in the codification in this bill?

Hon. W. A. LOVELL (Minister for Housing) — Only in the application of reasonable force, not in the seclusion or the searches, and reasonable force is something that is current practice at the moment. It has never actually been included in the structure of the legislation or regulations.

Ms MIKAKOS (Northern Metropolitan) — As I understand it, the reasonable force provision will apply for both secure welfare facilities and out-of-home care. There are Department of Human Services (DHS) staff in those secure welfare facilities. Will those staff be trained in this new legislative requirement with respect to reasonable force?

Hon. W. A. LOVELL (Minister for Housing) — I will describe the current level of training. All new recruits undergo fitness and psychological testing and complete a four-week induction program, together with enrolment in a diploma of youth justice. The training

includes increasing staff understanding of child and adolescent development and the impact of abuse, neglect and trauma, and increasing their understanding of a therapeutic approach and behaviour management techniques appropriate to managing this client group. All staff are trained in preventing occupational violence, and they have regular refresher courses. This training emphasises early intervention strategies in order to minimise the use of force and restraint. All staff are certified in first aid and are encouraged to have, as a minimum, a certificate IV in community services, youth work or similar.

Ms MIKAKOS (Northern Metropolitan) — That is very helpful, but that relates to new staff who have been recruited. In terms of existing staff, will existing DHS staff be trained in the application of these new legislative requirements?

Hon. W. A. LOVELL (Minister for Housing) — The existing staff are already trained, so they do not need to be retrained. They have already had this training.

Ms MIKAKOS (Northern Metropolitan) — I find that puzzling given that I asked earlier if there was any variation from the existing practices in what has been codified in this bill. The answer was that the reasonable force provisions are different, so how could staff members be already trained if this is a new requirement and a new practice? Have they recently been trained in anticipation of this bill? Could the minister clarify that?

Hon. W. A. LOVELL (Minister for Housing) — The reasonable force provisions are not different, and I did not say that they were different. They have always been part of the code of practice. This is the first time they are being included in legislation, but they are the same as has been the current practice in these facilities.

Ms MIKAKOS (Northern Metropolitan) — I asked the minister earlier if there is any variation between the current practice, which may well be in a code of practice, and what has been codified in this bill. Her answer was that the reasonable force provisions were different. She is now saying that there is no difference and that the current practice as it stands today is being taken in its entirety and put into the legislation. Could she confirm that.

Hon. W. A. LOVELL (Minister for Housing) — That is what I advised the member before, that current practices are being embedded in the legislation.

Ms MIKAKOS (Northern Metropolitan) — The minister said that new recruits would need to get a diploma in youth justice. However, they are working in a secure welfare facility which relates to children who have been in child protection, not youth justice. Can the minister clarify why they would need to do a diploma in youth justice?

Hon. W. A. LOVELL (Minister for Housing) — That is the current practice for staff in facilities. I am advised that the reason they have that qualification is that it has been mapped against the capabilities that are required of staff in these facilities.

Ms MIKAKOS (Northern Metropolitan) — Is this a new requirement, something that has occurred recently?

Hon. W. A. LOVELL (Minister for Housing) — I am advised that this has been the current practice for the last 12 months.

Ms MIKAKOS (Northern Metropolitan) — The reason I raise this is, as I indicated to the chamber earlier, I have concerns that secure welfare facilities have been placed under the youth justice division of the department, which has resulted in a change of culture and approach to how these secure welfare facilities have been run previously. The fact that staff are required to be trained or have a qualification similar to what would apply for youth justice staff confirms that point. I want to move on, if I may. I understand that CCTV cameras have recently been installed in secure welfare facilities. Can the minister confirm whether that is the case?

Hon. W. A. LOVELL (Minister for Housing) — That is correct. They became operational on the 10th of last month, and this is consistent with the Ombudsman's recommendations.

Ms MIKAKOS (Northern Metropolitan) — I have not had the benefit of seeing the Ombudsman's recommendations. I have seen concerns he has raised in his report. Will those recommendations be made public so we can all see them?

Hon. W. A. LOVELL (Minister for Housing) — They were part of a recommendation from a whistleblower publication. I think the Greens referred to that earlier. There were eight recommendations, but as it is a whistleblower investigation, it will not be made public.

Ms MIKAKOS (Northern Metropolitan) — I will come back to the Ombudsman's recommendations in a moment, but returning to the issue of the CCTV cameras, are they there to monitor incidents in secure welfare facilities on a continual basis? Are they there to record incidents if a complaint is subsequently made or are they there, essentially, in case reinforcements are

required and there is a live feedback to some base? My question is: is there continual live footage to some base for security or is it there to ensure that if there is a complaint lodged against a staff member, subsequently there is some footage that can verify what transpired?

Hon. W. A. LOVELL (Minister for Housing) — I am advised that it is not a live feed. It would only be used for investigating any complaints that are made.

Ms MIKAKOS (Northern Metropolitan) — Can the minister therefore assure me that those cameras are not placed in any private places such as children's bedrooms? Are they only in common areas in the secure welfare facilities?

Hon. W. A. LOVELL (Minister for Housing) — That is correct, they are only in common areas.

Ms MIKAKOS (Northern Metropolitan) — Returning to the issue of the Ombudsman's recommendations, as the minister said, this was in response to a whistleblower's complaint, and I have seen the concerns that the Ombudsman outlined in his 2013 annual report. Referring to a number of them, I am unsure as to whether they have been implemented. I understand from the Ombudsman's annual report that the government accepted all the recommendations, so I ask whether there are any recommendations that are yet to be implemented.

Hon. W. A. LOVELL (Minister for Housing) — I am advised that two of the eight are yet to be implemented, but they are in progress.

Ms MIKAKOS (Northern Metropolitan) — Can the minister indicate what they relate to? I understand that one of them may well relate to the concern expressed on page 44 of the Ombudsman's report that there is no independent visitor program for secure welfare as there is for adult prisons and youth justice centres. Is that one of the recommendations that is yet to be implemented?

Hon. W. A. LOVELL (Minister for Housing) — Yes, it is.

Ms MIKAKOS (Northern Metropolitan) — I note that the government in its submission to the Royal Commission into Institutional Responses to Child Sexual Abuse says on page 25 of its submission:

> An independent visitor program for secure welfare (residential care) services is expected to be introduced in 2014.

Can you confirm that that will be in place this year, and are there resource implications relating to this provision that need to be put in the state budget?

Hon. W. A. LOVELL (Minister for Housing) — Yes, it will be implemented this year. The department is in negotiations with the Commission for Children and Young People about how it will be done, and no, there are no resource implications.

Ms MIKAKOS (Northern Metropolitan) — There will be a community visitors program put in place that has no resource implications; how will that be funded?

Hon. W. A. LOVELL (Minister for Housing) — It is actually a voluntary scheme that relies on voluntary visitors, and there is already a scheme in place that visits the youth justice system.

Ms MIKAKOS (Northern Metropolitan) — I know that it is a voluntary scheme, but there would need to be working-with-children checks and coordination and presumably training of all those volunteers. Is the minister saying that all of that will happen within the existing resources as they relate to the community visitors program in youth justice facilities?

Hon. W. A. LOVELL (Minister for Housing) — They will be undertaken within the existing resources.

Ms MIKAKOS (Northern Metropolitan) — The minister said there were two recommendations coming out of the Ombudsman's recommendations that were yet to be implemented. One relates to secure welfare. Can she indicate what the other recommendation relates to?

Hon. W. A. LOVELL (Minister for Housing) — It relates to integrating data systems within the child protection system, and records.

Ms MIKAKOS (Northern Metropolitan) — As I understand it, the Ombudsman, in his list of concerns, stated that there was poor record keeping, which meant that a number of authorities for admission were not signed and there was no accurate data recording the use of restraint and isolation. Does this new record keeping relate to the uses of restraint and isolation or seclusion?

Hon. W. A. LOVELL (Minister for Housing) — No. The recommendation relates to case workers recording their information directly into the data system. For the seclusion and searches there will be separate record keeping, as there already is.

Ms MIKAKOS (Northern Metropolitan) — Is the minister saying therefore that there will be a new software package developed into which staff can lodge incident reports? Is it for the reporting of incidents as they occur?

Hon. W. A. LOVELL (Minister for Housing) — No, it will not be a new system; there is one already. It just relates to staff being able to input their notes straight into it.

Ms MIKAKOS (Northern Metropolitan) — One of the concerns the Ombudsman raised related to secure welfare being often at or near capacity, with staff expressing concern that placement decisions were based on capacity rather than need. I understand that Minister Wooldridge in her five-year out-of-home care plan, announced on 25 March this year, has funded some additional secure welfare places. Can the minister advise how many additional secure welfare beds there will be as a result of that and when they will be coming on stream?

Hon. W. A. LOVELL (Minister for Housing) — I am advised that what Ms Mikakos is asking about, the announcement last week, is well outside the scope of this bill because those are not secure welfare facilities; they are two 8-bed units.

Ms MIKAKOS (Northern Metropolitan) — Just to be clear, does the five-year out-of-home care plan not provide any additional new capacity in the secure welfare facilities?

Hon. W. A. LOVELL (Minister for Housing) — The announcement last week, as I said, was about two 8-bed units. There are some secure beds in there, but Ms Mikakos was asking before about the facilities being at capacity and placements being made by vacancies. The average occupancy across the two secure units that exist at the moment is 58 per cent, so they are not at capacity.

Ms MIKAKOS (Northern Metropolitan) — Let us go back a step then. I understand that there are two secure welfare facilities in Victoria: one is a 10-bed facility for boys, and one is a 10-bed facility for girls. Could the minister confirm that, firstly?

Hon. W. A. LOVELL (Minister for Housing) — Yes.

Ms MIKAKOS (Northern Metropolitan) — Then there is also Hurstbridge Farm, which is a secure welfare service. Can the minister advise how many beds there are at Hurstbridge Farm?

Hon. W. A. LOVELL (Minister for Housing) — I am advised that Hurstbridge Farm is not a secure welfare unit.

Ms MIKAKOS (Northern Metropolitan) — I thank the minister for clarifying that. Is the minister saying that those two 10-bed facilities are at 58 per cent occupancy? Are they ever full? I understand that the girls facility tends to reach capacity more than the boys facility.

Hon. W. A. LOVELL (Minister for Housing) — The facility for young women is used more intensively than the one for young men. The average daily population at the young women's unit is eight, and the average at the young men's unit is four.

Ms MIKAKOS (Northern Metropolitan) — They are not full and the five-year out-of-home care plan does not provide for any additional beds. Can the minister indicate the types of circumstances in which children are being put into secure welfare in the first place?

Hon. W. A. LOVELL (Minister for Housing) — Secure welfare services are specialist residential services that provide a secure short-term placement for a child or young person, usually aged between 10 and 17 years, subject to child protection involvement and at substantial and immediate risk of harm. Secure welfare services may accommodate up to 20 children statewide: 10 in the boys unit, 10 in the girls unit. The children may be placed there for up to 21 days, with a further extension of 21 days in exceptional circumstances. Approval to place a young child or young person in a secure welfare service is made by the Children's Court or a senior officer of the department. They are protection units to protect the child when they need protection because they are at substantial and immediate risk of harm.

Ms MIKAKOS (Northern Metropolitan) — Can the minister advise if children have been placed in secure welfare services for their protection because they have been victims of sexual predators and paedophiles?

Hon. W. A. LOVELL (Minister for Housing) — The children and young people placed in secure welfare are undoubtedly amongst our most vulnerable children in state care. They represent those children at most risk, and to be admitted to secure welfare they must be at substantial and immediate risk of harm. I cannot discuss any specific client matters that will impact the privacy of young people placed in secure welfare. What I can say is that those young people have generally suffered significant abuse or neglect and they struggle with the impact of that daily. That manifests itself in substance abuse, mental health issues, suicide, self-harm and feelings of worthlessness. Many of those young people are subject to sexual exploitation.

The proposed practices are designed to ensure that young people experience no further harm when they are cared for in a secure setting. The search provisions outlined in this legislation will ensure that they are not able to access illicit drugs or objects that can be used to self-harm. Furthermore, the use of seclusion will ensure that any client who threatens the safety of another child or young person can be placed in seclusion. This is an important protection to children and ensures that they are not subject to further harm while placed in a secure setting.

Ms MIKAKOS (Northern Metropolitan) — I thank the minister for that. I am not asking the minister to disclose anything that would identify a vulnerable child. I understand the limitations of that and the need for privacy, but essentially my question was: has any child ever been moved from a residential care unit into secure welfare to get them away from paedophiles?

Hon. W. A. LOVELL (Minister for Housing) — I am advised that, yes, there have been.

Ms MIKAKOS (Northern Metropolitan) — My concern relates to the fact that, as I understand it and as the sector has explained it to me, there is not sufficient capacity in residential care units more broadly — and I am not just talking about secure welfare now — so decisions around placements are being made on the basis of where there is an available bed rather than being about the most appropriate location for a child to be placed. In some circumstances children, including very young children, are being placed with other young people who have sexualised behaviour, and this means they are at personal risk themselves. Can the minister advise if there are situations, again not identifying any particular child, where children are being placed in residential care units because there happens to be an available bed rather than finding the most appropriate placement for that child?

Hon. W. A. LOVELL (Minister for Housing) — Is the member talking about residential care or secure welfare?

Ms MIKAKOS (Northern Metropolitan) — Residential care. I will come back to secure welfare in a moment.

Hon. W. A. LOVELL (Minister for Housing) — This bill is not about demand or capacity. What we need to do is prioritise demand for secure welfare for those at greatest risk.

Ms MIKAKOS (Northern Metropolitan) — This bill has a part that relates to secure welfare, but it also has provisions that relate to all of our out-of-home care. Out-of-home care also includes residential care units. I am perfectly within my rights to ask the minister questions that relate to residential care, because it is within the scope of the purposes of this bill. The reason I am pursuing this is that I have just asked the minister a question and she has confirmed that children are being placed in secure welfare to protect them from paedophiles. The reason that is happening in the first place is that there is a lack of beds in the residential care system more broadly, which means kids are being placed in inappropriate placements in residential care that may put them at risk of sexualised behaviour either from other young people in those units or from people outside those units, including organised gangs of paedophiles.

I am concerned that the minister does not make the connection, but the connection is there and it is an issue that has come up in media reports over the last few weeks. I come back to the question, which is: are children more broadly, not singling out any particular child, being placed in inappropriate placements in residential care because there are not sufficient beds available in residential care units?

Hon. W. A. LOVELL (Minister for Housing) — Ms Mikakos just asked: are they being placed in residential care because there are no residential care beds?

Ms Mikakos — Inappropriate placements, Minister.

Hon. W. A. LOVELL — No.

Ms MIKAKOS (Northern Metropolitan) — The minister's answer is contrary to the findings of the Auditor-General in his report tabled last week. In that report he talked about inappropriate placements and lack of capacity, so I find that an extraordinary answer. The minister might want to seek advice on that.

Hon. W. A. LOVELL (Minister for Housing) — I am advised that what the Auditor-General found was that some placements could be better matched to children's needs — they were not necessarily inappropriate, but they could be better matched — and that home-based care is always the preferred option for placing children.

Ms MIKAKOS (Northern Metropolitan) — I will come back to the Auditor-General's report in a moment, when I find the relevant page. I am concerned that the minister's response indicates a lack of acknowledgement by the government of the problems in residential care. Home-based care is the desirable option; I do not think that is in dispute here. The issue is about the appropriateness of placements more broadly,

and this is leading to children having to be rescued from inappropriate placements by then being placed in secure welfare facilities. I think we have already established that, and I ask: can the minister indicate what would be the average period for which a child is placed in secure welfare services?

Hon. W. A. LOVELL (Minister for Housing) — The average length of stay in secure welfare from 1 January 2013 until 31 December 2013 was 10.5 days.

Ms MIKAKOS (Northern Metropolitan) — Does that average differ when boys are compared to girls?

Hon. W. A. LOVELL (Minister for Housing) — The average stay for females was 10 days, and the average stay for males was 11 days.

Ms MIKAKOS (Northern Metropolitan) — I come now to the issue of the Victorian Equal Opportunity and Human Rights Commission submission to the Scrutiny of Acts and Regulations Committee. I note in that submission, as I indicated to the chamber earlier, the commission expressed a number of concerns, in particular that this bill and the statement of compatibility may not be compatible with the Charter of Human Rights and Responsibilities Act 2006. Can the minister indicate to the committee whether the government takes the view that the bill has not breached the charter, in particular in respect of the use of searches, seclusion and force in secure welfare services?

Hon. W. A. LOVELL (Minister for Housing) — These amendments introduce similar provisions to those which already apply to youth justice facilities, which were introduced into the act in 2011 and which also required consideration of the human rights impact. As with the youth justice provisions, further safeguards will be added into the regulations under the act. The amendments in this bill are consistent with the advice from the Victorian Government Solicitor's Office (VGSO) to seek legislative amendment to the act, and the VGSO was involved in the drafting of the statement of compatibility.

Ms MIKAKOS (Northern Metropolitan) — In a letter of 30 January to Richard Dalla-Riva as the chairperson of the Scrutiny of Acts and Regulations Committee (SARC), the commissioner of the Victorian Equal Opportunity and Human Rights Commission, Kate Jenkins, stated on behalf of the commission that it 'considers that the proposed "unclothed search" power may not be compatible with the charter and that there may be less rights-restrictive ways of achieving safety and security in secure welfare services'. Can the minister indicate whether the government considered any less rights-restrictive ways of achieving the same goal?

Hon. W. A. LOVELL (Minister for Housing) — Section 17 of the Charter of Human Rights and Responsibilities Act 2006 outlines the rights of children to protection. Children entering secure welfare services (SWSs) are among the most vulnerable children in the state. At the time of their admission many are affected by alcohol or substances or are suffering from untreated physical and/or mental health issues. A child may exhibit violent behaviours during their time in the SWS, and this poses a further risk to themselves, other children, staff and visitors. The aim of searches of children and visitors to an SWS is to ensure a safe and secure environment for children, staff and visitors and to ensure that prohibited items such as drugs, weapons or other items that may be used for self-harm and may pose a risk are not brought into the facilities.

An unclothed search is conducted on admission to the SWS and at other times when there is a reasonable belief that a child may be concealing prohibited items. The submission of the Victorian Equal Opportunity and Human Rights Commission suggested that an unclothed search is akin to a strip search. This is not correct. Policies and practices require that the child is covered at all times with a towel or a robe.

Ms MIKAKOS (Northern Metropolitan) — I particularly note that the Victorian Equal Opportunity and Human Rights Commission referred to the ACT's Children and Young People Act 2008 and suggested that it could provide some guidance as to additional safeguards that could apply in particular in respect of searches and force used in secure welfare settings. I have had regard to the more detailed submission the commission made to SARC in respect of the provisions that apply in the ACT. There are some similarities with the Victorian youth justice search provisions and what is being proposed here in the bill, but there may be differences — and this is where I am seeking the minister's guidance. On page 9 of the submission it says:

> Before a search is conducted, the child must be told about the search, the reasons for the search, whether the child will be required to remove clothing, and if so, why the removal of clothing is necessary. The person conducting the search must also ask for the child's cooperation.

Can the minister advise whether all these requirements would apply in Victoria under this bill?

Hon. W. A. LOVELL (Minister for Housing) — I am advised that the ACT does not have a secure

welfare service — those provisions actually apply to youth justice custodial facilities — but all children will be given advice about what the searches are and told exactly what to expect. If children are still concerned, they will be counselled until they are satisfied. They can ring the Commission for Children and Young People or the Ombudsman to get advice about those searches if they so wish. No-one will be forced into searches, but they will be counselled. Searches will be carried out with regard to the decency and self-respect of the person being searched and in compliance with other prescribed requirements.

Ms MIKAKOS (Northern Metropolitan) — The reason the commission thought that the Australian Capital Territory act was relevant — as do I — is that the search provisions in relation to secure welfare services are intended to mirror what applies to youth justice facilities. The submission also went on to talk about the number of people being present during a search being no more than necessary and reasonable to ensure that the search is conducted as safely and effectively as possible. It said the search must be carried out in the presence of a person who can support and represent the interests of the child and whose presence is agreed to by the child. The operating entity can direct the support person to leave if they are preventing or hindering the search. Is there going to be any provision for an independent person who is supporting the child to be present while a search is being conducted, whether it be a family member or an advocate?

Hon. W. A. LOVELL (Minister for Housing) — No, there will be no untrained people in the room. The search will only be conducted by trained professionals. There will be one person who is conducting the search of the young person and one person who is observing the person doing the search who cannot see the young person. This is to protect the young person's privacy.

Ms MIKAKOS (Northern Metropolitan) — The reason I am going into this clause at this level of detail is that we are talking here about children who in some cases have been victims of sexual abuse and for whom an unclothed search could be quite a retraumatising experience. I would hope such a search would only be conducted in circumstances where that was regarded as absolutely necessary for the child's safety and the safety of others.

Can the minister advise whether it is intended that every child who has been placed in secure welfare will be required to have an unclothed search on initial entry into the secure welfare facility?

Hon. W. A. LOVELL (Minister for Housing) — Yes, that is correct. Every child will have an unclothed search. The unclothed search does not require any physical touching of the child at all. There is a frisk down before the child removes their clothes. That is to find anything in the pockets of children's clothing or concealed in the clothing in any way. The child then undresses themselves and puts on a robe. They are required to reveal that they have removed their underwear under the robe. Then, I am told, they are required to squat, but they are covered. This exposes whether they have anything concealed under the armpits or held between their legs.

Ms MIKAKOS (Northern Metropolitan) — I thank the minister for that clarification. An unclothed search will then require a child being robed. As I understand it, they are doing the child's top half first and then the bottom half.

Hon. W. A. LOVELL (Minister for Housing) — No.

Ms MIKAKOS (Northern Metropolitan) — No? If they are being robed, presumably their whole body is covered by this robe; is that correct?

Hon. W. A. LOVELL (Minister for Housing) — Yes, their body will be covered to their knees.

Ms MIKAKOS (Northern Metropolitan) — Just so that we are clear, presumably the staff member is there to check that, as you said, the child has nothing on their person. They have been supervised while they have been undressing and putting a robe on; is that right? Are you saying that they are doing this behind a curtain? Can you just give us a little more advice as to whether they are disrobing behind a screen or in front of a staff member?

Hon. W. A. LOVELL (Minister for Housing) — They will be given a private area in which to remove their clothes and to put the robe on by themselves. As I said before, they will be required to reveal that they have removed their underwear, and I am told that would be through some kind of slit in the robe or similar. However, they will not be required to expose their body in any way that would make them uncomfortable.

Ms MIKAKOS (Northern Metropolitan) — I thank the minister. That is very helpful. At no point during the unclothed search then would the child be in full view, naked, in front of the staff member; could you confirm that?

Hon. W. A. LOVELL (Minister for Housing) — That is correct.

Ms MIKAKOS (Northern Metropolitan) — That is very helpful. Coming then to the issue of complaints, which you alluded to earlier — and I also want to talk about seclusion and other provisions — if a child has a complaint about how a search has been conducted, the duration for which they have been put into seclusion, how they were dealt with whilst in seclusion or the use of reasonable force provisions, who would they complain to in the first instance?

Hon. W. A. LOVELL (Minister for Housing) — They could tell their child protection worker, they could tell another staff member, they could advise the Commission for Children and Young People or they could advise the Ombudsman.

Ms MIKAKOS (Northern Metropolitan) — If they wanted to advise the child protection worker, would the child protection worker be available on a daily basis? Would they be someone they would have regular contact with on a daily basis?

Hon. W. A. LOVELL (Minister for Housing) — They are able to contact their child protection worker by phone at any time.

Ms MIKAKOS (Northern Metropolitan) — Would they be provided with contact details for Bernie Geary, the commissioner for children and young people, and his office upon entry into the secure welfare service?

Hon. W. A. LOVELL (Minister for Housing) — Those details are on the wall.

Ms MIKAKOS (Northern Metropolitan) — I know that we walk around this building and there are lots of notices on the back of toilet doors and all over the place about what to do if there is a security situation, but I have found that people do not tend to look at these notices all that regularly. Would a child be verbally informed on entry that that would be a person they could contact if they had a complaint?

Hon. W. A. LOVELL (Minister for Housing) — Yes.

Ms MIKAKOS (Northern Metropolitan) — If a complaint is made, obviously there will be an investigation, but what would be the consequences for someone who has breached these provisions, whether they are a DHS staff member or a community service organisation? If they have breached the provisions of this act, what is the penalty, either for the staff member involved or for the community service agency?

Hon. W. A. LOVELL (Minister for Housing) — I am advised that we have not had an incident of this type before, but there would be disciplinary action. Obviously all allegations of physical abuse have to be reported to police, so if they were substantiated, there could be criminal charges as well.

Ms MIKAKOS (Northern Metropolitan) — To be clear, the question related to all those practices, including reasonable force. As I said, this bill relates to not just secure welfare but also to out-of-home care. Is the minister saying there has never been a complaint against a community service organisation? Is the minister's answer just in relation to secure welfare? Could the minister clarify that first?

Hon. W. A. LOVELL (Minister for Housing) — I am advised that the answer that I was given, that there had not been a complaint of this type, was in relation to secure welfare. There have been complaints regarding community groups before, but they are always investigated thoroughly, and disciplinary action is taken if necessary.

Ms MIKAKOS (Northern Metropolitan) — What would be the consequence for a community service organisation if one of its staff members had been found to have not used reasonable force, and to have assaulted a young person who is in their care? When the minister says 'disciplinary action', what does that mean? Presumably the staff member would be disciplined, but what would be the consequence for the agency?

Hon. W. A. LOVELL (Minister for Housing) — A review would be conducted of the agency's training practices and indeed whether it had contributed to the actions of the staff member. If it were repeated, the agency could possibly face deregistration.

Ms MIKAKOS (Northern Metropolitan) — Has any community service organisation been deregistered in the last three years in response to these types of issues, specifically assaults by staff of clients?

Hon. W. A. LOVELL (Minister for Housing) — I am advised that no agencies have been deregistered in the last three years. In the 10 years prior to that some agencies were deregistered but not in relation to assaults.

Ms MIKAKOS (Northern Metropolitan) — If an agency has not been deregistered, does it get a formal warning? Is it put on probation? Is there any kind of consequence if an agency has got a problem of this nature?

Hon. W. A. LOVELL (Minister for Housing) — Obviously there would be investigations and reviews of agencies, which could result in anything from the department working with them to review their practices and to assist them to improve, right through to deregistration.

Ms MIKAKOS (Northern Metropolitan) — I move on to the issue of seclusion. Can the minister advise how often a child is placed in seclusion, and typically what would be the duration of time for which a child would be placed in seclusion?

Hon. W. A. LOVELL (Minister for Housing) — A child cannot be placed in seclusion for more than 24 hours, but I am told that this never happens and the average is around 20 minutes. A child is placed in seclusion until they settle down, and then they are immediately removed.

Ms MIKAKOS (Northern Metropolitan) — In what circumstances will a child be placed in seclusion? I know there are some steps that are set out in the section where it may be authorised, but it would be helpful if the minister would give some practical examples as to the kinds of scenarios where a child would be put into seclusion?

Hon. W. A. LOVELL (Minister for Housing) — I am not about to go into hypothetical situations as to why a child might be placed in seclusion, but I can tell the member that the bill legislates the practice of seclusion in secure welfare services, and seclusion is to be used only when all other reasonable steps have been taken to prevent a child or young person from harming themselves or from harming others, or from damaging property, and when the child's behaviour presents an immediate threat to their own safety or that of another person or to property. The use of seclusion will be subject to strict monitoring of at least 15-minute intervals and recording.

Ms MIKAKOS (Northern Metropolitan) — The part of the clause that I am most concerned about is the part that relates to damaging property. I note also that in its submission the Victorian Equal Opportunity and Human Rights Commission expressed concern about that. I ask the minister: if a child were to punch a hole in a wall in a seclusion facility and therefore damage property, would that be a reason to put them into seclusion?

Hon. W. A. LOVELL (Minister for Housing) — No.

Ms MIKAKOS (Northern Metropolitan) — Short of setting the building on fire, what kinds of examples can the minister give me as to where a risk just to property, not to another person, would be sufficient to justify a child being put into seclusion?

Hon. W. A. LOVELL (Minister for Housing) — It is outlined in the bill, and it is outlined in the second-reading speech. Mrs Coote spoke to it at length, and I have given the member an explanation. I am not about to go into hypothetical situations about what may or may not lead to a child being put into seclusion.

Ms MIKAKOS (Northern Metropolitan) — The purpose of the committee stage is to be able to indicate how these provisions will work in practice. I am disappointed that the minister thinks it is optional for her to answer questions. This is a particular concern that has been raised by the Victorian Equal Opportunity and Human Rights Commission. In its submission the commission expressed particular concern about this provision, but I am happy to refer to the second-reading speech and see whether that can give us any guidance. I note that the second-reading speech says as follows, which is very similar to what the minister has just said:

> Seclusion may only be administered if all other reasonable steps have been taken to prevent the child from harming himself or herself or any other person or from damaging property and the child's behaviour presents an immediate threat to his or her safety, the safety of another person or to property. Seclusion must be closely monitored at intervals no longer than 15 minutes and all seclusions must be recorded in a register to enable monitoring of such practices.

Essentially the second-reading speech parrots the clause itself; it gives no further guidance to the community, the sector or the staff working there as to what kinds of situations would justify a child being put into seclusion. Again I ask the minister to indicate what sort of circumstances — short of setting the building on fire — would justify a child being put in seclusion.

Hon. W. A. LOVELL (Minister for Housing) — Again I tell the member that seclusion is only to be used when all other reasonable steps have been taken to prevent a child or young person from harming themselves, from harming others or from damaging property and when the child's behaviour presents an immediate threat to their own safety or that of another person or to property. I am not about to go into hypothetical situations.

Ms MIKAKOS (Northern Metropolitan) — That particular clause seems to suggest that a threat to property alone would be sufficient to trigger or justify a child being put into seclusion because it uses the word 'or' throughout. It could be a threat of a child harming themselves or another person, or damaging property. It is possible that either actual or threatened damage to

property is sufficient to put a child in seclusion. Can the minister confirm that even if a child has not harmed themselves or any other person, a threat to property alone is a sufficient basis for a child to be put in seclusion?

Hon. W. A. LOVELL (Minister for Housing) — What I can confirm to the member is that this clause is about the protection of vulnerable young people who may be at risk of harming themselves or others. This clause is about providing an opportunity for them to be placed in seclusion for a short time in order to settle their behaviour and in order for a safety plan to be put in place for that child.

Ms MIKAKOS (Northern Metropolitan) — I put it to the minister that this clause, as I have understood it, is about protecting property. I find it really concerning that the interests of protecting a building or a secure welfare unit are paramount over what I would consider to be the interests of the child. I am concerned that children will be put in seclusion in circumstances where only damage to property has occurred. The minister has not said anything that allays my concerns or my interpretation of that particular clause. Can the minister again indicate whether there are circumstances in which a child would be put into seclusion only because there has been damage to property?

Hon. W. A. LOVELL (Minister for Housing) — I am advised that this clause relates to when the child or other people are at risk or would be exposed to violence and further trauma. The department has given me an example. Breaking furniture or windows could create an unsafe situation and expose others to trauma. It is about stopping risk and providing safety to the young person and to others in the facility.

Ms MIKAKOS (Northern Metropolitan) — I am pleased that we finally have an example. Breaking furniture then could be a sufficient basis for a child to be put into seclusion, based on the minister's answer. Can she now give me an assurance that seclusion would only be used where a child had broken furniture in a secure welfare unit if there were an immediate and reasonable fear that another resident or that particular resident would be in danger?

Hon. W. A. LOVELL (Minister for Housing) — As I said, this relates to when that young person or other people are at risk or will be exposed to violence or further trauma.

Ms MIKAKOS (Northern Metropolitan) — That answer goes a little bit further than the clause suggests. The clause, as I said before, offers the alternatives of danger to the child, danger to another person or damage to property. The minister seems to be suggesting that damage to property would only occur where there is concern of a risk to the child themselves or to another person. Just to be clear, can the minister confirm whether that is in fact the case, if that is what she is saying in this example of broken furniture?

Hon. W. A. LOVELL (Minister for Housing) — The two really go hand in hand. If somebody is breaking furniture, going on a rampage and putting themselves or other people at risk, yes, they will be placed in seclusion. If they are going on a rampage and breaking windows, for instance — breaking every piece of furniture in the house — they are still placing themselves at risk. The damage to property may be occurring before damage to a person occurs, but this is about ensuring that damage to a person does not occur. So yes, if they were on a rampage, they would be placed in seclusion.

Progress reported.

Business interrupted pursuant to sessional orders.

ADJOURNMENT

The ACTING PRESIDENT (**Mr Ramsay**) — Order! The question is:

That the house do now adjourn.

Armstrong Creek

Ms PULFORD (Western Victoria) — The matter I raise in the adjournment debate this evening is for the attention of the Minister for Planning, Minister Guy. It relates to a gentleman by the name of Bill Robertson and some property he has on Barwon Heads Road. There is some history to this issue, which I will briefly outline. There have been some outstanding issues with the management of stormwater in the development of the Armstrong Creek subdivision. Mr Robertson's property and one other neighbouring property have experienced major flooding when there have been significant downpours. This then runs off into a Ramsar site — Hospital Swamp at Lake Connewarre. Mr Robertson is concerned about his property and indeed the impact of this run-off on water quality in the adjacent area.

During 2010 the previous government committed to purchasing the two properties in question and restoring this to a natural wetland, resolving the issue for both Mr Robertson and his neighbour and also providing a better filter to the Ramsar site and a great natural feature for Armstrong Creek. The Baillieu and

Napthine governments have not proceeded with this intended course of action and, despite requests to the Minister for Planning and the local council, resolution has been slow. At various stages the minister has indicated that the council will resolve this and that further drainage will resolve this, but it seems that the council says it needs the state to intervene — an impasse that Mr Robertson and his neighbour no doubt find incredibly frustrating.

It appears from the information I have available to me that this issue is unable to be resolved without the intervention of the minister. Aspects of it need to be resolved by the local council, and aspects of it need to be resolved by the state government. The action I seek from the minister in relation to Armstrong Creek — a very significant growth area and part of a major planning scheme amendment — is that he step in and intervene. Mr Robertson and his neighbour are caught in the middle. The action I seek is that the minister investigate this matter and facilitate a resolution. The resolution does not seem too hard, but there seems to be a lack of will to get to that conclusion.

Footscray Vietnamese community

Mr FINN (Western Metropolitan) — I raise a matter for the attention of the Minister for Multicultural Affairs and Citizenship, Matthew Guy. It is my very pleasant duty this evening to invite Mr Guy to come with me to Footscray — and indeed to St Albans, if he is inclined — to meet with the local Vietnamese community. The Vietnamese community has made a huge contribution to Australia, but particularly to Victoria and to Melbourne — and, might I be so game as to say, particularly to the western suburbs. The suburb of Footscray in particular was on its last gasp when the Vietnamese arrived in the 1970s, and they have turned Footscray and St Albans and some of the other areas throughout the west — —

Hon. D. M. Davis — Given the football team a bit of a push.

Mr FINN — A very big push, Mr Davis. The Vietnamese community has shown a vibrancy and excitement that has made Footscray into what it is today: a thriving, bustling metropolis that is going to be the centre of a great deal of activity in the inner west. Of course this goes hand in hand with Mr Guy's other portfolio of planning, where he has dedicated certain parts of Footscray to allow the growth that we would expect. That obviously goes hand in hand with the sort of vibrancy and excitement that I speak of.

The Vietnamese community in Footscray is preparing to build an arch, and a very impressive arch, too; I have seen the plan. The community is keen to build this arch across Leeds Street to commemorate those who came to this country after the Communists took over Vietnam and they fled for their lives with their families — —

Hon. D. M. Davis — Welcomed by the Fraser government.

Mr FINN — Indeed they were welcomed by the Fraser government. It is interesting to note that the Vietnamese community shows the same sorts of principles that our own party, the Liberal Party, does. They care about free enterprise, they love freedom and they love small business. The members of the Vietnamese community are natural Liberals; there are no two ways about that. We have just spent a bit of time pointing that out, and we will continue to do so.

I ask the minister, Mr Guy, to come with me to Footscray to meet with the local Australian Vietnamese community. It is a great community. They are a great group of people, and I am sure the minister will very much enjoy meeting with them.

Maribyrnong River projects

Ms HARTLAND (Western Metropolitan) — My adjournment matter today is for the Minister for Planning. Australia is one of the most urbanised countries in the world. More than 70 per cent of Victorians live in Melbourne. Open space is critically important to the livability of our suburbs and is highly valued by the community. Parks can improve physical and mental health, ecosystem services and urban biodiversity.

The Maribyrnong River provides an important green and open space for residents in the west. Surveys have found it is one of the most popular and most used parks in Moonee Valley. There are sections along the river that would benefit greatly from redevelopment, as they are in poor condition. Moonee Valley City Council has developed a Maribyrnong River master plan. This plan lays out an incredible vision for a healthy river that improves access through more open space and better facilities for outdoor activities. The first priority in the plan relates to redevelopment of the section of the Maribyrnong between the Afton Street footbridge and Maribyrnong Road in Essendon. I regularly walk this section of the river. I have been down there with council workers to see their plans for myself, and I have to say that they look fantastic. These plans remove weeds, improve footpaths, widen the green open space areas and revegetate with native plants.

To realise the redevelopment of this section of the river there are two key investments required from the state government, on top of funds being put in by the council. The first is the creation of a pedestrian and bicycle link bridge to connect the pathways on opposite sides of the river where the paths cross Maribyrnong Road. This investment is critical for the safety of cyclists and pedestrians who are travelling along beside the Maribyrnong. Currently they are forced up onto an incredibly busy road and have to walk along a narrow path, with massive trucks flying by, which acts as a major disincentive to travel and exercise along this stretch of the river. This is a piece of the river I use a lot. To describe it, if people are walking along the river, they have to stand with their backs to the bridge so that someone else can pass, particularly if it is someone with children in a pusher.

The second investment that would greatly benefit this river precinct is the redevelopment of the Walter Burley Griffin Incinerator Gallery. This state and federal government-listed heritage building is unique; it is the only remaining Walter Burley-designed incinerator left in Victoria. I ask the government to support the Maribyrnong redevelopment being undertaken by Moonee Valley City Council by funding these two important projects in the 2014–15 budget.

Television and film industry

Mrs COOTE (Southern Metropolitan) — My adjournment matter this evening is for the Minister for Innovation, Ms Asher. I was very pleased to hear about the $1.9 million she has put into screen and film production. My issue is about the opportunities this engenders. I understand that there are going to be over 11 television and film documentaries produced with that $1.9 million, and that will engender 1800 jobs. It will engender $28 million worth of screening and production benefits.

With these benefits, I am particularly concerned about my own electorate, especially around the South Melbourne-Port Melbourne area. This is a hub for the arts precinct, for understanding the screen and for animation. We have had some extraordinary people and work come out of this area. It is a precinct in Melbourne not far from here, and it is very important that people understand what opportunities can be realised with this new money that has been made available by the minister.

It is important that we get Australians involved in these productions. I know the minister has encouraged that in the past, but I would particularly like to ensure that my electorate is notified of these opportunities, and that includes not just small businesses which are affiliated and associated with screen and television production but also the Victorian College of the Arts Secondary School, which does some remarkable work, as does the Victorian College of the Arts. They do work on things like costume production, lighting, set production and things we do not automatically think about that go on behind the scenes in making television programs and documentaries.

The action I seek from the minister is for her to publicise and announce to these organisations what she has funded so that people can see for themselves what great opportunities there are with this very generous $1.9 million advance to screen and television production in Australia.

Eastern Freeway graffiti

Mr LEANE (Eastern Metropolitan) — My adjournment matter is directed to the Minister for Roads, Mr Mulder. It concerns the amount of graffiti on the sound walls and some of the barriers along the Eastern Freeway. On the EastLink corridor, which is cared for by a private provider, graffiti is removed in a fast and efficient fashion, to the point where it is hard to identify graffiti along that part of the road. However, where EastLink becomes the Eastern Freeway and it falls under the responsibility of the state government, there is a lot of graffiti on all the noise walls and freeway barriers. This has been brought to my attention by local councils and concerned constituents in the area, and it is very easy to spot that it is a problem. The action I seek from the minister is that he at least fund VicRoads to the point where it can act on graffiti as soon as possible. As we know, the only way to prevent graffiti, to an extent, is to remove it as soon as possible.

Northern Metropolitan Region councils

Mr ONDARCHIE (Northern Metropolitan) — My matter this evening is for the Minister for Local Government, the Honourable Tim Bull. The matter concerns the municipalities in my electorate of Northern Metropolitan Region, which include local government areas such as Moonee Valley, Yarra, Moreland, Darebin, Hume, Whittlesea, Nillumbik, Banyule and Melbourne — very diverse areas. Some are well managed by councils; others use ratepayers money to run political campaigns focused on the political needs of the Labor Party and the Greens rather than the immediate needs of their ratepayers. What is really interesting is that they seem to think their role is to support the Labor Party and the Greens rather than to serve their local residents.

Ms Mikakos interjected.

Mr ONDARCHIE — Quite frankly, Ms Mikakos in her interjections is turning into a spokesperson for these people. My matter for the minister is to invite him to come with me to meet with some of these councils to understand what is going on out there, to see the position for himself and to listen to the concerns of ratepayers in those areas.

Ann Nichol House

Ms MIKAKOS (Northern Metropolitan) — My matter this evening is for the Minister for Health, who is also the Minister for Ageing. The matter I wish to raise relates to the sale of the Bellarine Community Health aged-care facility, Ann Nichol House, in Portarlington. As members are aware, the Bellarine Community Health aged-care facility sits on Crown land and is listed on the Department of Health asset register. It is about to be sold by Bellarine Community Health to a private provider, against the wishes of the local community, the City of Greater Geelong and the Borough of Queenscliffe.

Last week the Minister for Environment and Climate Change told the member for Bellarine in response to her adjournment matter raised in the other place that because the land on which the aged-care facility is situated is on the asset register of the Department of Health it is up to the Minister for Health to determine the future of that land. I asked the Minister for Health last week whether he would intervene to prevent the sale of Ann Nichol House. He made his usual deflection of responsibility and sought to blame the health service for its decision, completely ignoring the fact that he is responsible for approving whether or not this lease of Crown land transfers hands to a private provider.

I am sure that in the intervening period the minister has confirmed for himself that Bellarine Community Health receives a large amount of state government funding for its various services. I am sure he has also confirmed that Ann Nichol House was built with funding from both the community and state government and that the facility in fact does sit on Crown land. We know the minister has no commitment to public aged care in this state — he has already ripped out $75 million from the aged-care budget and does not particularly care which aged-care facilities are closing or being privatised — but he now has the opportunity to save this much-loved aged-care facility. I call on the minister to intervene in this matter by refusing to approve the transfer of the Crown lease and land management from Bellarine Community Health to a private provider.

Ballarat Trades Hall

Mr RAMSAY (Western Victoria) — My adjournment matter tonight is for the Attorney-General, the Honourable Robert Clark. The matter I want to raise with the Attorney-General could be seen as an April fool's joke if it were not so serious. It is a serious case of misguided union thuggery, the likes of which is typical of what we have seen from the Construction, Forestry, Mining and Energy Union, which has finally been brought to account by the Supreme Court to the tune of $1.2 million plus Grocon's legal costs. What happened in Ballarat today, 1 April, was a union-organised protest. Union officials and workers were bussed from Melbourne to Ballarat Trades Hall. I might add that the president of the Ballarat Trades Hall is none other than Brett Eddington, the electorate officer of the member for Buninyong in the Assembly, whose name I forget. Someone will remind me shortly; I think it is Geoff Howard.

Hon. D. M. Davis — I think his electorate is Ballarat East.

Mr RAMSAY — The electorate is Ballarat East, which is soon to be Buninyong.

Ballarat Trades Hall had organised this protest rally outside a Barbeques Galore business. This was misguided, because the union thought this was a franchise owned by Super A-Mart. However, the trades hall hit a snag. It overcooked. It was cooking with gas, but sadly what it found out was that this business is owned by two businessmen from Ballarat who are not associated with Super A-Mart. What the protesters did was stand outside this business, impede the flow of customers and put out flyers that denounced the business. The trades hall hurt two very respected business people in Ballarat. It was an utter disgrace. Those people associated with Ballarat Trades Hall should hang their head in shame at what they have done.

An honourable member — Geoff Howard should apologise.

Mr RAMSAY — Geoff Howard should apologise. His electorate officer, as president of Ballarat Trades Hall, was directing traffic in this protest, which was having a significant economic impact on two well-respected business people in Ballarat.

The action I ask of the Attorney-General is that he investigate what I believe was a crime, according to new legislation that has been brought before this chamber, in impeding a business through a protest

and creating an economic loss, despite the fact that the information they were given was incorrect. They were using bullyboy tactics, which is typical of union-organised protests. This has been a sad day for Ballarat and a sad day for Ballarat Trades Hall, which has orchestrated a protest that was misguided. I see — —

The PRESIDENT — Order! The member's time has expired. I am of the view that the Attorney-General is not the appropriate minister. I understand that the matter should be directed to the Minister for Industrial Relations.

City of Wyndham roads

Mr ELSBURY (Western Metropolitan) — The matter I wish to raise this evening is for the attention of the Honourable Terry Mulder in his capacity as the Minister for Public Transport and Minister for Roads. It relates to a campaign that has been run by the Wyndham City Council: the Get Wyndham Moving campaign. At the outset, this looks like a community-based movement that seeks to improve the lot of people in Wyndham, which is normally something I would support. This government has been tackling traffic issues quite vigorously in the city of Wyndham. However, the problem is that this campaign is completely politically motivated. It is being run in the middle of a state election year with the express desire to shove under the carpet all the work that has already been done in the city of Wyndham to try to fix some of the problems with public transport and roads, and to bemoan the problems that remain.

The coalition government has made a substantial amount of investment in the city of Wyndham, including $72 million in the Werribee East and Point Cook area, with $40 million for the Sneydes Road overpass and interchange; $16.9 million to upgrade Sneydes Road for its connection to the site of the new arterial road networks and the freeway interchange; $9.6 million for the realignment of the intersection of Hoppers Lane and Princes Highway; $3.1 million for a phase 2 environmental site assessment to get Crown land ready for development; and $2.5 million to identify ways to develop the Crown land for future business and jobs so that we are reducing the reliance on the freeway network.

We have also been putting money into public transport in Point Cook. New buses were added to the Point Cook area. I mentioned last week how efficient these buses have been in moving thousands of people back and forth across the region. The Williams Landing train station is another success story that the government has developed, which includes ramps on that station so that people of all abilities can access and leave trains.

Who could forget the regional rail link? This was a project started by Labor — I will grant that — but Labor stuffed it, as is usual with any project that it touches. It did not factor in all of the infrastructure needed, such as signals on the line and rolling stock. How can a government run things like that? Traffic lights are also being placed at the intersection of Forsyth Road and Old Geelong Road.

The problem I have is that $2 million of ratepayers money is being used on this campaign when other road infrastructure could have benefited from that money. I encourage the minister to work with the City of Wyndham, even with this disingenuous campaign running, and continue to try to solve some of the issues that is facing with its road network.

Responses

Hon. D. M. DAVIS (Minister for Health) — I have nine adjournment matters tonight. One is from Ms Pulford concerning a planning matter which affects Bill Robertson and relates to Barwon Heads Road. Bill Robertson has spoken to Ms Pulford about the impact of stormwater and run-off in the Armstrong Creek area. I understand the significance of this situation. She seeks intervention by the Minister for Planning. Often Labor is seeking that there be no intervention from the Minister for Planning, but on this occasion she seeks the intervention of the Minister for Planning. I note that no provision was made by the last government for dealing with this and the planning matters were put in place by the previous government. I understand that Gavin Jennings, as the former minister, made no commitment whatsoever to this matter, so it is a little rich for the member to make these points when the record of Labor is so poor. Notwithstanding that, I will dutifully pass this matter to the relevant minister.

Mr Finn sought the assistance of the Minister for Multicultural Affairs and Citizenship. The new minister is a very good minister, and I understand that this matter concerns the local Vietnamese community. I agree with him about the enormous contribution of the Vietnamese community to Victoria, in particular to the western suburbs, to Footscray and to the vibrancy, excitement and growth of that region of Melbourne. He wants the minister to meet with the Vietnamese community of the western suburbs, and I have no doubt the minister will be very pleased to meet with that community. He will do that with alacrity, and I will dutifully pass that matter on to the relevant minister.

Ms Hartland raised a matter for the Minister for Planning concerning urban community spaces, and I think the minister said something about those matters in a recent question time. Her matter concerns redevelopment of certain areas of Moonee Valley — the Maribyrnong River master plan in particular — as well as open space and priority around the Afton Street footbridge and Maribyrnong Road in Essendon. It also concerns the distance between Afton Street and Maribyrnong Road. I know this area well, having been a candidate for the Assembly electorate of Niddrie some years ago, which Mr Finn will remember when he was a candidate in a neighbouring seat in 1991–92.

Ms Hartland seeks key investments in a pedestrian and bicycle link bridge and a redevelopment of the Walter Burley Griffin Incinerator Gallery. I will certainly pass that matter to the Minister for Planning. I note that these are important public spaces. The redevelopment of them and the open space involved is, I am sure, supported by all members for Western Metropolitan Region in the chamber tonight, and certainly Mr Finn and Mr Elsbury would also strongly support that matter.

Mrs Coote, a member for Southern Metropolitan Region, raised a matter for the Minister for Innovation, Ms Asher, about funding for screen and film production and the $1.9 million that had been allocated for this matter and the jobs that are created through this process, particularly documentary and other film production. There are millions of dollars worth of benefits available in this process. I agree with her entirely as a member for Southern Metropolitan Region, and I certainly agree with the significance of the South Melbourne and Port Melbourne area and the potential for animation and other job-creating film production activities. I also note the suggestion she has made about costume production and other significant supplier and support groups that are involved in this process. The action she sought was to announce and publicise the commitment made by Minister Asher, and I have no doubt the minister will be prepared to do that, but I will dutifully pass that on to the minister.

Mr Leane raised a matter for the Minister for Roads, Mr Mulder, about graffiti on the sound walls along the Eastern Freeway and the EastLink corridor, particularly arguing that the EastLink corridor was better managed in terms of graffiti. It is interesting to hear him arguing that the privatised road is better at managing the graffiti than the publicly run road. I merely note that as a point on the way through. Local councils have a significant role here, and the action he sought was for the minister to release funds for quick action on graffiti; I think I am summarising correctly. I note the government's strong graffiti focus. We went to the last election with policies on graffiti and have implemented many of those successfully, but there is always more to do on matters like graffiti, and I will certainly pass that on to the minister, who will be interested to hear the advocacy of Mr Leane for privatised roads and freeways, remembering of course that EastLink was a promise of former Premier Bracks and that he and former Premier Bracks broke the promise and went on to produce a toll road rather than a freeway. That is a long piece of history but nonetheless an important one.

Mr Ondarchie raised a matter regarding local government for the new Minister for Local Government, Tim Bull, and it concerns the local governments in his area. I will not list them all, as he did that eloquently, but I know they would all appreciate a visit from the new minister, and I note the member's invitation to visit local councils and to understand their issues. I am sure Minister Bull will be very pleased to visit a number of councils in Northern Metropolitan Region with a very good tour guide in Mr Ondarchie.

Ms Mikakos raised a matter for me as the Minister for Health and the Minister for Ageing, and it concerns Bellarine Community Health — an important organisation on the Bellarine Peninsula. It concerns the Ann Nichol centre, which is an important centre on the peninsula. She asked me to take certain steps. Community health centres are independent of government. They are registered by government, but they are independent. They have community boards and seek to represent and advocate for their communities very strongly. I note also that information on these matters has been put in front of me in recent days, and I am interested in the best outcomes for people on the Bellarine Peninsula.

It is important that proposals that come forward are in the interests of people in the community, and community health services, as representatives of the community, should bring forward proposals that are in the interests of the community. The government, as always, is prepared to examine and support proposals that are in the interests of the community. Where there is an expansion of services or where there are greater services and greater options available, we would look favourably upon those matters. Where there is a diminution of services we would look at that less favourably. It is a matter of the specifics of the proposals that come forward. If a proposal comes forward that sees greater options and greater capacity available to support people in a particular community, that would be to the advantage of the community. I will look at any proposals that are brought forward in good

faith and on their merits, and if there are better options available, if there are better facilities available — —

Ms Mikakos interjected.

Hon. D. M. DAVIS — I note that the current member for Bellarine in the Assembly was previously the Minister for Aged Care, as the portfolio was then called, and I wonder whether members would like to know how much money in that period she put into that particular important centre? Would the house like to know how much capital money she put into that? It was zero. She did not put in one cracker of capital money while she was the minister. She was the local member and the minister, and she did not put in a cracker. She should provide an explanation to the community. She should hang her head in shame. She short-changed the people on the Bellarine Peninsula, and it was disgraceful.

Ms Mikakos — On a point of order, President, the minister is using the response to the adjournment matters as an opportunity to attack the member for Bellarine. The minister himself has not put any capital funding into this facility. He knows the community health centre was not eligible for aged-care capital funding, so is he saying that it will be eligible and he will provide it?

The PRESIDENT — Order! My problem is that I listened very clearly and intently to the adjournment item from Ms Mikakos, and it was provocative. Ms Mikakos criticised the minister and verballed the minister. Therefore I am in a difficult position in bringing the minister to a point now that might satisfy Ms Mikakos. Ms Mikakos opened the gate; the minister has bolted through it.

Hon. D. M. DAVIS — I will try to be brief on this matter, but it is an important service on the Bellarine Peninsula. The government will look favourably on any proposal that expands or enhances services to the community. The government will not look favourably on any proposal that diminishes or weakens the services to the community. I will look favourably at ways in which the government can strengthen those services, including potentially with financial support. Let me be clear. That will stand in stark contrast to the Old Mother Hubbard approach that the member for Bellarine in the other place, Lisa Neville, adopted when she was Minister for Aged Care. She went to the cupboard and there was nothing there, and she gave nothing to Bellarine Community Health and nothing to that aged-care service. She should hang her head in shame. She failed her community; she shocked her community.

I move on to the next adjournment matter. Mr Ramsay raised a matter which I think, with the guidance of the President, is most correctly directed to the Minister for Industrial Relations. It concerns Ballarat and a union-organised protest. Members were apparently bussed to Ballarat from elsewhere in the state, possibly from Melbourne. I understand that Brett Edgington, the electorate officer for the member for Ballarat East in the other place, Geoff Howard, was closely involved in this rabble rousing and the organisation of a rally against a local business.

Ballarat Trades Hall Council was where the rally began, and the rally marched to a local business, which I understand is the Barbecues Galore business, an important business in town. It is a business not run by out-of-towners but run by two local people. Flyers denouncing the business were distributed at the rally. They were outrageous flyers which would shock the community. The involvement of an electorate officer of a senior member of Parliament such as Geoff Howard is something that would also shock most people. This is a matter that will require careful counselling.

I note that Labor Party members have fled the chamber in embarrassment at this point. There is not a single Labor member in the chamber. I am shocked that during the adjournment debate not a single Labor member would be here to defend Geoff Howard and his electorate officer for their outrageous involvement in this extraordinary rally. This is a day when we have heard of the Construction, Forestry, Mining and Energy Union and its misbehaviour. In the last day or so we have heard of the more than $1 million fine that has been imposed on it for its heinous activities.

I certainly am prepared to pass this to the Minister for Industrial Relations. Is this issue impeding businesses? That would involve looking at the law in close detail, and I am not qualified to do that, but most people in the community would be shocked to hear of this behaviour and would be shocked to hear about what has gone on in Ballarat today. Geoff Howard and his crew have overcooked this issue. They have tried to grill a local business. They ought not to have sought to grill a local business in this way, and I will certainly pass this to the Minister for Industrial Relations for close investigation as to whether they are impeding a local business.

Mr Elsbury raised a matter for the Minister for Roads and Minister for Public Transport, Terry Mulder, and it concerns Wyndham City Council and its campaign Get Wyndham Moving. He makes the point that there are certainly many traffic issues in the city of Wyndham — —

The PRESIDENT — Order! The minister has drawn my attention to the fact that there are no members of the opposition in the chamber at this time. In 20 years of my time in Parliament that has never occurred before. Also, my attention was drawn to the state of the house. There is not a quorum present. I ask the Clerk to ring the bells.

Quorum formed.

The PRESIDENT — Order! A quorum is now present in the chamber, although I notice that there is still no-one from the opposition in the chamber.

Hon. D. M. DAVIS — I too am shocked that there are no members of the opposition present in the chamber for the adjournment tonight. The member representing Ballarat, a member for Western Victoria Region, Ms Pulford, has just arrived. So ashamed was she about the industrial relations activities in Ballarat today and the behaviour of Geoff Howard's electorate officer that she fled the chamber. She has returned because of the call for a quorum.

Mr Elsbury raised a matter for Mr Mulder. It concerned a politically motivated campaign in the city of Wyndham, seeking investment in the city of Wyndham. Mr Elsbury went through what was an impressive list of expenditure and capital projects in the city of Wyndham which have been undertaken by the current government. That list will surprise people and be very welcome, but the member wants the minister to continue working with the City of Wyndham. I have no doubt the minister will.

Ms Mikakos — On a point of order, President, I understand that you made a comment about no member of the opposition being present in the chamber. I make the point that all the adjournment matters raised by members of the opposition had been responded to by the Leader of the Government at that point, and it was members of the government who were not in the house to provide the required quorum. There is no requirement under standing orders for members of the opposition to be present. It is the government that needs to provide the quorum to keep the house going during the course of the sitting day.

The PRESIDENT — Order! Ms Mikakos is quite right. In 20 years in this place I have never seen a situation where there was not a single member on the opposition benches. It is not a matter of who provides the quorum. Ms Mikakos is absolutely right; the government ought to provide the quorum because it is in the government's interest to provide the quorum. However, as a courtesy to the house I would have thought that members of the opposition might well have at least arranged for one member of the opposition to sit in the chamber until the end of the day.

The minister has completed the responses. The house stands adjourned.

House adjourned 10.44 p.m.