

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE COUNCIL**

**FIFTY-EIGHTH PARLIAMENT**

**FIRST SESSION**

**Tuesday, 24 May 2016**

**(Extract from book 8)**

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# HANSARD 150



1866–2016

Following a select committee investigation, Victorian Hansard was conceived when the following amended motion was passed by the Legislative Assembly on 23 June 1865:

That in the opinion of this house, provision should be made to secure a more accurate report of the debates in Parliament, in the form of *Hansard*.

The sessional volume for the first sitting period of the Fifth Parliament, from 12 February to 10 April 1866, contains the following preface dated 11 April:

As a preface to the first volume of “Parliamentary Debates” (new series), it is not inappropriate to state that prior to the Fifth Parliament of Victoria the newspapers of the day virtually supplied the only records of the debates of the Legislature.

With the commencement of the Fifth Parliament, however, an independent report was furnished by a special staff of reporters, and issued in weekly parts.

This volume contains the complete reports of the proceedings of both Houses during the past session.

In 2016 the Hansard Unit of the Department of Parliamentary Services continues the work begun 150 years ago of providing an accurate and complete report of the proceedings of both houses of the Victorian Parliament.

## **The Governor**

The Honourable LINDA DESSAU, AM

## **The Lieutenant-Governor**

The Honourable Justice MARILYN WARREN, AC, QC

## **The ministry** (to 22 May 2016)

Premier .....	The Hon. D. M. Andrews, MP
Deputy Premier and Minister for Education .....	The Hon. J. A. Merlino, MP
Treasurer .....	The Hon. T. H. Pallas, MP
Minister for Public Transport and Minister for Employment .....	The Hon. J. Allan, MP
Minister for Small Business, Innovation and Trade .....	The Hon. P. Dalidakis, MLC
Minister for Industry, and Minister for Energy and Resources .....	The Hon. L. D'Ambrosio, MP
Minister for Roads and Road Safety, and Minister for Ports .....	The Hon. L. A. Donnellan, MP
Minister for Tourism and Major Events, Minister for Sport and Minister for Veterans .....	The Hon. J. H. Eren, MP
Minister for Housing, Disability and Ageing, Minister for Mental Health, Minister for Equality and Minister for Creative Industries .....	The Hon. M. P. Foley, MP
Minister for Emergency Services, and Minister for Consumer Affairs, Gaming and Liquor Regulation .....	The Hon. J. F. Garrett, MP
Minister for Health and Minister for Ambulance Services .....	The Hon. J. Hennessy, MP
Minister for Training and Skills .....	The Hon. S. R. Herbert, MLC
Minister for Local Government, Minister for Aboriginal Affairs and Minister for Industrial Relations .....	The Hon. N. M. Hutchins, MP
Special Minister of State .....	The Hon. G. Jennings, MLC
Minister for Families and Children, and Minister for Youth Affairs .....	The Hon. J. Mikakos, MLC
Minister for Environment, Climate Change and Water .....	The Hon. L. M. Neville, MP
Minister for Police and Minister for Corrections .....	The Hon. W. M. Noonan, MP
Attorney-General and Minister for Racing .....	The Hon. M. P. Pakula, MP
Minister for Agriculture and Minister for Regional Development .....	The Hon. J. L. Pulford, MLC
Minister for Women and Minister for the Prevention of Family Violence .....	The Hon. F. Richardson, MP
Minister for Finance and Minister for Multicultural Affairs .....	The Hon. R. D. Scott, MP
Minister for Planning .....	The Hon. R. W. Wynne, MP
Cabinet Secretary .....	Ms M. Kairouz, MP

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Cabinet Secretary.....	Ms M. Kairouz, MP

### Legislative Council committees

**Privileges Committee** — Ms Hartland, Mr Herbert, Ms Mikakos, Mr O’Donohue, Ms Pulford, Mr Purcell, Mr Rich-Phillips and Ms Wooldridge.

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

### Legislative Council standing committees

**Standing Committee on the Economy and Infrastructure** — #Ms Dunn, Mr Eideh, Mr Elasmarr, Mr Finn, Ms Hartland, Mr Leane, Mr Morris and Mr Ondarchie.

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

**Standing Committee on Legal and Social Issues** — Ms Fitzherbert, #Ms Hartland, Mr Melhem, Mr Mulino, Mr O’Donohue, Ms Patten, Mrs Peulich, #Mr Rich-Phillips, Ms Springle and Ms Symes.

# participating members

### Legislative Council select committees

**Port of Melbourne Select Committee** — Mr Barber, Mr Drum, Mr Mulino, Mr Ondarchie, Mr Purcell, Mr Rich-Phillips, Ms Shing and Ms Tierney.

### Joint committees

**Accountability and Oversight Committee** — (*Council*): Ms Bath, Mr Purcell and Ms Symes. (*Assembly*): Mr Angus, Mr Gidley, Mr Staikos and Ms Thomson.

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

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

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

**Environment, Natural Resources and Regional Development Committee** — (*Council*): Mr Ramsay and Mr Young. (*Assembly*): Ms Halfpenny, Mr McCurdy, Mr Richardson, Mr Tilley and Ms Ward.

**Family and Community Development Committee** — (*Council*): Mr Finn. (*Assembly*): Ms Couzens, Mr Edbrooke, Ms Edwards, Ms Kealy, Ms McLeish and Ms Sheed.

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

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

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

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

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

### Heads of parliamentary departments

*Assembly* — Clerk of the Parliaments and Clerk of the Legislative Assembly: Mr R. W. Purdey

*Council* — Clerk of the Legislative Council: Mr A. Young

*Parliamentary Services* — Secretary: Mr P. Lochert

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

**President:** The Hon. B. N. ATKINSON

**Deputy President:** Ms G. TIERNEY

**Acting Presidents:** Ms Dunn, Mr Eideh, Mr Elasmr, Mr Finn, Mr Morris, Ms Patten, Mr Ramsay

**Leader of the Government:**  
The Hon. G. JENNINGS

**Deputy Leader of the Government:**  
The Hon. J. L. PULFORD

**Leader of the Opposition:**  
The Hon. M. WOOLDRIDGE

**Deputy Leader of the Opposition:**  
The Hon. G. K. RICH-PHILLIPS

**Leader of The Nationals:**  
The Hon. D. K. DRUM

**Leader of the Greens:**  
Mr G. BARBER

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

<sup>1</sup> Resigned 25 February 2015

<sup>2</sup> Appointed 15 April 2015

**PARTY ABBREVIATIONS**

ALP — Labor Party; ASP — Australian Sex Party;  
DLP — Democratic Labour Party; Greens — Australian Greens;  
LP — Liberal Party; Nats — The Nationals;  
SFP — Shooters and Fishers Party; V1LJ — Vote 1 Local Jobs



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**Tuesday, 24 May 2016**

**The PRESIDENT (Hon. B. N. Atkinson) took the chair at 3.22 p.m. and read the prayer.**

### **ACKNOWLEDGEMENT OF COUNTRY**

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

### **APOLOGY FOR LAWS CRIMINALISING HOMOSEXUALITY AND THE HARMS CAUSED**

**The PRESIDENT** — Order! I take the opportunity to formally advise the house that members of the Legislative Council were called to proceedings of the Legislative Assembly to pass a motion to express the regret of the Parliament for circumstances which led to repressive laws that affected gay people in the past and that we have needed to address over a number of years. We have probably by all measurement taken far too long to express our regret and sorrow for the conduct of the Parliament and our community in that respect. One comment that I would make on it — and I think this was an important day — is that sometimes it is all too easy to say sorry. I have grandchildren who say sorry fairly regularly. The question is whether or not you mean it. The question is whether or not, having expressed the fact that you are sorry, you in fact change the mindset, change the behaviours and work to ensure that you never again fall into the practices that led to the need for that apology. As a Parliament I trust that we achieved that position.

### **ROYAL ASSENT**

**Message read advising royal assent on 10 May to:**

**Consumer Acts and Other Acts Amendment Act 2016**

**National Electricity (Victoria) Further Amendment Act 2016**

**Occupational Licensing National Law Repeal Act 2016**

**Rooming House Operators Act 2016.**

### **OMBUDSMAN JURISDICTION**

**The PRESIDENT** — Order! I would also just like to make a brief statement to the house in regard to the application to the Supreme Court in relation to the Ombudsman jurisdiction matter on which I was directed by the Parliament to intervene or take a position in regard to those proceedings.

On Wednesday, 10 February this year, the house resolved that I be directed to make application to the Supreme Court to be joined as a party to the proceedings initiated by the Ombudsman. The resolution directed me to do this on behalf of the Legislative Council in order to contend certain views contained in the resolution. The resolution also empowered me to seek legal advice, engage counsel and make submissions as required. On Thursday, 11 February, I advised the house that because I am acting at the direction of the house I will provide information or updates to members as matters proceed. I have provided updates to the house accordingly and now do so again.

The matter was heard by the Honourable Justice Cavanough in the Supreme Court of Victoria on Monday, 9 May, and Tuesday, 10 May. The court heard arguments from counsel for the Attorney-General and counsel representing me as President. Counsel for the Ombudsman were present but declined to put forward arguments further to the Ombudsman's written submissions. Justice Cavanough has sought further written submissions on certain matters that were covered in the course of those two days of hearings.

I will provide the house with further information as matters proceed.

### **MINISTRY**

**Mr JENNINGS** (Special Minister of State) — I wish to advise the house of changes to the Andrews ministry. The Minister for Training and Skills in this place will be responsible for the corrections portfolio as well as international education. I am pleased on behalf of the government to sincerely welcome back the member for Williamstown in the other place, who will take on responsibilities for the portfolios of industry and employment, as well as the resources portfolio. The member for Bellarine in the other place will take on the portfolios of police and water. The Minister for Public Transport in the other place will add major projects to her portfolio responsibilities. The minister for energy in the other place will add the portfolios of environment and climate change, as well as the new portfolio of suburban development.

I also wish to advise the house of changes to ministers responsible in other houses. In this place I will represent the Minister for Major Projects and the Minister for Energy, Environment and Climate Change, as well as the Minister for Suburban Development. The Minister for Small Business, Innovation and Trade will represent the Minister for Tourism and Major Events, the Minister for Sport and the Minister for Veterans. The Minister for Regional Development will represent the Minister for Industry and Employment and the Minister for Resources.

In the other place the Attorney-General will represent the Special Minister of State, the Minister for Police will represent the Minister for Corrections and the Deputy Premier and Minister for Education will represent the Minister for International Education. All other representative arrangements remain in place.

An updated general order has been finalised and can be found on the Department of Premier and Cabinet website.

## QUESTIONS WITHOUT NOTICE

### Prisoner transport

**Mr O'DONOHUE** (Eastern Victoria) — My question is to the Minister for Corrections. It is the minister's responsibility as the Minister for Corrections to ensure that prisoners who have hearings ordered by the court are presented to the court at the location, date and time as ordered by the court. Can the minister outline his priorities to ensure this happens?

**Mr HERBERT** (Minister for Corrections) — I thank the member very much for his question. It is good to get a question first up, even on day two! Can I say that I am delighted, firstly, to be the newly appointed corrections minister, and I have a whole lot of respect for the previous corrections minister, Wade Noonan, who did an enormous job in fixing up corrections and our prison system in this state, setting it on the right path to reform. When we came to government we inherited a system that was, quite frankly, under-resourced and shambolic in many areas, with prisoners being crammed into container cases, with the community corrections orders and supervision systems undercooked and with a parole system that lacked rigour. This government has moved solidly on those areas.

Can I say that I will continue, in terms of my priorities, the priorities of the government — priorities outlined in this recent budget that saw an extra \$400 million allocated towards expanding our community

corrections system; strengthening the sex offenders management bill, which I know has enjoyed support right around this chamber in terms of the implementation of the Harper review; and providing \$50 million for a 20-bed facility for serious sex offenders and \$100 million for improvements in the remand centre. We will continue to build prisons, to strengthen our community corrections system and to ensure that we have a system that balances very well the issue of recidivism and imprisonment. They are the priorities of the government. They are my priorities, and I shall continue to pursue them.

### *Supplementary question*

**Mr O'DONOHUE** (Eastern Victoria) — I thank the minister for his answer, and I note he did not address the substantive issue, but in my supplementary I ask: how many prisoners have failed to be presented to court this current financial year in contravention of a court order, and what costs have been ordered against Corrections Victoria as a result of those contraventions?

**Mr HERBERT** (Minister for Corrections) — In answering that question I will probably need to get some specific advice on it, but can I just say that on the related issue of police cell numbers I understand that they peaked at 372 in 2013 and they have gone down to 243 as of 17 May last year — 129 less than what happened under the opposition. In terms of court appearances, the recent state budget allocated some \$14.7 million over two years to the Magistrates Court of Victoria to increase videoconferencing, and of course we have debated some of these issues in this chamber. That is to be done right across the Victorian court system to help support an expansion of the capacity of the courts to deal with the cases coming before them in a quick, effective manner.

So I think we have got a lot happening on this, particularly in videoconferencing, particularly to support the courts in their endeavours to make sure they can get through the process quickly, efficiently and in the interests of justice. On the specific numbers, I will have to get back to the member.

### Police resources

**Mr O'DONOHUE** (Eastern Victoria) — I thank the minister for his advice that there are 243 prisoners in police cells as at, I think, 17 May, as the minister said in his previous answer. I note that the acceptable number agreed by Corrections Victoria and Victoria Police is 100 prisoners in police cells, noting too that the system has been overflowing with prisoners now for months. I ask: how will the minister address the important issue

that too many prisoners are currently being held in police cells and have been for months?

**Mr HERBERT** (Minister for Corrections) — I thought I was clear on this, but there has been a major improvement in terms of numbers being held in police cells, and we will continue that. We are putting resources into that. We are also putting resources into the courts to be able to prosecute cases in a quicker, more efficient and more effective manner, particularly for the lower crime issues.

I do not have a number in day two of what it should be. What I do say to Mr O'Donohue is that we are working to make it more efficient, to try to keep the number of people that are in cells down and to make sure that our court system, which is really the Attorney-General's area, is effective and efficient. We are giving the resources that are needed — \$400 million this year and \$450 million in our first budget; a substantial increase in resources — to make sure our system copes with the demands that are put upon it.

*Supplementary question*

**Mr O'DONOHUE** (Eastern Victoria) — I thank the minister for his answer to the question. I ask by way of supplementary question: can the minister advise when the current number of prisoners in police cells, again at around 243 as per his advice, will be returned to the level agreed by Corrections Victoria and Victoria Police as acceptable — of no more than 100 prisoners?

**Mr HERBERT** (Minister for Corrections) — I cannot give Mr O'Donohue a date — it is not like a birthdate for me — but what I can say is that it has gone from 372 down to 243 in a matter of less than three years, in two and a half years, which is 129 less than what it was under the opposition, and we will keep working on this and trying to get those numbers down.

**TBM Training**

**Ms WOOLDRIDGE** (Eastern Metropolitan) — My question is to the Minister for Training and Skills. Michele Midgley was studying a dual certificate III in aged care and home and community care at TBM Training in Morwell and was just two classes away from completing her qualification. Arriving for class on 16 April she found a note taped to the door informing her that the company had gone into liquidation. Can the minister explain, given the company received a government contract this year, what role the government played in TBM's closure and what the government is doing to assist these students to complete their studies?

**Mr HERBERT** (Minister for Training and Skills) — I thank the member for her question. I think this was an issue that Russell Northe in the Legislative Assembly raised or tried to get up in the local media. I do not know if he was successful.

Nevertheless, TBM Training, a registered training organisation with the Victorian Registration and Qualifications Authority (VRQA), as opposed to the Australian Skills Quality Authority, went into voluntary liquidation on 14 April. In all these cases our first priority is to look after the welfare of students and make sure they can transition into other areas of study or continue their study. I think there are a bit under 600 students affected by this particular closure. I understand that it has become a bit complex.

The VRQA is closely monitoring the situation and the actions of the liquidator. As in any voluntary liquidation, you then have to deal with the liquidator or the administrator. Students will receive advice from the liquidator to take their statement of attainment and material to an appropriate training provider to enable them to complete their qualifications. They can also talk to staff at the Victorian government's TAFE and Training Line to help them get a new registered training organisation (RTO). I raised this issue, incidentally, at the meeting of training ministers.

Whenever a company goes into liquidation there is an initial cost of ascertaining what skills a student has actually got, what competencies they have got — that is usually about \$1000, which we pay — and then ensuring they can complete the rest of their course with another RTO. They are eligible under Victorian Training Guarantee (VTG) funding for that if they are a VTG student. That is the process we will take with TBM, as we do with all others.

Can I just say to Mr O'Donohue I will not talk about the individual cases of this particular one — I never do — but I do say to him that there is not much we can do when companies go into liquidation. They go into liquidation for various reasons. Sometimes they are under investigation; sometimes they are not. I will not comment on the individual case, but what I will say is that we will continue to strive to make sure we have a strong quality-based training system in this state, particularly for the introduction of the new funding model in 2017.

*Supplementary question*

**Ms WOOLDRIDGE** (Eastern Metropolitan) — We did not get a response about whether the government had any role in relation to it, but we did have some

commentary in relation to what was happening from here. This is a very important issue in Gippsland. When the Andrews Labor government was elected unemployment in the Latrobe Valley, Gippsland, stood at 6.1 per cent. It is now at 9.3 per cent, which is a 50 per cent increase in unemployment. Students are devastated about this closure. They say they chose the provider because it had a track record of successful completion rates and employment in the Latrobe Valley. So I ask if the minister can guarantee those nearly 600 students, including Michele, as I have mentioned, that all their credits will be able to be transferred so that they can complete their course and that they will pay, as students, no additional costs to complete their qualifications.

**Mr HERBERT** (Minister for Training and Skills) — Let me just go back a little bit so that we can do it more easily at the end. I understand the company was under investigation, not by my department but by the VRQA. I will not go into the details of that — I think probably mercifully. However, in terms of students, they will be eligible for normal government funding for training, if they were eligible in the first place, so that they can continue their training.

### Community correction orders

**Mr O'DONOHUE** (Eastern Victoria) — My question is to the Minister for Corrections. As the minister knows, the management of offenders on a community correction order living in the community is his responsibility. As he would be aware, the Court of Appeal in December 2014 significantly expanded the scope of offences that can be the subject of a community correction order to include such serious crimes as aggravated burglary, rape and homicide. Is the government satisfied that those offenders in the community are properly and adequately supervised to ensure community safety?

**Mr HERBERT** (Minister for Corrections) — Is the government satisfied? It is a bit like schizophrenia here; I am getting one question on every portfolio, but that is good. Am I satisfied? When it comes to community correction orders I am happy to discuss this, and when it comes to supervising people on parole, which is all part of the community correction system, what I am satisfied with is this: we inherited a system that was very underfunded and very under-regulated to the detriment of the safety of people in Victoria. I am satisfied that a record \$233 million being put into the community correction system — \$233 million to strengthen that, and strengthen it due to the growing demand — is an appropriate resource from government and that we will have a much stronger system in this

state to deal with those sorts of crimes and other crimes. And in relation to the court system, through various legislation, through the Harper review and through the Callinan review we shall be strengthening the legislative framework under which our court system operates.

### Supplementary question

**Mr O'DONOHUE** (Eastern Victoria) — By way of supplementary I ask: can the minister inform the house how many crimes have been committed by offenders while on a community correction order this financial year?

**Mr HERBERT** (Minister for Corrections) — I will just check if I have that information. No, I am afraid I do not have that information available with me at this particular point, although I do have information in terms of the strengthening of that system. We will be adding a further 130 staff to the system, making it 240 extra staff to manage the growth in the number of offenders under this scheme, with a 40.4 per cent increase since June 2014.

I do not have the figures, but I do have the figures that we are substantially strengthening the court advice on breaches, where senior case managers for high-risk offenders are being put in place. Clinical staff are being employed to assess treatment and compliance management. New drug and alcohol programs are being put in place, and we are working on behaviour programs to improve behaviour as part of that community work. It is a substantial increase in resources — in terms of the staffing — to handle this. I do not have the number of how many, but I do have the number of how many extra staff and extra dollars are going into the system to fix it up.

**Questions interrupted.**

### DISTINGUISHED VISITORS

**The PRESIDENT** — Order! I take this opportunity to acknowledge a former member and minister in this house, Mr Theo Theophanous, who is in the public gallery today. Welcome.

### QUESTIONS WITHOUT NOTICE

**Questions resumed.**

### Prison programs

**Ms LOVELL** (Northern Victoria) — My question is for the Minister for Corrections. Prison programs play an important role in preparing prisoners for a

law-abiding life in the community. Noting that the budget papers show recidivism in the coming financial year is anticipated to be more than 40 per cent, is the minister committed to continuing programs that assist prisoners to prepare for transition from incarceration to the community?

**Mr HERBERT** (Minister for Corrections) — I always think it is better to have studying, not stealing. Can I say there are about 6500 prisoners in jails, I am informed, in our system. They are there, hopefully, to be rehabilitated, if they can be. I have always thought that one of the priorities should be reducing recidivism, obviously, and you do that through a whole range of areas. In terms of programs that are operating in prisons to perhaps get prisoners in a better condition to leave, to be useful in the community and to not reconnect to a life of crime, I think that is very important. I will have a look at that when I get my detailed briefings as I go past day two.

One of the reasons the Premier asked me to take on this portfolio is the linkage to skills and training — linking to opportunity, linking to jobs — and how that could play a stronger role in our prison system. I will certainly be looking at that over the coming year.

*Supplementary question*

**Ms LOVELL** (Northern Victoria) — The government has recently cut programs at Dhurringile Prison that help prisoners train and reintegrate into the community, because, according to media reports, management ‘no longer recognises that there is a benefit in reintegrating long-term prisoners via community programs’. Will the minister reconsider these program cuts?

**Mr HERBERT** (Minister for Corrections) — I am not aware of any cuts whatsoever. I am aware of \$400 million extra into the system — that is what I am aware of. I do say to Ms Lovell, in terms of some individual bit of paper that she is holding up — I do not have my glasses, so I cannot see whatever it is she is waving around there — that we will support any program that has a good outcome and a good success rate. If it needs to be reviewed, it will be reviewed. If it needs to have other programs put in place that will get better outcomes, we will do that. I am not one who has ever locked into a regimented thing that is not producing results. I am not aware of the individual case the member is raising. I can only take it that what she is saying has some semblance of rigour in it. I am not aware of that, but I do say to her we will be supporting programs that help rehabilitate prisoners back into the

community when their parole time is up or when their prison term is over.

**Metropolitan Remand Centre**

**Mr O'DONOHUE** (Eastern Victoria) — My question is to the Minister for Corrections. Under this government last June Victoria saw the worst prison riot in Victoria's history at the Metropolitan Remand Centre (MRC).

**Mr Jennings** — That's a judgement call!

**Mr O'DONOHUE** — I take up the interjection, President. That is actually the commentary of the corrections commissioner, an observation of the corrections commissioner. I take the judgement call of the corrections commissioner that the prison riot last June was the worst in Victoria's history. The repair costs to fix what the prisoners trashed has blown out from \$10 million to \$12 million in August last year to \$52 million in December, to now over \$95 million. I ask the minister why there has been a blowout from \$52 million just last December to \$95 million as at the budget, just four months later.

**Mr HERBERT** (Minister for Corrections) — Can I just begin with ‘the worst in history’. I guess people have different viewpoints. If we are talking about history, I do know that in August 2014, when we looked at the figures, escapes from Victorian correctional facilities were such that we had the second highest escape rate from minimum security prisons in the country, and I can tell you it is an awful lot better now.

**Ms Mikakos** — Who was the minister then?

**Mr HERBERT** — The second highest in the country. I am not sure who the minister was then, but let us go to the remand centre riots. I think we would all agree no-one wants to see that happen again and no-one wanted to see it happen then.

I understand on the figures that we immediately acted to repair the damage et cetera. Of course there was a review — the Walshe report — into it. The Walshe report showed that there was, of course, the ban on smoking but also that one of the major issues in that riot was the significant number of prisoners in a facility that was not built for that number. I understand the facility was built for about 600 prisoners and on that day there were about 900 in it.

So when we are talking about money, what we have done is we have repaired it, but in this 2016–17 budget we have also built on the \$51.9 million announced in

2015 and added a further \$23 million in assets and \$20 million in operating funding over four years to improve the remand centre and its capacity.

*Supplementary question*

**Mr O'DONOHUE** (Eastern Victoria) — While I am tempted to take up the issue of escapes, given there were two escapes recently from Victorian prisons, I will not; I will ask my supplementary. The minister issued a media release on 21 December last year stating that some of the funds being used to upgrade the Metropolitan Remand Centre will be redirected from corrections building projects earmarked for minimum security prisons in country Victoria. Can the minister outline to the house specifically what projects, and at what cost, have been cancelled or delayed to fund the \$95 million bill for the MRC riot?

**Mr Dalidakis** interjected.

**The PRESIDENT** — Order! I could have sworn that I called Minister Herbert, not Minister Dalidakis. I might be mistaken, but I would prefer if we went with my call and had Mr Herbert.

**Mr HERBERT** (Minister for Corrections) — Thank you very much, President. Yes, there were some recent prison breaks from minimum security prisons that the member refers to, and I was pleased they were apprehended quite rapidly. In terms of the issue of funding — sometimes I speak to no-one but myself really, and the government — I can only reiterate that in this budget we have added an extra \$40-something million additional over four years to improve the operations of the Metropolitan Remand Centre.

We know that numbers are going up; of course they are. They have been going up under both governments. It is an issue of how we deal with the whole picture. The member invites me to pull out one part of the system and concentrate on that. Of course we all know our justice system, our corrections system — and Mr O'Donohue knows this very well — is multifaceted, and you have to take a multifaceted approach to relieving the pressures on it.

**The PRESIDENT** — Order! Ms Pulford has organised a briefing on the dairy industry, which I think a lot of members are interested in. Could Ms Pulford just advise me of the timing of that?

**Ms Pulford** — Thank you for the opportunity, President. I know that there are a lot of members from both houses and many parties who are interested in the briefing on this issue. I actually sent a note around just a little while ago saying that that briefing will start

5 minutes after the conclusion of upper house question time, and I have had a further inquiry about the way in which that is going to run into members statements and other obligations. So there will be an information briefing at the beginning and a question and answer session in the middle, and then I think we will re-run the information briefing at the end. Hopefully everybody will get whatever information they need and an opportunity to participate in the discussion. Thank you for the opportunity to let people know about that.

**Wild dogs**

**Mr BOURMAN** (Eastern Victoria) — My question today is for the Minister for Agriculture. Wild dogs are still quite a problem around the state, not just in Gippsland. I have heard a lot of talk from various farmers about the damage done to their sheep generally. Obviously this comes at a cost to farmers and is an added stress for farmers, who are already going through a tough time, but a question that keeps coming to me is: why is wild dog baiting only conducted at a maximum of 3 kilometres from private land boundaries?

**Ms PULFORD** (Minister for Agriculture) — I thank Mr Bourman for his question and for his interest in this matter. I understand also Mr Bourman has been interested in having an opportunity to observe the work of our wild dog controllers more closely, and I hope he has had the opportunity to do that. The most effective strategies for wild dog management are integrated strategies that include effective trapping, baiting, poisoning, exclusion fencing, hunting and a very strong community involvement, because of course it is people who are nearest the area of wild dog attack activity who have the best knowledge, and this is really important in guiding our actions going forward.

There has been over recent months an evaluation of all of these programs underway, and I am looking forward to receiving the results of this evaluation in a very short number of weeks now, and I will then, in turn, share this information with the Parliament and with the many members of the community who are interested in this. But I am very confident that a strong and continuing role for community engagement and those community groups will continue. There were 17 field days earlier this year to continue that work. The work of our wild doggers is a very important part of this, and indeed there was funding in the budget to double the aerial baiting program as well. We know that this is also an important part of an integrated strategy, so 4000 baits will be dropped in spring and autumn each year, ongoing, which complements the 18 000 from doggers and 33 000 from the community program.

The community model is the mechanism that I think is best placed to be making sure that there is a coordinated approach and that baits are deployed in a way that is most effective for reaching our targets, so that informs the distances and who is baiting where and when. But this has been something that has evolved over a number of years, and I think it will hold us in really good stead going forward. That review work is nearing completion, but I am confident that that community model will still be a very, very big part of what we do going forward.

*Supplementary question*

**Mr BOURMAN** (Eastern Victoria) — I thank the minister for her answer. She has kind of covered off part of what I wanted to ask in my supplementary question, but given the vast amounts of territory that are more than 3 kilometres away from private property — there is a lot of wilderness there — what is the government doing to control the wild dogs in those wilderness areas?

**Ms PULFORD** (Minister for Agriculture) — I thank Mr Bourman for his supplementary question. I think I probably did go to this in a bit of detail in my earlier answer. The work of community members and indeed our farmers, who have the most to gain from an effective wild dog control strategy, is incredibly important, and we will support their efforts going forward. The budget provided \$6.2 million in funding to tackle wild dogs and indeed support ongoing fox control measures as well. The application of baits again will continue to be guided by what the evidence suggests is most effective.

**Dairy industry**

**Mr PURCELL** (Western Victoria) — My question is also to the Minister for Agriculture, and I look forward to the minister's briefing on the dairy industry, as the south-west dairy industry underpins economic success and is critical to Australia's agriculture sector. Producing more than a quarter of the country's milk and delivering a third of the region's economic activity, it employs some 6000 people in our region alone. The industry has recently been devastated by savage price cuts and is currently on its knees. At a meeting held in Terang earlier this month, attended by 700 farmers, I committed to seeking support for the farmers' no. 1 priority, and I ask the minister: will the government conduct a thorough review of Victoria's dairy industry to include transport, power and the complete supply chain from the farm gate?

**Ms PULFORD** (Minister for Agriculture) — I thank Mr Purcell for his advocacy on behalf of dairy farmers in the south-west. We have in Victoria some 4300 dairy farms providing income and employment to around 10 000 people and a similar number again in dairy processing across the state. Mr Purcell talked about the economic impact in the south-west, but just for the benefit of members in the house — and I know there is a great deal of interest across the Parliament and in the Victorian community about this — when you consider the total impact of the dairy industry on the Victorian economy it is an \$8 billion-a-year activity. It is very, very significant. It makes up 80 per cent of Australia's dairy exports, and it really does sit at the heart of Victorian agriculture and is disbursed in close to equal parts across three regions: in Gippsland, in northern Victoria and in the south-west.

Earlier today I made some announcements that are the result of three weeks of very intense work by the Dairy Industry Taskforce that I convened in the week following Murray Goulburn's announcement. These will certainly go some way to providing some of the support that dairy farmers need in the immediate sense, but I think it is important to stress that it is very early days in us dealing with this issue, and we will continue to work very closely with dairy farmers. I have had many, many conversations with United Dairyfarmers of Victoria and Adam Jenkins, and I commend him for his very strong leadership during what has been a very difficult period, but also Dairy Australia, the Gardiner Foundation and other players in the industry who have come together to develop an industry response, to which we have added a funding contribution from the Victorian government and additional mental health services support that the Premier announced on Friday.

This is an issue that, I think, will be facing us for two to three years and is influenced by and comes together as a consequence of a whole lot of different things — some a bit closer to home that are the subject of other inquiries and investigations, others from literally the other side of the world.

On Mr Purcell's specific question about an inquiry and some of these questions that people want answers to, my focus to date has been about making sure our farmers have the most immediate support that they need — mental health support and advice to make the business decisions that they need to make. That has been our focus in the first few weeks. It is worth noting that the Australian Securities and Investments Commission and the Australian Competition and Consumer Commission are both undertaking investigations into this. The commonwealth government and the federal opposition are also in

dialogue about the kind of federal government response that can be put together while they are in caretaker mode, and I certainly wish Barnaby Joyce and Joel Fitzgibbon the very best in finding a meaningful solution to support Victorian dairy farmers.

There are a lot of unanswered questions, and I certainly think that there is a place for an inquiry and a Victorian government-established inquiry. I would look forward to the opportunity of canvassing these issues — perhaps in the MPs meeting — in more detail. I am sure Mr Purcell and I will continue to discuss these matters, but I think it is important that we tread carefully so as to make sure that our efforts are focused on identifying real and practical solutions for Victorian dairy farmers and focused on areas of state government capacity to control and influence.

*Supplementary question*

**Mr PURCELL** (Western Victoria) — I thank the minister for her reply, and I do not think it was a yes or a no; I think maybe was the answer. The minister did go through to say that it is an \$8 billion industry, which is a huge industry in the country. The impact on the dairy industry of the price reductions in the south-west alone is about \$330 million, and it is believed it could impact something in the order of about 850 jobs in the next 12 months. So my question is: what action plan does the government have to immediately support the broader south-west region, which will lose that \$330 million and potentially 850 jobs from that dairy industry?

**Ms PULFORD** (Minister for Agriculture) — I thank Mr Purcell for his supplementary question. On the economic impact, Mr Purcell is absolutely correct: this is a very, very significant issue facing many, many communities across the state and in the very first instance 80 per cent of our 4300 dairy farms and the people whose incomes are derived from those places, and very shortly thereafter the small businesses that support them. Agriculture Victoria and Regional Development Victoria are doing a lot of extensive modelling to properly understand where these impacts are going to be most profound, because it will vary from region to region. For instance, there are some areas where farmers on the whole are carrying a greater debt-to-equity ratio in their businesses. These kinds of things are things that we are working hard to understand. Each business is slightly different.

I do not have time, according to the clock, to detail the action plan, but it was spelt out in a media release that was issued by the Premier earlier today. It is on Facebook, Twitter and the Agriculture Victoria website,

and I undertake to provide the details of that by email this afternoon to all members of the Parliament.

**Transparency in Government Bill 2015**

**Ms HARTLAND** (Western Metropolitan) — My question is for the Special Minister of State regarding the Transparency in Government Bill 2015. This bill was first introduced and second read in October 2015. It took another six months for the bill to be debated and pass the lower house. Now we find that week upon week it is put on the backburner in the upper house. The bill is supposed to come into effect on 1 July 2016, and as we only have two more sitting weeks before the winter recess there is a very limited amount of time to have it debated and passed and for it to receive royal assent. Given the government's claim to desire greater transparency, can the minister explain why this bill has been delayed and when it will progress, so that the new transparency measures can be put in place from July 2016?

**Mr JENNINGS** (Special Minister of State) — I thank Ms Hartland for her question. The answer to her question is: either at the end of this week, depending upon the legislative program being facilitated by non-government members of the chamber, or the next sitting week that I am in the chamber.

*Supplementary question*

**Ms HARTLAND** (Western Metropolitan) — I thank the minister for his response. Can the minister also guarantee that we will see the regulations associated with the framework legislation, as was promised in our government briefing several months ago, before the bill is debated in the upper house?

**Mr JENNINGS** (Special Minister of State) — The answer to my supplementary is: depending upon the circumstances that I described in my substantive answer, the answer will be yes.

**Ms Hartland** — On a point of order, President, how is it up to me as to whether the government has regulations for us? I am sorry, my point of order is that the question was not answered and I do not understand how it can be my responsibility that the government has not produced the regulations.

**The PRESIDENT** — Order! I will review a copy of the question.

**QUESTIONS ON NOTICE**

**Answers**

**Mr JENNINGS** (Special Minister of State) — I have answers to the following questions on notice: 3311–14, 4934, 4938, 4942, 5000, 5004, 5023, 5036, 5083, 5089–92, 5094, 5110, 5123, 5126, 5138–9, 5177, 5184, 5188, 5252–3, 5255, 5260, 5268, 5271, 5275–8, 5280, 5295–6, 5298–303, 5305–6, 5308–9, 5313, 5315, 5317–18, 5322–5, 5328–30, 5331–2, 5334, 5337–8, 5341–2, 5346–7, 5378–425.

**QUESTIONS WITHOUT NOTICE**

**Written responses**

**The PRESIDENT** — Order! In respect of today’s questions, Mr O’Donohue’s supplementary question after his first question to Mr Herbert in regard to the number of prisoners that have failed to be presented to court this current financial year in contravention of a court order and what costs have been ordered against Corrections Victoria as a result of those contraventions, clearly the minister tried to assist the house on a number of questions today, and I am sure the house appreciated that this is his second day in the job. The opportunity for him to go to matters of detail was therefore not to be expected by the house, in my view. Mr O’Donohue’s supplementary question may well be of interest to members of the house, so I would ask that that supplementary question be subject to a written response, and now, as the portfolio is actually held by a member of this house, it would be one day.

The further question in terms of crimes committed by offenders while on a community correction order this financial year, which was the fourth question of the day but the third question of Mr O’Donohue, again in respect of that supplementary question I would seek a written response.

In regard to Mr O’Donohue’s fourth question, the sixth question of the day, which went to the costs associated with repairs as a result of the prison riot in August 2015 and the increase in cost estimates for those repairs, the substantive question and the supplementary question in respect of what funds might have been diverted from other programs or what programs might have been curtailed or modified in some respect to meet those additional costs in the repair work, I would ask that both questions be subject to a written response. In the case of each of Mr O’Donohue’s questions, it is the next day of meeting.

Regarding Mr Purcell’s supplementary question to Ms Pulford, the minister indicated that in fact there is quite a bit of information that is available now that has been published on a website and in a media release and so forth. Nonetheless, I do not run this house by way of websites and media releases. I think it is appropriate that there be a written response to the supplementary question posed by Mr Purcell. That will obviously draw on those existing resources that are now made public, but I think that there is an accountability to the house in respect of that question, so I would seek that that supplementary question by Mr Purcell also be subject to a written response. That would be on the next day of meeting.

In regard to Ms Hartland’s question on the guarantee that we will see regulations associated with the framework legislation as promised in a government briefing before the bill is debated in the upper house, I would seek a written response also in regard to that supplementary question, and that was Mr Jennings. That is one day.

**Ms Crozier** — On a point of order, President, regarding a response I have received from the Minister for Families and Children in relation to a question that was asked to have her require a written statement, I am asking whether it could be considered to be reinstated as the question I asked was: how many WorkCover claims have been lodged in the centre since the riots in October last year. I do not believe the minister has adequately answered it, because she has said on those specific dates of the riots.

**Ms Mikakos** — On the point of order, President, we had quite a lengthy discussion about this matter on the Thursday of the last sitting week. In fact, President, you assisted the member, who had a very open-ended question, in terms of your guidance that you provided to me in terms of how I should interpret this particular open-ended question. In fact the answer that has been provided to the member today is apposite to the question as per your guidance. I can quote extensively from your ruling if you like, President, but you did indicate to the house that you thought the question was asked in the context of an earlier question that related to particular incidents. In fact the answer that has been provided is directly in accordance with your guidance, and apposite to the guidance you gave to me and to the house.

**The PRESIDENT** — Order! In respect of this matter I do also have recall of the discussion that occurred on that day following this matter being raised and the need for some clarification of what the minister might be expected to provide a response to. It is true

that the member actually had a question that did need to be clarified in respect of to what extent these claims needed to be provided. It is my recollection that the minister thought that perhaps it was seeking a much broader time frame for the claims than I believed the member was looking for. The minister is right that I did on that day clarify that what had been the genesis of this question, as I understood it listening to it, was the incidents that occurred on that day. The minister has chosen, perhaps with my guidance, to respond to whether or not there were any WorkCover claims arising specifically out of those incidents. The answer to that, as has been provided, is no.

I do have regard, though — and I do not believe that there is a contradiction to what I said on the previous day — that the member did seek an indication from October last year. The October date was based on what those incidents were, but indeed what the questioner, what the member, was seeking was claims lodged since then. Whilst the minister has clearly indicated that there were no specific claims associated with either of the incidents referred to in the questions posed by Ms Crozier on that day, it is possible that other matters regarding detentions in the facility might well have given rise to claims on other dates. To that extent I do not believe it is inconsistent with the discussion we had on that day that any further claims since October could be provided by way of response. But I accept that, as the minister quite rightly said, there were no specific claims associated with those matters.

Therefore, yes, I would seek that the minister reconsider her answer in a further written response. But on that basis I would caution members that the minister's response indicates that the whole question was based on the tension surrounding those incidents, and the minister has provided a very clear response on those matters. Therefore in considering any further response that she makes we need as a house to take into account that those WorkCover claims might have absolutely nothing to do with those circumstances and certainly should not be interpreted in any way in that way. So I ask for a further written response and another day. It is from October on, and the minister can incorporate again the information that has been provided. It is whether there are additional WorkCover claims; that is what the member asked for. As I said, it is consistent with what we were talking about that day.

### **TBM Training**

**Mr HERBERT** (Minister for Training and Skills) — I wonder if I might clarify for the benefit of the chamber just one aspect of one of the answers I gave earlier. Ms Wooldridge was asking about True

Blue Mates, or TBM Training, which went into liquidation. I said that it had about 600 students at the time. I am reading the notes and I see that there appears to be a number of different figures from the liquidator, the Victorian Registration and Qualifications Authority (VRQA) and the government department's records. They are different numbers, so I just caution that in terms of my answer. What I can say is that in terms of providing statements of attainment that the government asked for — that process of transferring students — 136 students' statements of attainment had been provided to the VRQA on 10 May 2016 by the former liquidator. There has been a new liquidator put in place following the department going to the Supreme Court.

## **STANDING COMMITTEE ON THE ECONOMY AND INFRASTRUCTURE**

### **Reference**

**The PRESIDENT** — Order! I take this opportunity to inform the house that I have received a letter from Mr Joshua Morris, the chair of the economy and infrastructure standing committee. I wish to share the contents of that letter with the house. It reads:

I am writing to advise the Legislative Council that pursuant to sessional order 6, at its meeting on 24 May 2016, the economy and infrastructure standing committee adopted the following terms of reference as a self-referenced inquiry:

That the economy and infrastructure committee inquires into, considers and reports on, no later than 8 December 2016, the need for, and appropriate structure of, regulation of ride-sourcing services such as Uber, with particular regard to —

- (1) barriers to entry;
- (2) consumer protection;
- (3) customer safety;
- (4) competition;
- (5) access for people with disabilities;
- (6) remuneration and workplace rights for drivers;
- (7) how impacts of such regulation on the taxi industry can be minimised;
- (8) industry transition; and
- (9) any other issues the committee regards as relevant.

The letter was signed on 24 May by Mr Morris.

## QUESTIONS WITHOUT NOTICE

### Written responses

**The PRESIDENT** — Order! I am advised that Ms Crozier's request today follows a position where the minister has already provided two written responses. I do not have an ability to direct the minister to provide a further response, and therefore I will not require a further written response in regard to that matter. That is under sessional orders.

## CONSTITUENCY QUESTIONS

### Eastern Metropolitan Region

**Ms WOOLDRIDGE** (Eastern Metropolitan) — My constituency question is for the Minister for Public Transport. The government made a commitment to three extra morning peak services on the Hurstbridge line. Recently the government published a press release headed 'Duplicated Hurstbridge line will run more trains', and it says:

The existing single track in this section limits the number of trains that can run during peak hour, as they are forced to wait for trains coming in the other direction.

My question to the minister is: can the three extra services be delivered with the existing track, or do commuters need to wait until the duplication is completed in 2019 to get these three extra services? The fact is that I have asked this question of the minister previously and only received a cursory response. I do want a genuine response on behalf of my constituents. The candidate, now the member, for Eltham in the Assembly said that the extra services would be delivered in 2015. That has not happened. In fact in 18 months the only change in the timetable has been that the 7.20 train now leaves at 7.23. Constituents want to know when these extra three services will be delivered.

### Eastern Victoria Region

**Mr MULINO** (Eastern Victoria) — My constituency question is for the Minister for Education. It relates to the major refurbishment of Mornington Primary School that was announced in the 2016–17 budget. The announcement included a total of \$5 million in funding for the school. Recently some misleading and inaccurate commentary was released in relation to the Mornington Primary School upgrade by the member for Mornington in the other place. He suggested that there was some uncertainty in relation to the majority of the funding. I do not believe that this is the case. The budget papers clearly set out the first-year

funding, as is normal practice for this kind of project. Could the minister provide me with a clarification of the funding commitment for Mornington Primary School and a firm commitment that the school will receive the full \$5 million?

### Eastern Victoria Region

**Mr O'DONOHUE** (Eastern Victoria) — I raise a matter for the Minister for Roads and Road Safety in the other place. It relates to the upgrade of the Monash Freeway, which is obviously a critical arterial for many of my constituents in Eastern Victoria Region. I received correspondence from the City of Casey that says, and I quote:

The City of Casey is deeply disappointed with the comments made by the Hon. Luke Donnellan, MP, minister for roads in state Parliament two weeks ago, which signalled an apparent rejection by the state government of the \$500 million pledge by the federal government to comprehensively upgrade the Monash-Princes freeway and provide an additional road to resolve congestion.

The council goes on to say:

Council is also extremely concerned that the state government will pursue its policy of freeway upgrade based on \$400 million. Council believes this solution will short-change residents, and will not meet the growth projected for the Casey-Cardinia region, which is expected to grow by an additional 250 000 residents over the next 25 years.

Council urges the current state government to adopt a far better solution for the Monash Freeway by accepting federal funding on offer, and matching it.

My constituency question is: will the minister meet with the council and listen to the concerns it has about the Monash Freeway upgrade?

### Northern Victoria Region

**Ms LOVELL** (Northern Victoria) — My question is for the Minister for Public Transport. It is regarding the confusion surrounding the additional Shepparton line rail service announced in the budget. It seems that the minister just cannot do a thing right, and now it appears she may have contracted foot-in-mouth disease. One of the latest in a string of mistakes, errors and oversights by the minister is her apparent confusion about what she is delivering for the Shepparton rail line in the 2016–17 Victorian budget.

Budget paper 3, page 47, states:

An additional one-way service extension will be provided from Seymour to Shepparton every day of the week.

However, both the minister's press release and Facebook post on 10 May state that last month's

Victorian budget provides for an additional 'service to and from Shepparton every day'. Can the minister clarify whether the additional service on the Shepparton line is a one-way service extension from Seymour to Shepparton or an additional return service as her statement of 'a service to and from Shepparton every day' indicates?

### **Western Metropolitan Region**

**Mr MELHEM** (Western Metropolitan) — My constituency question is for the attention of the Minister for Small Business, Innovation and Trade, the Honourable Phillip Dalidakis. My question for the minister is about the Andrews Labor government's support for businesses in my electorate that are actively seeking to expand into overseas markets but do not have the overseas facilities and in-country expertise similar to bigger businesses. Can the minister update me on what assistance is available for my constituents in Western Metropolitan Region who find themselves in such a position?

### **Western Victoria Region**

**Mr MORRIS** (Western Victoria) — My constituency question is for the Minister for Families and Children. It relates to the funds that appear to now be available to kindergartens in the Ballarat council area after the kindergarten that had been funded by the former coalition government at Canadian Lead Primary School was scrapped. There is a kindergarten that currently services the growing community in Ballarat East, the York Street Kindergarten. My question is: will the minister work with the York Street Kindergarten to investigate how its facilities could be upgraded with an additional allocation of funds from the \$2 million which is no longer going to be spent on additional children's services for the Ballarat East community?

### **Western Victoria Region**

**Mr RAMSAY** (Western Victoria) — My question is to the Minister for Planning, the Honourable Richard Wynne. The G21 Geelong Region Alliance has pointed out that a business case has yet to be finalised for the Geelong convention and exhibition centre, which has held back federal funding commitments. My last question to the minister in March drew a response stating that the Geelong planning authority was established to provide advice on major developments, including the merits of a Geelong convention and exhibition centre. With \$5.5 million allocated in the budget to the Geelong Authority, it is now time to see some sign of progress for this vital project. The question I ask the minister is: would he consider

compulsory acquisition of the Deakin University waterfront campus car park if an agreement cannot be reached with the City of Greater Geelong and Deakin University to move this project along on the preferred site?

### **Northern Victoria Region**

**Mr DRUM** (Northern Victoria) — My constituency question is to the Minister for Health, and it has to do with the Castlemaine volunteers surrounding the Red Cross patient transfer fleet. Due to a lack of funding, the fleet is going to be cut across the state from 39 cars down to 30. This \$200 000 shortfall will have its biggest impact in Castlemaine, where they will lose their sole patient transport car. There will still be approximately 17 volunteers all wanting to help, but there will be no car for them to use to help. The obvious play out of this is that the fleet from Bendigo is going to have to now cover Castlemaine, thus taking away the opportunity for them to service other smaller towns, such as Elmore and Colbinabbin to the north and to the east. The question I ask is: can the Minister for Health bring that funding level back up to where it has previously been to enable all these expenses to be met across the Victorian fleet and enable the full 39 cars that are currently in use to continue to be used —

**The ACTING PRESIDENT (Ms Dunn)** — Time!

### **Western Metropolitan Region**

**Mr FINN** (Western Metropolitan) — My constituency question is to the Minister for Education, and it follows a visit I made last week to Goonawarra Primary School in Sunbury. Goonawarra is an area that historically has suffered a number of social problems. Principal Alan Fairweather told me the combination of a welfare officer with a school chaplain had worked wonders in helping many children facing myriad difficulties. The problem is that Goonawarra Primary School has been funding the position of school chaplain since the end of 2014. That is how highly it values this position. As this is a significant impost on the school's budget, will the minister provide funding to Goonawarra Primary School so it can continue the important work of its school chaplain?

### **Southern Metropolitan Region**

**Ms FITZHERBERT** (Southern Metropolitan) — My question is to the Minister for Police, and it concerns issues of personal safety and crime, which are often raised with me by constituents because of regular examples locally, in particular of violent crimes. Last Friday I drove past the scene of a drive-by shooting in

Cecil Street, South Melbourne, when I was on my way from Parliament to my electorate office. Also on that day the local Coles was broken into and robbed twice — on the second occasion after the police had left. Given these sorts of very graphic and recent examples, and given population growth in and around the Albert Park Assembly electorate, can the minister advise what specific police resources, if any, have been allocated and funded locally in the seat?

**Mr O’Donohue** — Acting President, I waited until the end of constituency questions to raise this point of order. I seek your guidance on whether the constituency question from Mr Mulino is in order. In effect he was entering into a political debate in relation to comments made by the member for Mornington in the Assembly about an upgrade to Mornington Primary School. In his contribution Mr Mulino said the funding amount is clear and the allocation is clear, but his action was to seek clarification. I put it to you, Acting President, that that is outside the standing orders and the guidance given by the President with regard to constituency questions.

**The ACTING PRESIDENT (Ms Dunn)** — Order! At that time the President was in the chair, so I suggest the President will review *Hansard* and, if he deems it necessary, will report back to the house in relation to that.

**PETITIONS**

**Following petitions presented to house:**

**Abortion legislation**

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the house that because of the abortion legislation passed in Victoria in 2008:

abortions are allowed to be performed up to the point of birth;

babies in the womb who have reached the age of viability and older are being aborted;

it is not necessary for medical care to be provided to babies who have survived an abortion;

there is no obligation for medical professionals to facilitate the provision of access to appropriate services such as pregnancy support, counselling, housing, mental health and other such services for pregnant women experiencing physical or emotional distress.

The petitioners therefore request that the Legislative Council of Victoria support the Infant Viability Bill 2015 introduced by Dr Rachel Carling-Jenkins which will rectify the problems with current law outlined above.

**By Dr CARLING-JENKINS (Western Metropolitan) (650 signatures).**

**Laid on table.**

**Abortion legislation**

To the Legislative Council of Victoria:

The petition of the residents of the electorate of the Northern Victoria Region draws to the attention of the house that because of the abortion legislation passed in Victoria in 2008:

abortions are allowed to be performed up to the point of birth;

babies in the womb who have reached the age of viability and older are being aborted;

it is not necessary for medical care to be provided to babies who have survived an abortion;

there is no obligation for medical professionals to facilitate the provision of access to appropriate services such as pregnancy support, counselling, housing, mental health and other such services for pregnant women experiencing physical or emotional distress.

The petitioners therefore request that the Legislative Council of Victoria support the Infant Viability Bill 2015 introduced by Dr Rachel Carling-Jenkins in the Legislative Council to rectify the problems with current law outlined above.

**By Mr DRUM (Northern Victoria) (17 signatures).**

**Laid on table.**

**Christmas carols in schools**

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council that the government has imposed a ban on singing traditional Christmas carols in Victorian government schools.

The petitioners therefore request that the Legislative Council of Victoria ensure that the Andrews government reverses this decision and allow students attending government schools to sing traditional Christmas carols.

**By Ms LOVELL (Northern Victoria) (71 signatures).**

**Laid on table.**

**ENVIRONMENT, NATURAL RESOURCES  
AND REGIONAL DEVELOPMENT  
COMMITTEE**

**Country Fire Authority Fiskville training  
college**

**Mr RAMSAY (Western Victoria) presented report, including appendices and minority report, together with transcripts of evidence.**

**Laid on table.**

**Ordered that report be published.**

**Mr RAMSAY (Western Victoria) — I move:**

That the Council take note of the report.

In doing so, I wish to make a brief statement in relation to this very important inquiry. This inquiry has been a long and difficult journey for those firefighters who have trained at the Fiskville campus; those who have lived on site; those families of firefighters who have died in the line of duty and are acknowledged at the memorial wall at Fiskville; those firefighters who have contracted ill health and, sadly, died, like Brian Potter and others, whose families are seeking answers; those farmers who are neighbours to Fiskville, like the Lloyd family; the Ballan community, which is dependent on Fiskville for jobs and services; and the Country Fire Authority (CFA) volunteers who looked to Fiskville as their home for firefighting training and comradeship.

We as a committee were aware of the long history of connections to the CFA training facility and the many thousands of firefighters who have trained at Fiskville and have a strong attachment to the facility, none more so than Ballan CFA lieutenant Ian Ireland. As a CFA volunteer who trained at Fiskville and has the facility in my electorate, I more than anyone wanted to seek the truth and provide answers to those families and volunteers who had a connection to Fiskville about what went on in relation to the work and safety practices at the site that led to the CFA board recommending that the government close the facility.

The inquiry was very different to other parliamentary inquiries given, it would seem, that the committee was merely to make recommendations that would validate the government's decision to close Fiskville. There were suspicions of political agendas, cover-ups, United Firefighters Union control, committee interference and a CFA stitch-up before the inquiry even started. The committee, to its credit, was thorough and meticulous in requesting documents, researching history, trawling through CFA board minutes, accepting

450 submissions, holding 30 public hearings and calling 100 witnesses, and it provided 31 recommendations to the Parliament.

The report shows a breakdown in good governance of the CFA board and a lazy attitude to documentation of chemical use and storage on-site and occupational health and safety good practice. While firefighter safety during training was always paramount, the reality was that in practice it was left wanting in some circumstances. The report shows that the CFA board, while recognising that the three-dam filtration system to provide water for training purposes prior to mains water being used was not perfect and was even compromised, did not prioritise funds to modernise the water reticulation system, which demonstrated a lack of foresight and understanding of the dangers of contaminated water being used on site.

The use of perfluorooctanesulfonate — PFOS — foam was not isolated to Fiskville but used in firefighting practice areas for drills (PADs) across Australia, including airports and defence facilities. The committee's overseas trip demonstrated the work currently being done to remediate firefighting PADs and watercourses in Germany.

The committee understands that the Environment Protection Authority (EPA) has notices current on mediation works at Fiskville similar to what we saw in other countries and in Australia and on that basis makes no recommendation on the potential future use of the Fiskville facility. What is apparent from this inquiry is that due process and good governance was compromised not only by the CFA board but also by our work safety and environment guardians, WorkSafe and EPA. The lack of attention and response by these regulators led to a culture of poor oversight of work and environmental practice that has not served firefighters' safety well.

Despite this, Fiskville is not alone in not adhering to the OHS regulations of the day, and the committee could not substantiate causal links between firefighter training exposure and cancer. Having said that, the committee supports a model of presumptive legislation that is fair and equitable to all firefighters and provides financial justice for those who have been impacted by the training work practices of the past at Fiskville not covered under the current legislation.

Assembly members Bill Tilley and Tim McCurdy and I included a minority report to soften the tone of the report rather than disagree with the findings and recommendations. We are not convinced that the evidence that was provided to the committee would

necessitate a permanent closure of the Fiskville facility and certainly not before the EPA remediation works that are due to be completed by 2017. As of today the government is yet to announce an alternative site — 14 months after Fiskville's closure.

I thank my parliamentary colleagues — chair Bronwyn Halfpenny, deputy chair Tim McCurdy, Vicki Ward, Tim Richardson and Bill Tilley, all Assembly members, along with Daniel Young — and staff Keir Delaney, Anita Mackay, Patrick O'Brien, Kieran Crowe, Peter Rozen and Dr Janine Bush for their work on this very important inquiry.

**Motion agreed to.**

## SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

### *Alert Digest No. 7*

**Mr DALLA-RIVA (Eastern Metropolitan)**  
**presented *Alert Digest No. 7* of 2016, including appendices.**

**Laid on table.**

**Ordered to be published.**

## PAPERS

**Laid on table by Clerk:**

Education and Training Reform Act 2006 — Orders in Council of 3 May 2016 pursuant to section 3.1.11 of the Act in respect of the —

Constitution of the Bendigo Kangan Institute.

Constitution of the Box Hill Institute and the Centre for Adult Education.

Constitution of the Chisholm Institute.

Constitution of Federation Training.

Constitution of the Gordon Institute of Technical and Further Education.

Constitution of the Goulburn Ovens Institute of Technical and Further Education.

Constitution of the Holmesglen Institute.

Constitution of Melbourne Polytechnic Institute.

Constitution of the South West Institute of Technical and Further Education.

Constitution of the Sunraysia Institute of Technical and Further Education.

Constitution of the William Angliss Institute of Technical and Further Education.

Constitution of the Wodonga Institute of Technical and Further Education.

Interpretation of Legislation Act 1984 — Notices pursuant to section 32 in relation to Statutory Rules Nos. 33 and 34.

Land Acquisition and Compensation Act 1986 — Minister's Certificate of 16 May 2016 pursuant to section 7(4) of the Act.

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

Ballarat Planning Scheme — Amendment C191.

Bass Coast Planning Scheme — Amendment C142.

Boroondara Planning Scheme — Amendment C208.

Cardinia Planning Scheme — Amendments C198 and C210.

Darebin Planning Scheme — Amendment C148.

French Island and Sandstone Island Planning Scheme — Amendment C5.

Greater Bendigo Planning Scheme — Amendment C201.

Greater Geelong Planning Scheme — Amendment C330.

Greater Shepparton Planning Scheme — Amendment C184.

Melbourne and Port Phillip Planning Scheme — Amendment GC44.

Melton Planning Scheme — Amendment C100.

Mitchell Planning Scheme — Amendment C108.

Moreland Planning Scheme — Amendment C162.

Mount Alexander Planning Scheme — Amendment C61.

Nillumbik Planning Scheme — Amendment C103.

Northern Grampians Planning Scheme — Amendment C47.

Port Phillip Planning Scheme — Amendment C111.

Surf Coast Planning Scheme — Amendment C97.

Victoria Planning Provisions — Amendment VC129.

Wellington Planning Scheme — Amendments C80 and C87.

Whitehorse Planning Scheme — Amendment C153.

Road Management Act 2004 — Code of Practice for Management of Infrastructure in Road Reserves (*Gazette No. S117, 28 April 2016*).

Statutory Rules under the following Acts of Parliament —

County Court Act 1958 — No. 43.

Magistrates' Court Act 1989 — No. 41.

Second-Hand Dealers and Pawnbrokers Act 1989 — No. 44.

Sentencing Act 1991 — No. 38.

Subordinate Legislation Act 1994 — Nos. 39 and 42.

Tobacco Act 1987 — No. 40.

Wrongs Act 1958 — No. 37.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rules Nos. 26, 27, 35, 36, 37, 38, 39, 41, 42, 43 and 45.

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

Cemeteries and Crematoria Act 2003 — Greater Metropolitan Cemeteries Trust's Scale of Fees, effect as of 10 March 2016.

Conveyancers Act 2006 — Professional Indemnity Insurance Order, 2 May 2016.

Victorian Electoral Commission —

Report on the Polwarth District By-election held on 31 October 2015, May 2016.

Report on the South-West Coast District By-election held on 31 October 2015, May 2016.

Wildlife Act 1975 — Wildlife (Prohibition of Game Hunting) Revocation Notice, Gazetted 11 May 2016.

William Angliss Institute of TAFE — Report, 2015.

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

Assisted Reproductive Treatment Amendment Act 2016 — Part 1 and sections 4(2) and 37 — 18 May 2016 (*Gazette No. S153, 17 May 2016*).

Education and Training Reform Amendment (Victorian Institute of Teaching) Act 2016 — Part 3 — 1 June 2016 (*Gazette No. S153, 17 May 2016*).

Occupation Licensing National Law Repeal Act 2016 — 11 May 2016 (*Gazette No. S139, 10 May 2016*).

Racing and Other Acts Amendment (Greyhound Racing and Welfare Reform) Act 2016 — Whole Act except sections 10(2), 15 and 16 — 4 May 2016 (*Gazette S131, 3 May 2016*).

## INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION

### Operation Darby

**The Clerk, pursuant to section 162 of the Independent Broad-based Anti-corruption Commission Act 2011, presented special report concerning Operation Darby, an investigation of Mr Nassir Bare's complaint against Victoria Police, May 2016, in lieu of that circulated pursuant to section 162(11) on 18 May 2016.**

**Laid on table.**

## BUSINESS OF THE HOUSE

### General business

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

That precedence be given to the following general business on Wednesday, 25 May:

- (1) order of the day 20, resumption of debate on motion relating to the continuing failure of the government to comply with certain orders for the production of documents;
- (2) order of the day 1, resumption of debate on the Infant Viability Bill 2015;
- (3) notice of motion given this day by Mr Rich-Phillips referring a matter to the legal and social issues committee in relation to freedom of information; and
- (4) order of the day 25, resumption of debate on the motion relating to the Moomba riots in the Melbourne CBD.

I also take the opportunity to alert the house that, while it is not a formal item of business, we will be seeking leave at 4.30 p.m. to be able to undertake Damian Drum's valedictory speech and will be seeking the support of the house in order to do that.

**Motion agreed to.**

## MINISTERS STATEMENTS

### International education

**Mr HERBERT** (Minister for Training and Skills) — I rise to advise the house of some early implementation of the new Victorian international education strategy in the form of a recent delegation to South-East Asia, which has helped to strengthen relationships with key overseas markets and support Victoria's largest service export industry — that is, international education. Victoria is the centre of the

international education industry because it is the centre of education and it has some of the best institutes and universities in Australia, with 6 in the top 200 in the world. That is why we have about 175 000 students coming here each year, why it is worth \$5.6 billion to our economy annually and why our institutes are moving overseas to get markets and contracts in other countries.

As part of our work in building this important industry, fending off some of the challenges that are coming from other countries and maintaining market share, I travelled with a delegation to Indonesia, Vietnam and Malaysia. These three key markets for international education represent about 15 per cent of all international students here in Victoria, but they are markets that have the capacity to grow rapidly with the lower Australian dollar.

Key highlights of the visit included meeting with key ministers and the signing of four memorandums of understanding (MOUs) to develop partnerships in areas including research, PhD supervision, graduate study partnerships and other areas between Swinburne University, RMIT, ICAN College in Malaysia, UCSI University, University of Malaya and the International University of Ho Chi Minh City. An important MOU was also signed between MRT Jakarta and Monash University's Institute of Railway Technology (IRT) to provide technical assistance and professional development for Jakarta's major urban railway development. This is a fantastic achievement for IRT.

I met with the Vietnamese Ministry of Labour, Invalids and Social Affairs, which has built a strong and ongoing partnership with Chisholm Institute to develop its training system and to bring Victorian quality into that. I helped to support William Angliss Institute in working with the Asian community to develop mutual recognition and training standards for trainees.

**The ACTING PRESIDENT (Ms Dunn)** — Order! That is time for the minister.

## MEMBERS STATEMENTS

### Death over Dinner

**Ms WOOLDRIDGE** (Eastern Metropolitan) — Last Thursday, 19 May, I was very pleased to be able to attend the Australian launch of Death over Dinner. This was hosted by Lyn Swinburne, who is well known to many in the house, and the Australian Centre for Health Research (ACHR). Death over Dinner is a response that allows and facilitates conversations to happen about death and about people's choices and preferences in

relation to their last days and the death that they will experience. These are conversations that largely are not happening in the community and ones that are very important in terms of the way that we wish to die.

Around the world, in about 30 countries, 100 000 people have participated in Death over Dinner, and I am very pleased that now in Australia people will have the opportunity to do that as well. It was started in the United States by Michael Hebb and Angel Grant, both of whom were at the dinner, and they are here in Australia this week providing information at the invitation of the Australian Centre for Health Research and talking about what it is and how people can engage in the process.

I want to particularly acknowledge the executive director of ACHR, Rebecca Bartel, and the support of her chair, Alan Castleman, in basically being the drivers of Death over Dinner coming to be here in Australia. What I say to all members is to look for the information, go to the website and engage in the process. These are vital conversations that we need to be having with family and friends, and we need to ensure that this can happen in the most effective way.

### 3ZZZ

**Mr EIDEH** (Western Metropolitan) — On Sunday, 22 May, I attended the grand opening of radio 3ZZZ's new state-of-the-art facility and hub in Brunswick. In attendance were president George Salloum and secretary George Zangalis, as well as state and federal politicians from different political parties. The Honourable Jane Garrett unveiled the opening plaque on behalf of the Premier of Victoria, the Honourable Daniel Andrews. 3ZZZ is Australia's largest ethnic community radio station, and during its 27 years of full-time broadcast it has grown to reach over 400 000 listeners every week. What makes this station so great is that it responds to the needs of the community by representing all major ethnic communities in Melbourne.

Over the years, 3ZZZ has been more than just a radio station to people; it has been a primary source of information to migrants who have come to Australia with no English language, very few friends and little family. They have relied on radio 3ZZZ programs to provide them with important information about government services, health services, settlement, employment and education, and it encourages listeners from non-English-speaking backgrounds to become involved in Australian current affairs and assimilate into their new communities.

This move represents a significant milestone in the development of Australia's premier community radio station. This achievement has been made possible by thousands of volunteers and broadcasters from over 65 different ethnic communities, whose commitment and hard work have rewarded the community with this new community hub. Radio 3ZZZ has come a long way over the years and is a vital part of our multicultural state. I thank and congratulate all involved in its wonderful achievement, and I wish it the very best for a successful future of broadcasting.

### Sea Shepherd

**Ms SPRINGLE** (South Eastern Metropolitan) — On Saturday I was down at St Kilda Beach to participate in one of Sea Shepherd's many beach clean-ups. Sea Shepherd of course organises beach clean-ups all over Australia. The amount of marine debris collected by the hundreds of volunteers on Saturday was truly shocking. In the end volunteers collected more than 200 kilograms of debris in more than 25 large bags. Sea Shepherd is just one of many, many dedicated groups and organisations that regularly arrange beach clean-ups.

Among the items most commonly collected from beaches is plastic — plastic bags, plastic packaging, straws, cups, bottles and cutlery. It is extremely disappointing that the Victorian government has not yet acted to place any restrictions on plastics. This government has done nothing for the environment since it was elected. Those of us who attended on Saturday learnt just how much damage all of this plastic is doing to the marine environment.

Of course damage to the marine environment also means damage to the fishing and boating industries, as well as damage to the health of everyone who eats seafood. Given the gravity of the problem, it was particularly heartening to see the event covered by the media. Acknowledgement must go to Erin Lindwall, Sea Shepherd's coordinator of the marine debris campaign, and her team for such a sterling effort.

### SPC Ardmona

**Ms LOVELL** (Northern Victoria) — I want to congratulate SPC on the hard work it has put into remaining a successful local company and employer, and I want to also once again thank former Premier Denis Naphthine and the former Liberal government for seeing the potential of investing in Shepparton. In February 2014 the former Liberal government provided \$22 million towards a \$100 million redevelopment of major Shepparton

employer SPC to transform SPC into a modern, innovative Australian food company and keep around 2700 jobs in Shepparton.

Since the pivotal co-investment, the company has continued to reshape its future, improving its manufacturing capabilities, and I am pleased to say it is going from strength to strength. Since the start of the year it has been using a new state-of-the-art tomato processing plant to manufacture the best tasting and best looking tomato products of SPC's near 100-year history. The labels on the new products feature photographs of the local families who grow the tomatoes for SPC, and I encourage all members to purchase these high-quality Victorian grown and processed tomato products to support jobs in Shepparton, the tomato-growing families, SPC and Victorian manufacturing.

### Stepping Stones to Success

**Ms LOVELL** — I wish to congratulate two service providers in Greater Shepparton — Family Drug Support and Primary Care Connect — on their initiative to conduct the four-day course Stepping Stones to Success to provide support to families dealing with drug addiction. Drugs are a significant issue in our community, and families are often left feeling isolated and helpless as they struggle with an addicted family member. This initiative will provide the support necessary to improve outcomes for the entire family.

### Dairy industry

**Ms TIERNEY** (Western Victoria) — Victoria is the largest milk producer in Australia, and the south-west of Victoria boasts some of our best dairy country. In no uncertain terms, dairy is the backbone of agriculture in south-west Victoria. The recent milk price drop and the circumstances by which it came about have been devastating to the industry and those who make their livelihood from it. Our immediate and ongoing concern is for the wellbeing and welfare of our farmers — those who do the hard work on farms every day so we can all enjoy the best quality dairy products in the world.

That is why last Friday the Minister for Agriculture announced a \$1.5 million package for struggling dairy farmers to get through this difficult time. This package includes \$940 000 for more counsellors on the ground and additional funding for Lifeline, \$345 000 for grants in affected communities, \$150 000 to train 750 people in mental health first aid and an additional \$100 000 for the Look over the Farm Gate program.

Just this morning the minister announced a further \$4.5 million to deliver an \$11.4 million support package in partnership with the Victorian dairy industry for dairy farmers affected by the fall in milk prices. This includes an expansion of Dairy Australia's programs Tactics for Tight Times and Taking Stock, a boost in relation to counselling and funding for support workers at United Dairyfarmers of Victoria. Labor will consult with farmers and their communities as to the best way our additional \$4.5 million can contribute to the spend. I look forward to being part of those discussions.

### **Apology for laws criminalising homosexuality and the harms caused**

**Ms HARTLAND** (Western Metropolitan) — Every now and again in this Parliament we do something that is incredibly beneficial to the community, and the apology this morning that was issued by the government and supported by all members was one of those moments.

I am 57, so when I think that men just 10 years older than me were criminalised and their lives destroyed by those laws and that we took 36 years to change them and have those criminal records taken away it is incredible.

I can remember the terrible term 'poofter bashing' from when I was a teenager. Nobody thought it was a particularly wrong thing to beat up people who were homosexual; it was thought that somehow it was all right to discriminate, hate and demonise people.

Unfortunately there are still some groups in the community who think it is fine to demonise young people and who do not understand why it is that we need things like the Safe Schools program, but at least today we made real progress. It made me feel very proud to be in this Parliament and be part of that apology.

### **Mr Drum**

**Mr LEANE** (Eastern Metropolitan) — I understand this week is the last week that Damian Drum will be an MLC — and it had better be, because I am about to say something nice about him. I just want to acknowledge Mr Drum's passion and conviction and his being very vocal about what he believes in. Obviously I do not agree with a lot of those things, but I am a big fan of people who are very passionate about what they believe in.

I remember when I first came into this chamber Mr Drum said to me while I was having a chat with him, 'There'll be days that we'll be at each other's throats and there'll be days when we'll be able to have a good laugh', and he was right on both of those predictions.

I want to personally thank him for his support and wish him all the best for whatever road he takes in the future after being an MLC.

### **Devondale Murray Goulburn**

**Mr RAMSAY** (Western Victoria) — Dairy processor Murray Goulburn has been caught up in a global slump in dairy products, and now shareholders and shareholder suppliers are facing the consequences. Not only are farmers seeing the share value slump from \$2.65 to 85 cents but the supplier shareholder must now sit back and watch the milk solids price plummet from \$5.60 to less than \$5.

The ripple effect of this news has been a disaster for the industry and has led many to question whether the board's strategy of partly floating the company last July was a wise decision, given it is now beholden to public shareholders. Perhaps a company that relies on 94 per cent of its product being sold in a global market was simply caught up in economic conditions outside its control.

It is likely that each of these issues was a contributing factor, but it was no doubt an aggressive strategy for CEO Gary Helou to transition the company into a high-value product directed to the Chinese market. It was suddenly caught in an oversupply as Europe removed tariffs, Russia imposed quotas and Chinese demand slowed down considerably. Throw in a high Aussie dollar and you have a recipe for a significant correction in the global price of milk solids.

There are questions that need to be answered by the board and the CEO before he rides off into the distance with a \$10 million gold watch. Why was the price projection at \$6 a kilogram when global conditions were known to the company many months ago? Why was there a bullish profit forecast for the company when market conditions were contracting?

Now the Australian Securities and Investments Commission and the Australian Competition and Consumer Commission are investigating Murray Goulburn's board governance and performance, while unit holders are seeking class actions. It is no help when opportunistic groups like Farmer Power are calling for a regulated market and a price support system when

most of the product is exported to a free market. The wool industry's attempt to use such measures was a disaster. Governments should not interfere with a free market, but they have a social responsibility to support the health and wellbeing of our communities, and our dairy sector —

**The ACTING PRESIDENT (Ms Dunn)** — Time!

### **DanceWize**

**Ms PATTEN** (Northern Metropolitan) — On 18 May the 2016 Minister for Health Volunteer Awards recognised 16 individuals and teams who generously devote their time and talents in a variety of health and community sectors. One such recipient was DanceWize.

DanceWize is a program of Harm Reduction Victoria. It uses peer education to reduce drug and alcohol-related harm at Victorian dance parties, festivals and nightclubs. Its Outstanding Achievement by a Volunteer: Supporting Diversity award recognises the incredible hard work this organisation does in the community health sector. Its provision of chill-out rooms and its non-judgemental approach to helping recreational drug users are vital tools in keeping our young people safe.

While governments lag behind on harm reduction, we owe a debt of gratitude to these hard-working volunteers who are combating harm through evidence-based best practice approaches. A lot of them are choosing to do a shift with DanceWize rather than going out and partying themselves, and I think they really should be congratulated for this and recognised. I congratulate DanceWize and all the other winners of this year's awards.

### **Ballarat High School**

**Mr MORRIS** (Western Victoria) — I was very pleased to join the principal of Ballarat High School, Mr Gary Palmer; the chair of the school council of many years standing, Mr Graeme Howard; the treasurer of the school council, Mr Neville Brown; the school's architects, Terry Mitton and Nick Marino from e+architecture; and school captains Sioned Bently and Trent Bowes for the announcement of how the \$7.8 million committed by the former Liberal government will be spent improving the learning facilities at Ballarat High School.

Disappointingly Ballarat High School is the only government secondary school in Ballarat to have not received additional capital funding from this Labor government, which is unfathomable when you consider

that Ballarat High is servicing Ballarat's — and indeed some of Victoria's — fastest growing suburbs. That is why the former Liberal government made an election commitment of \$10 million to improve Ballarat High School's ageing facilities.

Ballarat High School is a great Ballarat institution that deserves support. It is a pity the Labor Party has not yet worked this out.

### **Victoria University**

**Mr MELHEM** (Western Metropolitan) — Last Friday, along with various colleagues in the other place; the Deputy President, Ms Tierney; and Ms Hartland, I attended a function at Government House to celebrate the centenary of the founding of Footscray Technical School and the 25th anniversary of Victoria University. Footscray Tech was opened in 1916 by Mr Arch Hoadley, and I would just like to quote from some of the stuff his son wrote about him some years ago. His son, Jack Hoadley, said:

My father, Arch ... was a man with a far-sighted vision of education. Exactly 100 years ago he opened the doors of Footscray Technical School, which has today grown into Victoria University.

He was already an Antarctic explorer with Sir Douglas Mawson's expedition when he was appointed headmaster of a new school for the region's young men. It was a time of rapid economic and social change, not unlike the transformation now taking place in Melbourne's west.

He said that it would please his father to actually see that the school had now become a university. There are 50 000 students currently learning and studying at Victoria University, and I want to take the opportunity to thank the vice-chancellor and president, Peter Dawkins, chancellor George Pappas and all the staff at Victoria University for the tremendous work they do in delivering services to students in the western suburbs and the rest of Victoria, and also to international kids. We are proud to have a university like Victoria University in the Western Metropolitan Region.

### **National Motor Vehicle Theft Reduction Council**

**Mr O'DONOHUE** (Eastern Victoria) — This statement condemns the Andrews Labor government for its failures in law and order. In only 18 months of a Labor state government frontline police numbers have been cut, police stations have been closed or had their hours reduced, gang crime has been out of control, drive-by shootings have been almost a daily occurrence, Melbourne has been named the car theft capital of Australia and laws have been weakened,

allowing criminals to be back out on the streets and given more rights than victims.

When the Andrews government had a chance to actually do something to reduce car theft by continuing the \$300 000 annual funding for the good work of the National Motor Vehicle Theft Reduction Council (NMVTRC) — a measure confirmed at the Public Accounts and Estimates Committee hearing earlier this month by then acting police minister Robin Scott as having been supported in writing by former Acting Chief Commissioner Tim Cartwright in January last year and then again by Chief Commissioner Ashton earlier this year — the government cut the funding anyway. To make matters worse, Daniel Andrews has confirmed that he did not restore the National Motor Vehicle Theft Reduction Council's funding due to the Department of Justice and Regulation's advice that indicated that the council did not benefit Victoria.

I understand that the council has written to the government to advise of its displeasure and bewilderment concerning the acting minister's comments and to totally refute the comments. Not only is the NMVTRC based here in Victoria, in North Melbourne — and I went to see it myself when I provided funding to it as the minister — but it has outlined to the Andrews government a range of programs it has funded that have directly benefited Victoria, particularly in assisting Victoria Police with its current fight against car theft. I note in particular that Victoria Police has benefited from an investment of \$200 000 to lead an inter-agency task force to conduct compliance audits of more than 400 Victorian auto recycling and scrap metal businesses — an area that has recently been identified as requiring more direct government intervention. I call on the new police minister to reconsider this decision.

### **Safe Schools program**

**Mr FINN** (Western Metropolitan) — We can still smell the whiff of perfume from Mother's Day, so it is appropriate to consider the importance of parenthood. Good parents nurture and protect their children and strive to give them every opportunity in life. To have the great fortune of being born into a family with good parents is the best start in life. Many single parents should also be proud of the often gargantuan effort they put in. Given the universal recognition of the importance of parents to the future of our next generation, I was staggered by the comment of the Premier recently when he let it be known that that high regard might not be so universal after all.

When confronted by concerns of parents about what their children would be taught at schools, he called those parents bigots. When confronted by parents worried about a social engineering program put together by a hardline Marxist, the best our Premier could do was to spray them with abuse.

To love and care about one's children does not make any parent a bigot. To express justified concern about the so-called Safe Schools program does not make anyone a bigot. Daniel Andrews should be ashamed of himself for this foul slur. While he is in the mood for apologies, the Premier should apologise to every parent in this state and he should hang his head in shame.

### **Port Phillip planning scheme amendment**

**Mr DAVIS** (Southern Metropolitan) — Today I want to comment about the C107 planning scheme amendment in the City of Port Phillip. This is an amendment that has been subject to a panel and also a contribution by the City of Port Phillip at some length. The community is of course concerned that the planning minister would increase — and it appears has increased — density in this area massively. He is opening the gates in a way that is unsophisticated and has not got the proper planning steps behind it. It also appears very much that he has favoured one end of the C107 planning area. He has favoured the Albert Park end, and he appears to have targeted the Prahran end for higher density without the relevant protections.

In this area there ought to have been proper traffic planning, there ought to have been better planning for parkland and there ought to have been a better system to make sure that the services and supports that people need were put in place. This has not been the case with Richard Wynne's planning approach to the C107 area. In fact what we will see is massive increases, in some cases discretionary height arrangements rather than mandatory ones and a huge increase in density. This can affect the quality of life in the area, and I think he has got some of this quite wrong. I ask him to go back and reconsider, but it appears that Richard Wynne has not had the interests of the community at heart and has favoured the Albert Park area but not the Prahran area.

## CRIMES LEGISLATION AMENDMENT BILL 2016

### *Second reading*

#### **Debate resumed from 24 March 2016; motion of Ms MIKAKOS (Minister for Families and Children).**

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — I am pleased this afternoon to make a contribution to the Crimes Legislation Amendment Bill 2016. The bill before the house this afternoon is really straightforward in what it seeks to do.

The purpose of the bill, in clauses 3 and 4 and clauses 7 and 8, is to amend the Sentencing Act 1991, the Crimes Act 1958 and the Summary Offences Act 1966 to extend the regime that was established under the previous government, which recognised that assaults and attacks on emergency services workers should be treated more seriously and recognised as more serious than similar sorts of assaults on the general public. This legislation now seeks to extend that regime to include corrective services officers — custodial officers — within the scope of emergency workers for the purposes of coverage by that regime.

The bill also, at clause 9, amends the Criminal Procedure Act 2009 to provide for the admission of recorded evidence in relation to proceedings on sexual offences that are heard in the Children's Court. Clause 13 of the bill introduces for the first time a general regulation-making power under the Crimes Act 1958. So there are three key areas to this legislation, and I say up-front that the coalition will support this bill. We will also no doubt consider a number of the matters, particularly in relation to the principal amendments concerning emergency workers provisions, when the bill gets into committee, but we will be supporting the bill overall.

The provisions with respect to emergency workers are important ones, and it was the coalition that recognised the need to provide additional protection to police, to ambulance officers and to other frontline support services who have a role to play in supporting and protecting the Victorian community. In undertaking their work police are obviously dealing directly with criminals, but workers such as ambulance officers are often attending events and providing paramedic support to people who are injured, and regrettably these officers often encounter people who are intoxicated, people who are high on drugs and people who as a consequence — not that this is any excuse — are prone to attacking

those paramedics and other emergency services workers.

It was recognised by the coalition government that, given these emergency services workers are providing a frontline service in the course of their regular duties, they are entitled to additional protection and that a message should be sent to the community that an assault-related offence is more severe where it involves and engages with those emergency workers, so the coalition was very pleased to put in place a regime which did recognise the unique position that emergency workers occupy in our community in Victoria and a regime that would send a message to the community that assaults and attacks on those emergency workers are unacceptable, even more so than assaults and attacks on the general population, given the special role that those workers play.

We welcome now the extension of this regime to cover custodial officers and prison officers — people who are on the front line in guarding and maintaining security around people who have been incarcerated. Obviously that is one of the most difficult environments in which we can have frontline staff deployed — dealing with people who have been incarcerated for what are inevitably serious criminal activities, quite often and increasingly criminal activities involving physical violence. As such those custodial officers are at heightened risk working in that environment, as opposed to the general population in the general environment. Again, it is appropriate that a message be sent through the extension of this legislation that attacks on those people who are simply undertaking their work in the prison system are unacceptable, and therefore that broader protection and a higher level of accountability are appropriate and are very strongly supported by the coalition.

Two other matters are covered by the bill. With respect to the admission of recorded evidence for sexual offences proceedings heard in the Children's Court, the coalition is happy to support that provision, and with respect to the extension of the creation of a general regulation-making power under the Crimes Act, the coalition is also at this point happy not to oppose that provision. I note that it is going to be of considerable interest to the house and to the community how this general regulation under the Crimes Act will be used by the government, but it is not one that the coalition opposes at this point in time. But we do look forward to seeing the regulations produced.

The main provision of the bill does relate to extending those protections I spoke about to custodial officers. I guess this is something that really highlights the

incoherence of the government's approach to law and order issues. In this instance we have a provision which is very welcome — extending this protection to custodial officers working in our prison system. We think this is a welcome and desirable development.

But equally we see from this government many retrograde steps with respect to law and order. We saw the weakening of bail requirements around young offenders, which is having a very significant impact on the Victorian community at the moment. We have seen over the last 18 months — and we heard about this in question time today — the effective loss of control that this government has overseen on the issue of public safety and the fact that Victorian citizens are now afraid in their homes of the potential of home invasion from gangs in the east and south-east of Melbourne. It is an extraordinary development to see that gang activity — that rapid increase in that gang activity, home invasions, vehicles being stolen as part of those home invasions and carjackings on major thoroughfares, as we saw on Toorak Road earlier this year — and the government's response to this is to lighten bail conditions for youth offenders and to pass legislation to weaken the bail regime for youth offenders.

We now have a cohort of offenders in the community who know that this government is not serious about law and order and is not serious about community protection. They are running wild, and they are being allowed to get away with it. We saw the Attorney-General during the Public Accounts and Estimates Committee budget estimates hearings last week indicate that it is not his intention to reverse those bail changes or to fix up the mess that he has created.

The Labour Day long weekend sees the traditional Moomba festival in Melbourne — something that has been part of Melbourne's tradition, Victoria's tradition, over decades. It is one of the last long weekends in the autumn period, after the end of summer and heading towards winter, and it is typically a fantastic time in Melbourne weatherwise. There are a lot of people out and about viewing the Moomba parade in the city and going to local community events around the state and across Melbourne. It is a very popular time in Melbourne for people to be out and about. And what did we see on the occasion of the Moomba parade in Melbourne? We saw a riot in Federation Square.

On the evening of the Moomba parade we had uncontrolled chaos in Federation Square. There were gangs brawling in the open with complete disregard for the police presence that was there. Police personnel were making their best endeavours to break it up and bring it to a halt. We saw brazen activity by those

gangs, those youths, who know that under this government, from the messages that have been sent, they will get away with it. We have seen them get away with it, and we have seen that problem escalate over the last six months in this state to the point where citizens are now afraid in their homes.

Where was the Premier on that occasion? He was missing in action for a day and a half. He did not front the media, he did not make any commentary and he did not condemn those activities for a day and a half. He was out of contact, and to this day no explanation has been provided as to where the Premier was, why he did not respond to the event on that Saturday night the next day, why it took a day and a half before the Premier made any public comment and why we are yet to see any progress made on addressing those concerns which exist in the community as a consequence of those riots and as a consequence of the subsequent activity we have seen with youth gangs in the community around Melbourne.

Of course it is no coincidence that, along with this increase in lawlessness that we have seen in Melbourne, particularly around gang activity, we have seen a reduction in police resources in the community. We now have fewer police per capita than when this government came to office 18 months ago. We see from the budget papers that Victoria's population is growing at 1.8 per cent per annum — that is around 100 000 additional people into Victoria every year, the vast majority of whom are in Melbourne — and we have not seen an increase in police numbers to keep up with that. No less a person than the secretary of the Police Association of Victoria, Ron Iddles, has said that under this current government in Victoria you are more likely to get a pizza delivery than to get a police officer turn up, and it will be quicker, such is the lack of investment in police resources by this government and such is the pressure that Victoria Police is now under. As a consequence, Victoria Police has a reduced capacity to respond to community concerns.

We have seen, as a consequence of that pressure on police resources, an increasing number of police stations being closed. Some have reduced hours — there are 24-hour stations which are no longer 24-hour stations — and other stations have been closed completely. We have a brand-new police station in Somerville that was delivered by the coalition government, which, to my knowledge, has not opened to the public at all. It is not providing any front-desk service to the community in Somerville. This is a community that worked hard with the support of their local member to secure a new police station for Somerville. The previous coalition government

provided the funding for that station. The station was built, and as a consequence of the actions of this government the community in Somerville still does not have access to a police service, despite the fact that there is a brand-new multimillion-dollar police station with a new building in the heart of Somerville. The residents on the Peninsula still cannot go to that location and obtain police services.

Of course yesterday we saw the complete farce of the new police minister. This is a minister who, through a number of portfolios — be it in community services under a previous government or in the environment portfolio — has demonstrated time and time again her lack of competence in those complex portfolios. She has now been given responsibility for Victoria Police.

We can only wonder what the Premier is thinking at a time when issues around police resourcing and around law and order are critical in this state. When there is a lack of confidence in what this government is doing in law and order in this state, the Premier's solution is to appoint the member for Bellarine as the police minister. One only needed to watch question time in the other place today to hear the new police minister talk about police resourcing and dispute figures which have actually been released by Victoria Police around police numbers to understand what a problem we now have with the new police minister overseeing the law and order regime in this state.

One of the other challenges that has emerged with this government and goes directly to the substance of this bill has been in relation to the corrections system. Last year we saw the incident at the Metropolitan Remand Centre (MRC), which was referred to by Mr O'Donohue in question time today, which has been assessed and remarked upon by Corrections Victoria as the worst incident in the corrections system in Victoria. It was an incident where the prisoners, those people being held in custody, took control of the facility and we had an extended riot — a complete breakdown in the operation of the system at the MRC. At the time we saw the cost of that riot assessed at some \$12 million. We now hear today, as was covered in question time, that the cost of repair work to that facility is now \$95 million, so we have gone from \$12 million of damage last year to a \$95 million repair bill this year.

As we heard from the new minister in question time, there continue to be other challenges in the corrections system in this state. We hear about the continued failure of Corrections Victoria to present prisoners to court hearings when they are ordered to appear, because of resourcing. We hear about continued issues with overcrowding, despite the capital investment which was

made by the previous government in the corrections system. Yet again we see a continued theme through the law and order regime of this government and through the corrections regime of this government of inadequate resourcing, but even more significant than that is the inadequate leadership being provided by the government to support Victoria Police and to support Corrections Victoria, which is leading, and has led, to a lack of confidence among the Victorian community in the capacity of this government to deliver on community safety.

These problems are clearly linked, and we have in the last 24 hours a new Minister for Police and a new Minister for Corrections. Bizarrely we now have a split, where those portfolios were previously held by the one individual. At a time when we have escalating problems across corrections and community safety we have seen the two portfolios split and given to separate ministers. Police is now paired with the water portfolio, and corrections is now paired with the higher education portfolio. Again, we can only wonder what the Premier is thinking and where his commitment to community safety lies when we see a portfolio allocation like the one that was announced yesterday.

The coalition will support this bill today. We think the extension to custodial officers of the protections that have been created for emergency workers from attacks and assaults is appropriate. We believe that is an appropriate step, but we continue to have severe reservations about the way in which this government is administering community safety and law and order in this state, be it through the leadership and resourcing provided by the government to Victoria Police or be it in relation to the leadership and resourcing provided by this government to Corrections Victoria.

This is a bill which I understand will be subject to proposed amendments by some parties in this place, and therefore it is a coalition intention to take that opportunity with the new Minister for Corrections, who has responsibility for this legislation, to explore in some detail the issues which arise from this legislation and which directly impact upon the corrections system, because it is clear to the coalition that the Victorian community deserves better than it is receiving from this government. It is certainly the commitment of the coalition to ensure through this legislative process, through holding this new minister to account, that the Victorian community does indeed get a better result on law and order in this state.

**Mr MELHEM** (Western Metropolitan) — I also rise to speak on the Crimes Legislation Amendment Bill 2016. As previously outlined, the bill seeks to

introduce some changes to the current laws which relate to introducing minimum statutory sentences for attacks on custodial officers on duty. I will just talk about the definition of ‘custodial officer’ in this bill, which will include prison governors, prison officers, escort officers and police custody officers within the meaning of the Justice Legislation Amendment (Police Custody Officers) Act 2015. This bill also talks about including private contractors performing roles of that nature in private prisons and private custodial settings. A custodial officer is on duty if they are performing any relevant duty or exercising any relevant power as a custodial officer.

The definition of ‘custodial officer’ will not encompass everyone. I suppose there are other employees or people working in the system who might not be subject to the same changes which are proposed in this bill. As we know, police custody officers play a very critical role in community safety by allowing more police to do what they do best — fight and prevent crime. For that reason I think it is important that these officers are being afforded additional protections, particularly in light of some of the recent events, which I will come to shortly.

As we know, police custody officers have the power to manage prison and police cells, including the power to search prisoners and use reasonable force to maintain the security, safety and good order of police cells; supervise offenders in police stations; transport people to and from court, police stations and other places; and guard offenders in hospitals. The Andrews Labor government has or will recruit, train and deploy 400 additional police custody officers, and that will be at 22 stations over the next three years. In January 2016 Victoria’s first custody officers started work at Sunshine, in my electorate, Dandenong, Heidelberg, Ballarat, Bendigo and Geelong police stations.

What I mentioned earlier as one of the reasons for the changes is that there have been some attacks in recent years on custodial officers. There has been some serious violence, which is a constant occupational risk for custodial officers, as the riot in the Metropolitan Remand Centre — which we have been reminded of today, though I think everybody remembers that — and obviously the other one in the Barwon Prison can demonstrate. They are just two examples of why we need to provide additional protection to these officers and to remind offenders who are going to attack or harm these officers or employees who are working to make sure that these facilities remain secure and to maintain security for the inmates that, like in any other workplace in Victoria, these officers should have the right to go to work without fear that their safety and

wellbeing are going to be compromised. In the event it occurs, some severe penalties are applied to the people who cause any harm or injuries to these officers.

Occupational violence in the correctional environment has increased annually for a number of years, although records from 2014–15 indicate a decrease. Despite this one recorded decrease, occupational violence still continues. I think one is too many. In 2013–14 there were 307 total assaults on prison staff, with an estimate of 243 for 2014–15. Of these assaults, 113 caused an injury in 2013–14 and an estimated 80 caused injury in 2014–15. These numbers do not reflect the incidents arising from the riots in the latter part of last year; they are in addition to whatever injury may have been caused as a result of that. There were 15 attacks on staff in privately operated custody settings in 2015. Private custodial services are provided in the Melbourne Custody Centre, the Moorabbin Justice Centre and the Ringwood court cells.

From these figures we can clearly say there are too many incidents, and they have raised some real concern about our obligation as a state to provide a healthy and safe workplace, as these officers are entitled to. In order to do that one of the tools is to basically increase the punishment, I suppose, to these people who want to go out of their way to put these custodial officers in harm’s way. If they continue to inflict injury on these officers, they need to be told that additional punishments will follow. It is very important to maintain the health and safety guidelines in place in making sure that these officers are protected.

Also there are some changes to this legislation which relate to the use of recorded evidence. The bill outlines how that works. There are changes to protect complainants in serious sexual offence cases — not necessarily all cases, but there is some protection there. The bill mainly looks at providing that environment.

It is fine for the opposition to talk about it instead of just fully supporting the legislation and acknowledging that the government is doing what it takes to make sure these officers who perform work on behalf of the state can go to work knowing there are enough guidelines, enough rules and enough laws in place to protect them or maybe act as a prevention for the people who might think about attacking them in the course of their employment. Instead those opposite choose to take a cheap political shot at the government in relation to the riots in Melbourne and various other things. They are also having a shot at the minister, who has been in the job for two days. I am sure Minister Herbert will do a great job when going into committee to answer all these questions. With these comments, I commend the bill to

the house. I hope it will be passed shortly with the support of everyone in the house.

**Ms PENNICUIK** (Southern Metropolitan) — The Crimes Legislation Amendment Bill 2016, which we are debating at present, is not a very long bill. It is only 14 clauses and contains three main provisions. The first expands the statutory minimum sentences for certain offences, in particular offences committed against emergency workers under the Sentencing Act 1991 and the Crimes Act 1958, to include custodial officers. These provisions are in part 2 of the bill. Basically they expand the system of mandatory sentencing for those particular offences, and I will return to that later in my contribution.

Part 3 of the bill expands the specific assault offences against emergency workers that already exist to also apply to custodial officers on duty. They are covered by clauses 7 and 8 of the bill, which extend certain sections of the Crimes Act 1958, in particular section 31 of that act and section 51 of the Summary Offences Act 1966, which I will refer to later in my contribution.

Part 4 of the bill provides for victims of sexual assault to give evidence on appeal by allowing the admission of their recorded evidence under the Criminal Procedure Act 2009. On appeal, there will be no need for those complainants to repeat their evidence in court; their recorded evidence will be admissible under those circumstances.

They are the main things this bill does. In terms of those main provisions, the Greens are very supportive of part 4 of the bill with regard to the giving of recorded evidence by victims of sexual assault in an appeal. We also support part 3 of the bill, which deals with the extension of specific offences under section 31 of the Crimes Act 1958 and section 51 of the Summary Offences Act 1966.

The part of the bill that we do have concerns about is the expanding of the statutory minimum sentences that currently exist under the Sentencing Act 1991 and the Crimes Act 1958 for assaults on emergency workers and custodial officers. This is consistent with our ongoing opposition to mandatory sentencing. The Greens have a longstanding position that there should not be a provision for mandatory sentencing in the Sentencing Act 1991 but that sentencing should be left to the discretion of the courts, which have the specific details and circumstances of every offence before them and can take them into account.

Mandatory minimum sentences for certain crimes against emergency workers were part of the bill

introduced by the previous government in September 2014. At the time that bill was introduced we did not support it, and it was interesting that at the time Mr Tee, a speaker for the then opposition, which is now in government, said:

... the bill will not achieve an enormous amount, and it is not without some concerns and trepidation that we approach it.

It should have had concerns and trepidation about the introduction of minimum statutory sentences.

The Sentencing Amendment (Emergency Workers) Act 2014 introduced minimum sentences for certain offences. Those offences will be extended to cover custodial officers under this bill. They include causing serious injury intentionally in circumstances of gross violence, which carries a minimum non-parole period of five years; causing serious injury recklessly in circumstances of gross violence, a minimum non-parole period of five years; causing serious injury intentionally, a minimum non-parole period of three years; and causing serious injury recklessly, a minimum non-parole period of two years.

Of course they are very serious offences, and I would expect that any court faced with those offences against any person, but particularly against an emergency services worker — or against a custodial officer, which this bill seeks to provide for — would treat those offences very seriously if a person was brought before the court and charged. As I said back in 2014 with regard to the previous government's bill, the Sentencing Act 1991 already has very strong governing principles which guide courts in sentencing offenders.

The sentencing guidelines, as outlined in section 5 of the Sentencing Act 1991, outline the purposes for which sentences may be imposed. They include: to punish the offender, to deter the offender, to establish conditions within which the offender may be considered by the court to be rehabilitated, the denunciation of that type of conduct, to protect the community and a combination of two or more of those purposes. Under the act the court must not consider the time actually spent in custody or any sentencing practices arising out of section 10 of the act. But in sentencing an offender the court should take into consideration, under sections 5(2AB) and 5(2AC), current sentencing practices, the nature and gravity of the offence and the offender's culpability and degree of responsibility for the offence.

Just with those two provisions — the nature and gravity of the offence and the offender's culpability and degree of responsibility for the offence — in terms of an

assault on an emergency service worker or a custodial officer, the courts would take those types of offences against those types of persons very seriously. Under these provisions the courts also take into account the impact of the offence on any victim of the offence; the circumstances of any victim of the offence, such as what was the occupation of the person and what were they doing; any injury, loss or damage resulting from the offence; the offender's character; and, importantly, the presence of any aggravating or mitigating factor concerning the offender or of any other relevant circumstances.

The Sentencing Act already comprehensively covers the need for a court to take into account aggravating and mitigating circumstances and all the circumstances that apply to a certain offence when an offender is brought before it charged with the assault of any person, including an emergency service worker or a custodial officer, which this bill wishes to extend the minimum mandatory sentencing to. The Greens take the assault of an emergency worker or a custodial officer very seriously, and I believe the court would too.

In terms of the evidence for the need for this bill, the Attorney-General has spoken in his second-reading speech about the riot at the remand centre that everybody has heard about and also the assaults on three or four custodial officers at Barwon Prison, which were very serious offences to be committed there. The Greens agree they were serious offences; we just do not agree that minimum statutory terms of imprisonment are going to prevent such offences or that a court would not impose a sentence either equal to the ones that are mentioned in this bill or above them, taking into account every circumstance of the offence on the particular day by the particular person.

As I have mentioned before in Parliament, there is no evidence that mandatory sentencing works. In fact there is evidence that it may be counterproductive in that prisoners or offenders — people charged with offences — are probably less likely to plead guilty to an offence in the face of a minimum statutory sentence and that a lot of the activity that goes on in courts between the lawyers for both sides would be less open and transparent than if the Sentencing Act was just left the way it is, without imposing minimum mandatory sentencing on particular offences.

We will stick with the principle that judicial discretion is best kept in the Sentencing Act, not having a series of bills come before the Parliament imposing particular different mandatory sentencing for particular different classes of offences and for particular different classes of victims. That is not to say, as I said, that we do not take

the offence against an emergency worker or custodial officer very seriously.

I would like to take up the point that Mr Melhem made — that we need this particular legislation to offer protection to custodial officers and to provide them with a safe workplace. I totally agree with protecting custodial officers and providing them with a safe workplace, but I am not sure that this legislation or the introduction of minimum mandatory sentencing will do that. What will do that is the government properly resourcing the corrections system and wherever custodial officers are working making sure that people are well trained and that there are enough resources and tools at their disposal to actually prevent the types of assaults that we are talking about — assaults by prisoners against custodial officers or by those in custody against custodial officers.

Mr Melhem talked about a number of assaults — 243 assaults, of which 103 caused an injury. I am very concerned to hear that there have been that many assaults. I suggest that there needs to be something done in terms of the prevention of further assaults in the custodial system rather than focusing here on the end of the process, when the assault has already occurred.

The parliamentary library, in its information pack on the bill, produced some statistics from the Productivity Commission's *Report on Government Services* regarding assaults in custody in 2014–15. In looking at those statistics in terms of prisoners assaulting officers, one would have to say there are quite a lot of gaps in the statistics with regard to coverage of all of the states. In terms of serious assault only three states are recording any statistics — or the Productivity Commission is only reporting on three states, which are Victoria, Queensland and Western Australia, and they are all pretty well equal. In terms of serious assaults there is just under 1 assault per 100 prisoners or detainees. In terms of assaults, not serious assaults, there is more reporting, and it could be that there are different reporting requirements around the states, which the notes under the table tend to suggest. But in terms of assaults, not serious assaults, Victoria is somewhere in the middle of the states with regard to the number per 100 prisoners or detainees.

There were the incidents at Barwon Prison and the remand centre that I referred to, and everybody takes those completely seriously. But in terms of the protection of custodial officers it is more about prevention. I mentioned this in regard to the emergency service workers too. The parliamentary committee that looked at assaults in hospitals and other health facilities made a lot of recommendations, but they were about

better prevention of the problems in the actual emergency rooms and in hospital admission areas. The committee thought that would better protect emergency workers.

The Greens will not be able to support that part of the bill, and we have prepared an amendment in that regard, which I am happy to have circulated. Acting President, I have already circulated the amendments to the parties.

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

**Ms PENNICUIK** — I will briefly talk about part 3 of the bill, which is in regard to the extension of certain offences under the Crimes Act to include custodial officers under section 31. This particular section — section 31(1)(b) of the Crimes Act 1958 — is in regard to a person who assaults or threatens to assault, resists or intentionally obstructs an emergency worker, and this would be expanded to include a custodial officer so that a person who assaults or threatens to assault, resists or intentionally obstructs an emergency worker or a custodial officer on duty, knowing or being reckless as to whether the person was an emergency worker or custodial officer on duty, or intentionally obstructs a person lawfully assisting an emergency worker on duty or a custodial officer on duty, commits an offence attracting a penalty of up to five years.

The Greens will support the extension of this particular offence, because it was recommended by the parliamentary inquiry into assaults on emergency workers that it be an offence to assault, threaten to assault, obstruct or hinder an emergency worker, and I feel that it is fair enough to extend that to custodial officers. Also the penalties are not mandatory penalties; the offences attract a maximum penalty but leave discretion to the court.

Under section 51 of the Summary Offences Act 1966, again a person must not assault, resist, obstruct, hinder or delay an emergency worker and, with this bill, a custodial officer on duty et cetera. This has a penalty of 60 penalty units or imprisonment for six months. The Greens will be supporting that part of the bill. We do support it being an offence to assault, threaten to assault or hinder emergency workers or custodial workers in their duties.

In terms of the final part of the bill I will speak on, part 4, the Greens are happy to support that part and in fact welcome it, because it would mean that during appeals those people who are victims of sexual assault

will not have to front up at court again and repeat their evidence. New section 387B of the Criminal Procedure Act 2009 will provide for the admission of recorded evidence of a complainant given in a trial for a sexual offence. It already has been given and can be used again in terms of an appeal. This is a welcome addition to the act.

With those reasonably few words, I note the Greens will support parts 3 and 4 of the bill but will not be able to support part 2 of the bill, which introduces mandatory sentencing for crimes against custodial officers, as exists for crimes against emergency workers, which we did not support in 2014. In terms of the introduction of mandatory sentencing into the Sentencing Act 1991, the Greens have consistently not supported this, and bodies such as the Law Institute of Victoria, the Victorian Bar and Liberty Victoria also oppose mandatory sentencing for the reasons we have given.

In summary, there is no evidence that mandatory sentencing works. There is evidence that it skews the court processes and in particular results in less people pleading guilty to offences if they are faced with a mandatory minimum sentence, and just generally it removes discretion from the court, notwithstanding that I understand that under the bill mandatory sentencing will not apply to those under 18 and that there are some provisions for extenuating circumstances. But there is no need for it. There is plenty of scope under the current Sentencing Act, without this, for courts to apply an appropriate sentence, particularly taking into account aggravating circumstances which may exist with regard to any offence against a custodial officer.

**Mr FINN** (Western Metropolitan) — I rise this evening to speak on the Crimes Legislation Amendment Bill 2016. As has been mentioned, the opposition will not be opposing this bill, but I must in the process of speaking on this bill express my very deep concern about what is happening in the area of law and order in this state. We are finding a situation where crime is in many areas rampant. It is totally out of control. In fact ‘rampant’ might be understating things a little bit.

If ever any further evidence is needed that the government hates the police, just have a look at who has been appointed as Minister for Police. Here is somebody who is an entire failure. Wherever she has gone, whatever she has done, her entire political life she has failed. So what has the government done with Lisa Neville? It has made her the police minister. Is that not a sign for the world to see of what Dodgy Dan and his mates think of the police in this state? It is a disgrace

that any government would put somebody like Lisa Neville in charge again.

The fact of the matter is that Labor has failed on law and order. Labor has been, as it always has been, a total, unmitigated failure on law and order. We have in this state people living in fear in their own homes. We have in this state people who are at home watching television, playing with the dog, scratching the cat or whatever they are doing, and they are in fear of somebody coming in, kicking their front door down, bashing them up, taking their car keys and stealing their car. This is something that people are genuinely afraid of right across the city of Melbourne, and it is only a matter of time before some of the crooks catch on, I am sure, in some of the regional areas as well. This should not be happening; this should not be allowed to happen.

We have gangs on our streets who are not afraid of the police. They are not afraid of the law. They have no fear at all of the police. I suppose when you consider that the police up to this point may not have been able to pursue them, maybe they are right to have no fear. Maybe they are justified in their antics and the way they get away with what they do, but the reality is that we have people living in fear in their own homes even with the security that people have. We all have, I am sure, secure doors. I am sure we all have secure windows. Even with the security that we put up around our homes, people are still afraid of what might happen and indeed what could happen any time of the night or day.

We hear about people getting up to have a glass of water in the middle of the night, or indeed to get rid of one, and walk into their kitchen and see blokes that have broken in. They get one to go on with — they are belted on the side of the head — and their car is stolen. In 2016 this is happening. This is not New York. In fact, if it was New York, it would not be happening, after Rudy Giuliani's crackdown some years ago. It would not be happening over there, but the fact of the matter is it is happening here.

We have a crime wave in this state, and this government has no idea about how to stop it. It has no idea about how to handle it — none, zilch. I have to say it has little interest. The fact that the government has appointed Lisa Neville as Minister for Police would indicate that it has little interest in handling the crime wave in this state.

We have people living in fear in their own homes, and that is just not good enough. I will give an example. Last Saturday night in my own electorate, in Point Cook, which is a very nice suburb — as I am sure Mr Melhem will agree, and I know Mr Ramsay, who

was there very recently, will agree that Point Cook is a very, very nice place — there was a party, which is not unknown in the suburbs.

**An honourable member** interjected.

**Mr FINN** — No, Mr Ramsay was not at the party, not that I am aware of anyway, but there was a party. As the evening wore on the party was gatecrashed by thugs, by hoons, by lunatics — call them what you will — who went in and bashed the people in the house, absolutely trashed the house and made particularly unattractive gestures towards the neighbours with a view to continuing their rampage through their houses as well. Again that word came up — fear. There was fear in our streets. The police came, saw what was going on and left. This is what I heard from an eyewitness. That seems to me to be a very strange way of going about things, but it seems to me that the police in this state are not given the authority to do their job.

**Mr Ondarchie** interjected.

**Mr FINN** — Exactly right, Mr Ondarchie. They are not given the resources, and they are not given the authority to do their job, and they need both. How can we expect the police to protect us? They do not have the police numbers. If they do not have the cars, if they do not have the vans, if they do not have everything that they need in order to do their jobs, how can we expect the police to do that? So we had that situation just last Saturday night in Point Cook.

Mr Rich-Phillips made reference before to what happened at Moomba this year. We have all been to Moomba. It is one of the most delightful times of the year, apart from Richmond winning. It is one of the more delightful times of the year, and we get our families and get some considerable joy from going into the Moomba festival in the city. It is that time of the year where Melbourne is at its best, and you expect to be able to go in there and enjoy the festivities and be a part of what is a wonderful festival. But not this year. We had gangs running amok, and people ran in fear for their lives. Again I use that word — fear. That is the word, wherever we look in this state, that permeates. People ran in fear for their lives as these thugs — these gangs — ran riot on our streets during our premium festival.

Again nobody seemed to be able to do anything about it. Police did not do much about it. They checked the video afterwards. That is all very well. Trial by video is a marvellous thing. We will check the video and find out who did it, but it is not going to help you if somebody has got you in a headlock and is smacking

you in the head as you are trying to walk down the street. We need to actually prevent these things from happening, not catch who did them after you have got out of hospital. It is not good enough. Again we have a situation where law and order has broken down in Victoria, and again the government has not got a clue. This government does not have a clue how to restore it or what it needs to do to restore it.

We then move on, and Ms Fitzherbert made reference, I think it was a little bit earlier today, to the drive-by shooting that occurred near her office. Unfortunately these are not uncommon. We find frequently that there are shootings now — there are drive-by shootings, there are shootings of people. The use of firearms, presumably illegal firearms, is through the roof. It is interesting, because if somebody had a legal firearm and it was out of a safe or out of an area where it should be, the police would undoubtedly come around and pick it up, but the police do not seem to be able to catch up with illegal firearms, and they are the ones that are causing most of the trouble these days. Again, the police do not have the resources or the authority to do their job. Again, it is the responsibility of this government to give the police both the resources and the authority, and it has not. This government has failed yet again. Here we have a situation where people are driving around shooting at other people, shooting at business premises and shooting into homes. It is just totally unsatisfactory. It is something that we cannot possibly under any circumstances allow to keep going.

Then we move on to the Apex gang, which is a continuation, I suppose, of the gang that kicks down your front door, gives you a smack in the head and pinches your car. That is, again, what is becoming almost the norm in certain parts of Melbourne these days.

You would think that faced with that situation a government would actually take this matter seriously, would take this matter on board and would address it as a serious matter, but instead this government has appointed Lisa Neville as the Minister for Police. Clearly it is not taking the matter seriously, and you would not expect Labor to, because historically the Labor Party has had total contempt for authority, it has had total contempt for law and order and it has had total contempt for the police. As I have said in this house many, many times, the police are used by the ALP at election time, but once the election is over, Labor members no longer wish to know about them.

So we have a situation here where in my view our police are being mistreated rather badly. I have spoken to a number of friends of mine who are officers of the

law, and they are deeply concerned about what is going on. Indeed a number of my friends have said to me, 'I'm giving this up'. They have said, 'I'm out of here. I can't cope with this anymore'. It is something that really has to be addressed as a matter of significant urgency. Unfortunately on the scale of importance it just does not rate with this government.

I could go on for quite some time about the role of the judiciary in all of this.

**Mr Ondarchie** — Please do.

**Mr FINN** — I have not got much time left. Of course we are suffering here in Victoria from the Rob Hulls legacy. Here was a man who was a Labor Attorney-General for 11 years. He made every judicial appointment for 11 years, and we are going to be suffering from that for decades — for probably a generation or two. I am just afraid to think that that might be continuing under this current Attorney-General — people might think that he is a moderate. They probably thought the same thing of Rob Hulls. Wrong!

I am starting to think that there may not be any such thing as a moderate in the ALP. Certainly when it comes to law and order, when it comes to these important matters of personal protection, of protecting people even in their own homes, the ALP just does not care. It does not want to know, and it puts it on the backburner. It is too busy with its social agenda, it is too busy trying to twist children's minds at school and it is too busy pushing the personal barrows of ministers. Of course with this Premier — and keeping in mind this is the most extreme left-wing Premier this state has ever had — we have a government that just does not care. I urge the government to start taking these matters seriously and make Victoria safe again.

**Ms PATTEN** (Northern Metropolitan) — I am pleased to rise today to speak somewhat briefly on the Crimes Legislation Amendment Bill 2016. I will go first straight to part 4 of the bill, which is a section that I do thoroughly support. Part 4 of the bill will allow for the use of recorded evidence in appeals heard in the Children's Court against convictions of serious sex offenders. I think this is a really positive step for a couple of reasons. Firstly, in terms of efficiency, not requiring evidence to be recorded twice or over and over again, particularly for appeals, will save time and resources in what is already an overloaded system. Secondly, but most importantly, this will protect the victims. It is so traumatic for them the first time in having to give evidence in these sex offence cases that I think that for them to have to rerecord their evidence in

the case of an appeal, to be heard again, is really a punishment that we should never place on the victims of sexual violence. Having to revisit that difficult and distressing time, I think, is just torturous. It is a horrible thing to do. No doubt sometimes victims will just not do it, so you will find that they do not appear, and when there is an appeal the witnesses or the victims may not want to revisit it and may not want to appeal, and this may result in lesser sentencing or successful appeals in this area.

I am pleased to see technology being used for good, and I hope to see technology in the area of our judicial system improved in trying to stop some of that complete overload that we are currently seeing in our judicial system in Victoria.

However, part 2 of the bill I have great concerns about. This section extends sentencing practices for the assault of emergency workers to custodial officers. In theory this is completely logical and I support it on those grounds, but it then goes on to insist on mandatory minimum sentences. Again, minimum sentences we know just reduce and limit judicial discretion. I truly think it is very rare that this Parliament should be limiting judicial discretion. I think it is very rare that we may know better than a judge as to what is going to happen on a case in the future. These cases are often very complex, and we need to understand the complexity and the judge needs to have the ability to move with the complexity of those situations.

As Ms Pennicuik mentioned in her contribution, there is no evidence that mandatory sentencing lowers crime rates. In fact when the Northern Territory introduced mandatory sentencing crime went up, so there is no evidence that this is going to prevent or reduce crime. Mandatory sentences have been opposed by a number of key organisations. The Law Institute of Victoria, Liberty Victoria and the Australian Bar Association all oppose mandatory sentencing.

By good fortune I actually visited two maximum security prisons last week. I went to the Metropolitan Remand Centre and I visited the Dame Phyllis Frost Centre, both maximum security prisons. At the Metropolitan Remand Centre the effect of the riots was almost palpable. The prison was still in lockdown. It was certainly trying to relieve some of the lockdown and give greater freedom, but it was still in lockdown. It was still front and centre for everyone I spoke to there. I was really impressed. I had never been to a prison so I did not actually know —

**Mr Drum** interjected.

**Ms PATTEN** — I had never been to a prison, so I only knew what I had seen on television. I had watched *Prisoner* as a kid; I knew what The Freak was like. So I was very much impressed by the dedication and compassion of those custodial officers. It was clear that they love their jobs. What they were saying to me was, ‘You either stay here for six months or you stay here until you retire’. These people seriously invest in their work, and they obviously have great compassion and dedication to that work. They must be protected from violence, and we must try to make their workplaces as safe as possible.

In fact when you go into the prisons — and I managed to spend the whole day in these two prisons — you realise that sense of community. You realise that in some cases it is almost like a little village in those prisons. There are prisons within prisons, there are different people and there is a different hierarchy in those prisons, and I got a much better understanding of that.

I actually got to speak to a number of the prisoners. Not a single prisoner that I spoke to — and they were very open and honest with me — actually complained about the facilities, and not a single one complained about the prison officers. In fact it was quite the opposite. They said that after the riots — this was at the Metropolitan Remand Centre — the relationships between prison officers and prisoners actually improved in the majority of cases. But what they did express was a great desire for — and this was prison officers and prisoners — greater programs within those prisons. To make those prisons better and safer, they need far better funding for intensive programs within those prisons. They also asked for much better diversion and transitional support outside.

**Sitting suspended 6.30 p.m. until 8.03 p.m.**

**Ms PATTEN** — Having been in two prisons last week, I really did get a feel for the work of prison officers and the relationship they have with the prisoners. It is a very difficult balance to find. While the prison officers felt passionate about supporting the prisoners, they also had to ensure their continuing imprisonment, so it is a very difficult balance, and I wonder what this bill will do to those relationships between custodial officers and prisoners. I reiterate that the latter, the prisoners, noted that there had been substantial improvements in relationships between prison officers and prisoners post-riot at the Metropolitan Remand Centre.

I think we need to take some responsibility for these workplaces. In the lead-up to the riots at the remand

centre, we banned smoking and we doubled the number of prisoners in the remand centre, so the remand centre, which was built for 600 prisoners, at the time of the riots was holding 1300 prisoners, double the amount that that prison was built for. I wonder, rather than changing parole terms, removing suspended sentencing and not funding community reintegration services, whether that is where the real fault lies. By introducing mandatory sentencing I am not convinced that it is going to reduce crime, nor is it going to make the prison officers' workplaces any safer. Let us remember what mandatory sentencing costs. It is estimated to cost \$270 a day to keep a prisoner, so for two years that is \$197 100. That is for a two-year sentence. That is almost \$200 000. I wonder whether prison officers would not be safer if we spent that money on better treatment programs, proper housing and possibly even that wild and wacky idea, justice reinvestment.

In terms of custodial officers, while I support the notion of incorporating them into the Crimes Act 1958 and treating them like other emergency services officers such as ambulance drivers and firemen, the relationship and the place of work that a custodial officer is in are quite different. They are not going out there providing a short service; they are dealing very closely with highly stressed individuals in tense and difficult environments. So the difference between a paramedic being subjected to violence while trying to help someone and a custodial officer in a position of power against someone vulnerable to whom they have a duty of care is stark.

On top of that, the relationship between prisoners and prison officers is ongoing. It is not a one-off incident like you would have with fireys or paramedics. Obviously we want everyone to work in a safe workplace, and a number of custodial officers left me filled with admiration, but I think we do need to recognise the different workplace and the different relationship here. I do not see that introducing mandatory sentencing is going to ensure their safety. Drug and alcohol programs, working to improve post-correctional experiences and facilitating those social ties that prevent reoffending, I think, are all sounder ways of protecting custodial officers.

Less miserable, stressed, isolated individuals means less violence. I think one of the most disturbing things that I heard about when I was at the prisons was the apparent desperate recidivism or opportunistic recidivism. Where prisoners were getting out and had nowhere to live or were going back into sexually violent relationships, they had nowhere to go so they were committing crimes to go back to jail because it was the only safe place for them, and this included prisoners who were about to leave. I am certainly going out on a

limb here, but if one way to stay in jail is to commit an offence in jail that requires a mandatory sentence, that seems like a kind of easy way rather than going out of jail, finding you have no resources or support and committing another crime that sends you back into jail, where you feel safe and secure.

By introducing mandatory sentences I am interested in how that will affect the relationship between a prison officer and a prisoner, because I think that relationship is very different.

I commend the notion of keeping officers safe, but I worry that mandatory minimums will not do that. I worry that they will actually have quite the opposite effect. I am very supportive of our use of new technologies within the Children's Court and our use of recordings for appeal processes. I think that is commendable. I hope that we can start working on other ways to reduce the complete overload that our court system is facing in Victoria right now, but as I say, I have considerable concerns about mandatory sentencing.

**Mr RAMSAY** (Western Victoria) — I have pleasure in being able to make a small contribution on the Crimes Legislation Amendment Bill 2016, and I note that the opposition is not opposing this bill. Having said that, though, we will confirm our position once we know the details of the amendments that might be proposed by the other parties in this chamber. Just quickly, as has been indicated in some detail — and I do not intend to go into detail on this bill — the legislation introduces statutory minimum sentences for those who attack custodial officers and makes it easier for victims of sexual assault to give evidence on appeal. It also, through the reforms in this bill, deters those in custody from assaulting and injuring custodial officers on duty by boosting protections for people who look after prisoners and those in police cells on behalf of the Victorian community.

In the Metropolitan Remand Centre and Barwon Prison, which sits in my electorate of Western Victoria Region, custodial officers have faced significant challenges from assaults and other unlawful activities. They have been at risk from a number of incidents involving occupational violence. It is pleasing to see that this bill actually tries to address some of the anomalies in the previous act in relation to providing a safe working environment for prison and custodial officers to protect them as much as possible from violence in the conduct of their duties.

Legislation that makes similar reforms to those in this bill is the Sentencing Amendment (Emergency

Workers) Act 2014, which inserts a statutory minimum term of imprisonment for certain violent offences committed against emergency workers on duty and expands existing assault offences to specifically include emergency workers. Police officers and protective services officers are considered emergency workers in the bill currently before the house.

The bill also extends these provisions to custodial officers to recognise the special role they perform in managing people. Sentencing provisions relevant to custodial officers will only apply when a custodial officer is on duty, and that is consistent with the emergency worker provisions. As I said, the bill imposes a statutory minimum sentence for violent offences committed against custodial officers when they are on duty. The bill also amends the Crimes Act 1958 and the Summary Offences Act 1966 so that custodial officers will be explicitly included in the assault provisions which apply to emergency workers.

The bill also amends the Criminal Procedure Act 2009 to allow a complainant's recorded evidence to be used on appeal from the Children's Court in another related criminal proceeding, and the bill also inserts a general power into the Crimes Act to allow the Governor in Council to make regulations with respect to the act. That is basically a technical amendment.

In essence this amendment bill at least provides some confidence that prison officers, custodial workers and those entitled under the emergency worker criteria will be provided with safeguards and a reduction in risk from the potential for violence in their workplace. I think that is a good step forward.

However, the policing and law and order policies that the current government has introduced over the last couple of years allow the potential for more violent transgression. Only this week the Premier has done a cabinet reshuffle, and we now see that the new Minister for Police is in fact the member for Bellarine in the Legislative Assembly, the Honourable Lisa Neville. For at least a year I have been raising concerns in this chamber in relation to the escalation of crime in the Greater Geelong and Bellarine areas. It is ironic that the electorate of the new police minister has seen some of the most significant increases in crime and criminal activity in the whole of the state. Despite the pleas of many community members and Neighbourhood Watch groups for more tools to address the increase in crime, such as CCTV, the member for Bellarine, who is now the Minister for Police, has totally ignored these pleas.

I conducted a survey in the Greater Geelong and Bellarine areas during the last three weeks. We sent out

15 000 surveys to garner community views about law and order in these communities. It is interesting to note that of the 15 000 people surveyed, 97 per cent were concerned about the rising crime rate in Bellarine, which is the Minister for Police's own electorate, and the same percentage wanted more police on the beat.

Can I just perhaps refer to some statistics that have become available in relation to Greater Geelong and Bellarine. Drysdale, which is about a hop, step and a jump away from Lisa Neville's electorate office, has experienced a 400 per cent increase in assaults since 2012, and thefts are up 150 per cent in Ocean Grove compared to 2013. This is in the Minister for Police's own 'beat', if I can use the police language.

In the local paper today, which I have brought with me, the *Ocean Grove Voice*, which I note Ms Neville advertises in on a regular basis, a report reads:

Ocean Grove suffered another spate of break-ins on Monday night 23 May —

I think that was the very night that the member was announced as the police minister.

**Mr Ondarchie** — Yesterday?

**Mr RAMSAY** — Yesterday:

with five businesses on The Terrace again being the target of thieves.

Ocean Grove Pizza and Pasta, Uncle Jack's, Florence and Threads, Cenzo and Co and Oceans Secret all had their front windows smashed in during the raids.

A business in Drysdale was also broken into.

The five businesses are located next to each other on The Terrace.

Ocean Grove has been the subject of numerous break-ins during the past few months as calls for CCTV surveillance have grown.

The recent break-ins will heap pressure onto local MP Lisa Neville, who was appointed Minister for Police ...

on the very day that these assaults and break-ins happened.

I also refer to ram raids at Torquay and Queenscliff over the weekend, which are further examples of crime spiralling out of control in these once-quiet towns. In Barwon Heads crime has increased so significantly that this small seaside village has now had to create its own Neighbourhood Watch in relation to protecting its citizens, given the lack of police patrols through the town.

We have also found in Geelong West, where I did these surveys, and in Belmont, that the same issues existed across the city. These are the electorates, I might add, of the Labor federal member for Corio, Richard Marles; the Labor member for Lara, John Eren, who is the Minister for Sport but unfortunately not the minister for crime prevention; and the Labor member for Geelong, Christine Couzens. These three Labor members are sitting in the electorates that they are supposed to oversee and represent while there is a spike in crime in their own backyard.

We have seen a 13 per cent rise in crime in the Geelong region. The police told me that they have to take two patrol cars to disturbances in Norlane and Corio — one patrol car to protect the other patrol car, because they know that if there are two officers, when they leave the patrol car to go and interview, whether it is a family violence incident or a disturbance or a robbery, they will come back to find the wheels of the patrol car long gone and the car will have been vandalised while the officers are actually investigating and interviewing. So they have to have four police officers to go out to a basic police call: one car to protect the patrol cars, one to actually do the interviewing. And they tell me that in a family violence matter, the whole bureaucratic process as we know it now will take nearly 6 hours, just to do a formal complaint documentation process.

It is no wonder that our police are being utilised in such a poor fashion, given the sort of poor conditions for policing that this government is directing. Police say we need more patrols, we need more police in cars, we need higher visibility and we need tighter control of these gangs — these gangs are coming down from Melbourne and starting to infiltrate the quieter suburbs of Geelong and Bellarine. Now we see, almost on an ongoing daily basis, a quite significant increase in criminal activity.

We also see this Andrews government wanting to water down the Bail Act 1977. Superintendent Daryl Clifton is on the record as saying that it is like a revolving door in the Geelong Magistrates Court: they go in for quite a significant charge in relation to a robbery or a home invasion or an assault, and they come out the other end with a slap on the wrist and are reoffending an hour later. Some of these young people — and they are quite young, most of these reoffenders in the Geelong area — will do 15 to 20 repeats every single day.

What I am painting a picture of here is law and order out of control in the Bellarine and the Greater Geelong area. It is interesting to note that we have three sitting Labor MPs in these electorates where this significant increase in crime is occurring. Ironically enough, the

Minister for Police is sitting in an electorate that has one of the highest increases in criminal activity anywhere in the state. So why on earth would the Andrews government anoint her as Minister for Police — or water police now, as I understand it, because somehow she has the distinction of being the Minister for Water and the Minister for Police, and if you consolidate the two I guess our waterways might be safer than our land areas. Nevertheless, it was a strange appointment given the significant problems associated with the criminal activity in her own electorate, which she has totally ignored for the term of her office, both as a member and now as the newly anointed Minister for Police.

While this piece of legislation does go in part to providing protection for prisoners, prison officers and custodial officers and emergency workers under the definition, unfortunately the Andrews government's law and order policies go nowhere near addressing the increase in crime right across the state. Communities are fearful. They are so brazen now, some of these criminals, that they have no respect for law and order and they have no respect for community. They will just walk into a house, whether a person is in it or not, and rob or assault or intimidate those who happen to be in the house. Then they get away, turn whatever product they have stolen into cash and then put it into drug trafficking, amongst other things. They do this with no fear of police, and no respect for law and order.

While we in opposition have indicated we will not oppose this bill without amendment, I certainly raise the issue that we have significant problems in relation to law and order and criminal activity in this state. The Andrews government is not addressing the issue, and in fact my view is that there is a head-in-the-sand approach being taken in relation to new policing methods that could be implemented to support our police in their duties and also in relation to resources. There is no doubt, with the spike in crime across the Greater Geelong region, we need more police resources, we need more patrols, we need stiffer penalties and we need the magistrates to harden up. We certainly do not need legislation that will dilute the work and efforts of the Baillieu and Napthine governments in the previous term that sent a very clear message that criminal activity would not be tolerated by the then coalition government or the Victorian community.

**Mr ONDARCHIE** (Northern Metropolitan) — The Crimes Legislation Amendment Bill 2016 is the bill which I rise to speak to tonight. The purpose of this bill is simple: to extend the existing offences and sentences relating to assaults against emergency services workers

to custodial officers and related workers, and also to allow for the admission of recorded evidence in cases of sexual offences involving children. It is pleasing to see that the government is following the coalition's lead on this. When in government we made many amendments to ensure that there is tougher sentencing for serious crimes, because we know that is a vital deterrent.

Many in the chamber today have gone through the elements of this bill, and for the efficiency of the house I choose not to do that again. But here is the thing: it is okay for the government to bring forward this bit of legislation, which we will support, but what sits beneath this is a number of issues associated with crime. We expect the government not just to do this but to also walk the talk. For example, there are many, many police stations that are now either closed or have had their hours of operation reduced. They include Ashburton, Burwood, Somerville, Carrum Downs, Torquay, Nunawading, Lakes Entrance, Boolarra and Craigieburn. Also included are Reservoir and Greensborough, which are in my electorate. Heidelberg West is closed. This puts pressure on stations like Mill Park and Whittlesea. We still wait for the government that said it would not waste a day. We still await the turning of the first sod at the Mernda police station, 18 months in. Those opposite said they would not waste a day, but they have not done anything for the growing suburb of Mernda.

There are some facts: there are 131 fewer frontline police officers now than when this government came to government in 2014. At the Public Accounts and Estimates Committee hearings last week the Chief Commissioner of Police himself said that crime will get worse before it gets better. The Police Association Victoria said that we need 800 more frontline police just to make this state feel safe. Victorians do not feel safe. Victorians are feeling less and less safe every single day. They should be able to go about their business anytime they want and travel around the streets feeling safe. They should be able to be at home feeling safe. If they are students, they should feel safe to walk the streets of Melbourne at night and come into the Parliament to see how the Parliament is going and feel safe. But the reality is that home invasions are on the increase. Carjackings are on the increase. Theft is on the increase. Petrol drive-offs are on the increase, and the police are saying they do not have any resources to be able to deal with that. This is affecting small businesses. This is affecting jobs, and this government is silent. It is affecting our international reputation. This city is rated as one of the most livable cities in the world, yet our crime rate is on the rise and this government is silent.

So what is the government's answer? What is its answer to this dilemma of crime being on the rise and to, as Mr Ramsay colloquially put it today, the sorts of things that are happening in his area? The government's answer was to take probably the worst community services and environment minister we have ever seen in this state, who is also a failed water minister in this state, and make that minister the Minister for Police. Daniel Andrews does not take the safety of Victorians seriously. With a CV like that, why would you appoint this person, Lisa Neville, to be the police minister? We remember in the last Labor government she was condemned up hill and down dale for her mismanagement of the community services portfolio. She failed as the environment minister, and her answer to the water problems around Victoria is to carry buckets of water up to the north-west of Victoria where they do not even have a pipeline. That is the only way she is going to get the water there. She failed as a water minister, and Daniel Andrews decided, with a CV like that, when crime is on the rise and when crime is one of the greatest concerns Victorians have right now, to make her the Minister for Police.

We want a safer Victoria. We want to be free to go about our lives without fear. We want our children to be able to go down to the local shop or the local park and to have fun outside, away from computers, iPads and Foxtel, and feel safe. Right now Victorians do not feel safe. Police stations are closed. In my own area police stations are closed and there are not enough police. In fact police on the beat are saying to me, 'I don't know why they're going to build a new police station, because we won't have the staff to be able to staff that police station'. The two-up policy I agree with; our coppers have to feel safe. But I have to tell you, when I call past my local railway station at night, the PSOs are missing. You do not see a police car out and about like you used to. The highway patrol cars, which you used to see, even back to the days of the candy cars, you do not see out and about anymore either. Do you know who understands that better than I do? The crooks. The crooks understand much better than we do that the coppers are just not around, that there are not enough police on the beat and that the police stations are closing.

When people ring up their local police station and cannot get an answer, cannot get security, cannot get safety and cannot get certainty, what does the government say? 'You should have rung 000'. When those girls were assaulted down in Mr Ramsay's electorate a little while ago, the government response was, 'They shouldn't have gone to the local police station in Torquay; they should have rung 000'. So it was their fault, was it? Was it their fault that they did

not ring the right number? I will tell you whose fault it was: it was Daniel Andrews's fault, because he will not walk the talk.

It is okay to bring in the Crime Legislation Amendment Bill tonight, but what is not sitting behind that is care for Victorians. We want more police. Victorians want more police. We stand in this house as legislators and say, 'We are here to protect the interests of Victoria'. Where are the coppers behind this? They are simply not there. He can spend \$1.1 billion not to build a road. He can spend \$20 million to create a new logo which is an upside-down triangle with the word 'Vic' —

**Ms Crozier** — Ten million dollars for Trades Hall.

**Mr ONDARCHIE** — There is \$10 million to upgrade the Trades Hall building, as Ms Crozier rightly points out, but not enough money to protect Victorians. Can I say, this government will not walk the talk. Forget Shane Warne and forget Harbhajan Singh; these are the true spin kings of the world, because they roll out the rhetoric, but they are not good at supporting Victorians. This coalition, the Matthew Guy coalition, is about protecting Victorians. Government, where are you?

**Ms CROZIER** (Southern Metropolitan) — I am pleased to rise to make a brief contribution to the debate on the Crimes Legislation Amendment Bill 2016. In doing so I note that the bill amends a number of acts in terms of inserting consideration of custodial officers into existing sentencing provisions relating to emergency workers in the Sentencing Act 1991, amends the Crimes Act 1958 and the Summary Offences Act 1966 to extend to custodial officers existing offence provisions for assaults on emergency workers, amends the Criminal Procedure Act 2009 to allow the admission of recorded evidence in proceedings for sexual offences heard in the Children's Court and introduces a general regulation-making power into the Crimes Act 1958.

There are a number of amendments to existing acts, but what the bill does is build on the reforms of the former coalition government. In particular I would like to acknowledge the work undertaken in relation to these areas by the former Attorney-General Robert Clark, a member in the Legislative Assembly, who did a considerable amount of work in relation to putting reforms in to protect emergency workers in particular. This bill really is an extension of that work that was undertaken at that time.

It is pleasing that the previous bill that I have mentioned, which the previous coalition government

was responsible for, is in place. A few days ago I was out in my electorate and somebody I was talking to told me of an incident at, I think, one of the hospitals in the northern region — I am not quite sure, but I think it was in that area — where a group of 12 bikies came into the emergency department in a very intoxicated and drug-affected state. There was very little these emergency doctors could do, and even the police were reluctant to become involved. We are seeing this sort of behaviour, whether it is bikie gang behaviour, whether it is Apex gang behaviour, whether it is other youth gang behaviour. We are seeing, as other members have mentioned, an unprecedented amount of very violent crime on our streets.

I have to say that I was alarmed only last week when I was again in my electorate having a forum. I mentioned the issues of the gang activity that is occurring in suburban streets, and a number of people put their hands up and said, 'It has happened to me'. One said, 'I was actually held up by three youths, had a knife put to my throat and robbed in Malvern'. Another one said that their son's friend was carjacked in South Yarra. Another one's story was reported in the *Herald Sun*; his daughters were the victims of assault outside a particular establishment in Church Street, Richmond. Another one had a home invasion. These were people going about their business, doing nothing wrong and being assaulted, being threatened, in a very violent fashion. But what was really concerning to me was just how many people in a very small forum had had these violent crimes afflicted on them in recent times.

It just demonstrates that there is a clear issue out in our community that law and order is out of control and that we do not have enough police on the beat. In the City of Glen Eira we have one divvy van that operates, and we have had home invasions and we have had very threatening behaviour, as has been reported, by youth gangs threatening Chinese students in Ormond. These are terrible crimes, and the police really are hamstrung — there are not enough police to back one another up to deal with this crime wave that is occurring across our city and across our state.

Seriously, we do have a new minister and I hope she is listening, because the Victorian community expects better than what we have got. They expect not just words, as were said by the Premier after the Moomba riots — he spoke tough, but his actions so far have been softly, softly. He really needs to come out and say what he means, because by God the public are judging him on this. The police need all the support they can get. It is clear that there is real concern amongst the community.

In relation to this particular bill, in relation to what this is achieving, it does introduce minimum standards for those who attack custodial officers, and I think that is a very, very welcome move to bring in line with the reforms of the previous government those people who work on the front line, whether they are emergency workers or custodial officers. In relation to the component about sexual offences, sexual offence cases from the Children's Court are currently required to have evidence repeated in the County Court in appeals, and this causes duplication and unnecessary delays in many cases, but it also causes a retraumatising of victims of the events. This will improve that situation. This is a sensible provision that will hopefully not allow that retraumatising to occur for those people who have had sexual offences committed against them.

With those words I do, along with my colleagues, support the measures in this bill. I would reaffirm my points about the need for more police. That is certainly a very real priority, and it should be a priority to keep the Victorian community safe.

**Ms FITZHERBERT** (Southern Metropolitan) — I am pleased to also stand this evening and speak briefly on the Crimes Legislation Amendment Bill 2016. I want to turn first to part 4, clause 9, because like Ms Patten, this was part of the bill that very much took my attention. I think it makes some very, very sensible changes. They are in relation to recorded evidence and making that admissible in relation to sexual offences heard summarily in the courts and in related proceedings. What this means is that complainants will not be compelled to come face-to-face with people who have been convicted, in the case of appeals, of dreadful crimes against those people and to relive the trauma that would go along with going through all of that again. I think that is a very, very sensible change, and it is good to see that in this bill.

The remainder of the bill deals with extending the provisions relating to crimes against emergency workers to custodial officers — to prison officers, police officers et cetera — who help protect us, and in return we need to ensure that they are adequately protected when they find themselves as victims of crimes. We have seen a fair bit of evidence of this recently. It is perhaps unfortunate for the government that we are considering this bill with these very provisions at the same time the government is grappling with rapidly increasing crime rates. We have seen this through the figures that are published regularly — that crimes of various sorts, including very violent crimes against people and individuals, are rising. Victorians see this as well.

This is an issue that is frequently raised with me by constituents. I had a piece of communication from a constituent last week who said that his most important issue was law and order, but in particular personal safety, to use his phrase, was an issue that was very much concerning him. We can see why: we have seen riots in our youth detention centres and we have seen riots at Moomba, a festival that is designed for families, for getting together in a peaceful manner and for having fun outside, but instead we have seen gang violence mar the Moomba celebrations. We have seen highly expensive jail riots as a result of a poorly implemented attempt to ban smoking. I think the cost of that is up to \$1 million or so, based on the most recent information I have seen.

I spoke earlier today about violent behaviour and violent crime that has occurred close to my office. Last week when I was driving from Parliament House to my electorate office in Port Melbourne I drove past Cecil Street, where it was obvious that something was up. There were police all over the place and the area had been roped off. When I got back to my office I discovered that there had just been another drive-by shooting — in Cecil Street, South Melbourne, on this occasion.

It was also on Friday — and I mentioned this earlier today — that one of the local Coles supermarkets was broken into twice. My staff told me that when they went to Coles that day they saw the broken glass where some people had broken in. The police attended, and after they left there was another break-in. I am not sure whether it was by the same people — I certainly hope not — but Coles was broken into twice on the same day in broad daylight, and this was on the same day that a few blocks away there was a drive-by shooting. So it is no wonder that people in my electorate, including people very close to my electorate office, are telling me that they are concerned about violent crimes and crimes against individuals in particular.

I see that this afternoon there has been a stabbing at Dandenong Plaza. At around 4 o'clock this afternoon a young man has been quite seriously stabbed, again in broad daylight. The police have attended, and a whole floor of that shopping centre has been closed down, presumably while the police look for the assailants, treat the area as a crime scene and gather the sort of information that they need. That is the backdrop for this bill, which deals predominantly with crimes and assaults against people who are custodial officers — people who are within the system in most cases and dealing with people who are either criminals or are suspected of having committed a crime.

What we are seeing around us is a very visible wave of crime that Victorians are becoming increasingly concerned about. They see it all around them. They read of home invasions. They read about people, as Mr Finn said earlier today, who are innocently sitting at home enjoying their own homes and are the subject of violent assaults when people break into their homes and commit burglaries, thefts and in some instances quite serious assaults. This is why Victorians are concerned. They see it around them in their suburbs, they see it on the news every night and they are thoroughly sick of it.

While I will be supporting this bill for what it does, it draws into very sharp relief the failings of this government in law and order and preserving the personal safety, as one of my constituents put it to me just the other week, of Victorians. That is the great unfinished job for this government.

**Motion agreed to.**

**Read second time.**

**Committed.**

*Committee*

**Clause 1**

**The DEPUTY PRESIDENT** — Order! We are dealing with the Crimes Legislation Amendment Bill 2016, a bill for an act to amend the Sentencing Act 1991, the Crimes Act 1958 and the Summary Offences Act 1966 in relation to certain persons performing custodial functions or exercising custodial powers, to amend the Criminal Procedure Act 2009 to provide for the admission of recorded evidence of complainants in proceedings for certain sexual offences heard summarily by the Children's Court and related proceedings, to amend the Crimes Act 1958 to provide further for the making of regulations under that act, and to make minor amendments to the Children, Youth and Families Act 2005 and for other purposes.

As I understand it, Ms Pennicuik has circulated her amendments to clause 1 and to omit part 2 of the bill and some consequential amendments. If Ms Pennicuik's amendments 1 and 2, to be moved together, are not agreed to, then the rest of Ms Pennicuik's amendments will lapse and will not be put. No other amendments have been circulated for the bill.

I will now call on Ms Pennicuik to move her amendments 1 and 2, which seek to omit certain words in the purposes clause. I consider these amendments to

be a test for Ms Pennicuik's remaining amendments 3 to 9.

**Ms PENNICUIK** (Southern Metropolitan) — I move:

1. Clause 1, lines 4 to 6, omit all words and expressions on these lines.
2. Clause 1, page 2, lines 1 to 5, omit all words and expressions on these lines.

I think they are really numbered 1 and 2 because they cross over pages. The effect of the amendments is basically to omit paragraph (a) of the purposes clause. That would, in effect, remove the parts of the bill that provide for expanding the statutory minimum sentences that exist for certain offences against emergency workers so that the same sentences apply to offences against custodial officers.

As I said in the second-reading debate, the reason for these amendments is that the Greens have a longstanding view, principle and position that mandatory sentencing is ineffective. It takes away judicial discretion and can result in unfair sentencing that is not in line with the circumstances of the offences, as serious as those offences may be. The offences that would apply to all are basically causing injury via assault.

I do draw the attention of the committee to the fact that the Greens are not opposing part 3 of the bill, which does extend the provisions under the Crimes Act for the offence of assaulting a custodial officer or hindering the work or obstructing the work of a custodial officer. Those particular offences do attract reasonably high penalties — in the first instance up to five years imprisonment for assault — but it is not a mandatory sentence. We would say there is enough there, and there is enough discretion in the judiciary to apply the governing principles of the Sentencing Act, as I mentioned, in particular the fact that a sentencing court would take into account all the circumstances regarding any offence with which a person is charged, including aggravating circumstances and the behaviour of the offender.

Really we have seen no evidence ever presented in this Parliament as to the need for mandatory sentencing. It is something that is not required in the statute book. There are already enough tools in the toolbox for courts to use under the Sentencing Act and under the Crimes Act, with the sentences that are already attached to certain offences. While the Greens abhor any attacks on anybody, be they an emergency worker, a custodial officer or any other person in the community, we feel

there are already enough powers under the Sentencing Act without mandatory sentencing. As I said, that can lead to unjust outcomes and unintended consequences that we should be avoiding. We should maintain judicial discretion.

Of course I did not mention in the second-reading debate that there is always the appeal court. The Director of Public Prosecutions has often appealed a sentence he has felt was not appropriate. There are those mechanisms, as well as the judicial commission, for educating and keeping the judiciary up to speed with sentencing requirements. We feel this provision is not necessary, and therefore we seek to remove it from the bill but leave the other provisions in the bill, which we do support.

**Mr O'DONOHUE** (Eastern Victoria) — The opposition will not be supporting Ms Pennicuik's amendments.

If this is the appropriate time, as this is a discussion on clause 1, I would like to raise some comments with the minister following the second-reading debate. I noted the comments from Mr Melhem about the number of assaults at the Metropolitan Remand Centre (MRC) during the riots as well as the comments from Ms Patten about the ongoing restricted regime at the MRC with the lockdown. I wonder if the minister can provide some advice about the number of prison officers who were injured as a result of the MRC riot and how many of those who sustained injuries continue to be absent from work due to the injuries that were sustained.

**Mr HERBERT** (Minister for Training and Skills) — I thank Mr O'Donohue for his question. Whilst we know there was significant damage to property — very significant damage — I do not have the information. I just checked my other notes here. I do not have the information on whether there were physical injuries to MRC wardens or staff during the riots. There may have been others following. I guess there is stress and a range of other things, but I am afraid I do not have that information at hand. What I can inform Mr O'Donohue, though, is that in 2015 there were 15 attacks on staff in private custodial settings. I do not have the other information about whether there were injuries sustained or whether there were consequential WorkCover claims or people taking time off.

**Mr O'DONOHUE** (Eastern Victoria) — I thank the minister; I appreciate that answer. Would the minister be able to take on notice that question about whether there are any staff with WorkCover claims because of

psychological or other issues flowing from the event? One case springs to mind where I think a prison officer's personal details were accessed, so there are other situations besides physical injury where prison officers have had challenges as a result of that. That is the first point. I would appreciate it if the minister could take that on notice, and I thank him.

The second question flowing from the minister's answer is: when the minister says there were 15 officers in private custodial settings, is he referring to 15 officers at privately run prisons?

**Mr HERBERT** (Minister for Training and Skills) — The answer is yes to that. On the issue of taking things on notice, I am happy to, but I am not sure whether the police have finished their investigation or not, so it is subject to that.

**Mr O'DONOHUE** (Eastern Victoria) — Is the minister able to advise how many WorkCover claims were made in the public prison system now that he has identified the private prison system?

**Mr HERBERT** (Minister for Training and Skills) — I thank Mr O'Donohue. I will also have to take that on notice, although I can — and I was going to in the government's response to the Greens amendments — just point out that there is an issue, of course, of occupational violence for custodial officers. That is a major concern. The figures I do have in front of me show that there were 113 incidents against prison staff that caused injury in 2013–14, which I am sure Mr O'Donohue is aware of, and there were 80 in 2014–15. On the actual question, I will have to take that on notice.

**Mr O'DONOHUE** (Eastern Victoria) — Like Ms Patten, I have been to the MRC since the riot took place, and I echo some of her observations about the heightened atmosphere at the prison. Is the minister able to advise the house what the current regime is for prisoners being released from their cells and how long that restricted regime is likely to last for?

**Mr HERBERT** (Minister for Training and Skills) — If I was not aware, I would say, 'Where did you get this information from? You must have been involved heavily in a past life', as I know Mr O'Donohue was. I do not have that information, but I am happy to get that information for the member. I will be visiting the remand centre on Friday, as a matter of fact, so maybe I will ask directly whilst I am there. It is pretty important to get around, as I think Mr O'Donohue will appreciate. I have not been in the job too long, and I am going to make a real effort to get

around to our prisons in a fairly short time frame. It is my intention to be at the remand centre on Friday, so maybe I can ask that question directly while I am there.

**Mr O'DONOHUE** (Eastern Victoria) — I appreciate that and look forward to receiving that information.

**Mr HERBERT** (Minister for Training and Skills) — The government will not be supporting the Greens amendments on this particular bill. We believe that basically strengthening protection for people who look after prisoners and people in police custody is important. Occupational violence, whether it is in prisons or other places, is unacceptable. We simply do not accept that occupational violence when people are on the job is acceptable in any form in the modern world.

I have gone through the incidents where custodial officers have faced real harm in the last few years in answer to Mr O'Donohue's questions, but clearly the incidents at the Metropolitan Remand Centre further demonstrate that it is a challenging role: anything can happen quickly and custodial officers should be protected. We think they should have similar protection to that of emergency services workers, who are also often exposed to unique threats of occupational violence. As everyone knows, the previous government introduced statutory minimum sentences for attacks on protective services officers, ambulance officers, paramedics and other emergency services officers; we believe that custodial officers have similar rights and they should be protected.

Without getting into a lot of debate — I am sure we could get into this, and I certainly mean no disrespect to Ms Pennicuik — we do not see this as an issue of mandatory sentencing because there are special reasons which can allow the courts, as Ms Pennicuik alluded to, to avoid the statutory minimum sentences: for example, when an offender's mental functioning is impaired or perhaps an offender has assisted authorities in their investigations. So we will not be agreeing to it. We agreed to some amendments in the last sitting week — we broke the drought there — but I am afraid it is back to business as usual, and we certainly will not be supporting these amendments.

**Mr O'DONOHUE** (Eastern Victoria) — I was going to raise a different question on clause 1. Just for the sake of clarity, I note that clause 1 refers to persons authorised under the Corrections Act to exercise certain functions and powers. Can the minister clarify whether these provisions apply to staff and workers at Corella

Place and the Emu Creek facility that is up and running?

**Mr HERBERT** (Minister for Training and Skills) — I thank Mr O'Donohue. They do apply to those staff and private prisoners. The definition of a custodial officer in the bill is prison governors, prison officers, escort officers, police custody officers and private contractors performing roles of that nature in a private prison and private custodial setting. I am advised that it will apply to Corella Place and Emu Creek.

**Ms PENNICUIK** (Southern Metropolitan) — If I could just respond to some of the comments from the minister. I just want to reiterate that the Greens are fully supportive of custodial officers as defined in the bill being protected and not being subjected to occupational violence, but the argument really is whether mandatory sentencing as provided for in this bill is actually going to protect custodial officers from occupational violence. It would seem to me that the government needs to make sure that prisons are not overcrowded and that custodial officers are well resourced and well supported and have plenty of training and plenty of backup, and the government should be working with the relevant union with regard to that. That is how you are going to prevent occupational violence, and that should be the focus — prevention of occupational violence in custodial settings.

I also just want to go to what everybody has been saying during the debate on this bill — that it is because of two incidents. Two incidents have been pointed to. The incident at the remand centre was described by the corrections office as an isolated incident and even described by the union representative as a bit of a shock and coming right out of the blue. The minister mentioned that some custodial officers have been injured, and I accept that is the case, but the statistics do not show, apart from those instances, that there is a rising problem, and there is no evidence being presented to this Parliament that the courts are not dealing with this properly under the existing sentencing provisions.

It is important to put that on the record. We think the focus should be on prevention and on occupational health at all times, and not on mandatory sentencing, for the reasons I have already outlined.

#### **Committee divided on amendments:**

*Ayes, 6*

Barber, Mr	Patten, Ms ( <i>Teller</i> )
Dunn, Ms	Pennicuik, Ms
Hartland, Ms ( <i>Teller</i> )	Springle, Ms

*Noes, 34*

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

**Amendments negatived.**

**Clause agreed to; clauses 2 to 14 agreed to.**

**Reported to house without amendment.**

**Report adopted.**

*Third reading*

**Motion agreed to.**

**Read third time.**

**PARLIAMENTARY BUDGET OFFICER  
BILL 2016**

*Second reading*

**Debate resumed from 24 March; motion of Ms MIKAKOS (Minister for Families and Children).**

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — I am pleased to rise this evening to make some remarks on the Parliamentary Budget Officer Bill 2016. It is a surprise that this piece of legislation is before the house tonight, because this is the bill that in 2013 the Labor Party combined with Geoff Shaw to defeat in the other place. This is a bill largely taken from a bill that was introduced by the coalition government in 2013. It was a commitment of the coalition to establish a parliamentary budget officer (PBO). Legislation was brought before the Parliament in 2013 by the then Minister for Finance in the other place, Robert Clark, and that piece of legislation was argued against by the now Treasurer and by the now government, and with the Labor Party combining with Geoff Shaw that piece of legislation was defeated. The Parliamentary Budget Officer Bill 2013 was defeated on the joint vote of the Labor Party and Mr Shaw, so it

is now surprising to see a largely similar piece of legislation — —

**Mr Leane** interjected.

**Mr RICH-PHILLIPS** — It is good to hear that Mr Leane acknowledges the Labor Party — —

**Mr Leane** interjected.

**Mr RICH-PHILLIPS** — I am very happy to take up Mr Leane's interjection, wherever he may be sitting, and his acknowledgement that the Labor Party was wrong on that — and no doubt on many other things.

It is a surprise, therefore, that we do see back before the house a bill which is largely modelled on the 2013 bill — a bill that the now Treasurer spoke against and a bill that many other members of the government spoke against but are now bringing forward a version of as government policy.

The key provisions of this bill include the establishment of a Parliamentary Budget Officer (PBO), who is an officer to be appointed by the Governor in Council on the advice of the relevant minister, the Treasurer, but with the recommendation of the Public Accounts and Estimates Committee (PAEC). This is a mechanism that is currently used for appointments of auditors-general. In fact the Public Accounts and Estimates Committee is currently going through an appointment process for a new Auditor-General following the resignation of John Doyle. This is something that PAEC has undertaken on I think three or four occasions now for auditors-general back to the 1990s, so it is a mechanism that has been tested with respect to the office of the Auditor-General and it is probably an appropriate mechanism for the appointment of the Parliamentary Budget Officer.

The legislation provides that the appointment is for a term of four to eight years. One of the issues of course with these appointments, as has arisen with the Auditor-General's appointment, is the timing of an appointment between election cycles and the need for that appointment to take place away from the colour and movement of an election cycle. The Audit Act 1994 does not allow for that. The way the Audit Act is structured and the perhaps ill-advised amendments to the constitution by the Bracks government, which now make it virtually impossible to amend the Audit Act with respect to the term of the Auditor-General, mean that with a seven-year appointment we do have the Auditor-General's appointment coinciding with an election cycle, which is an unfortunate timing issue where the resolution is difficult. It would be important with the establishment of the PBO to ensure that the

recruitment and appointment of that officer does not coincide with an election cycle and the attendant heightened activity that surrounds it.

The bill gives the PBO the power to establish the office and hire staff and consultants, and it basically puts in place the structure that is required for an office of this nature. The key role of the PBO is to undertake costings of policy requests from leaders of political parties. The bill is structured in such a way that allows for requests from party leaders to initiate costing activities, and it currently requires that those requests be made by the Tuesday prior to an election. The bill also provides that following an election the PBO has the statutory responsibility of costing policies which were announced by party leaders, whether or not a request for costing was made. Parties may choose to use the PBO or they may choose not to use it in terms of establishing the cost base for their election commitments, but once an election has occurred the PBO will have the role of undertaking a costing exercise on policies that have been announced publicly by a party leader.

That is an area that has raised some questions for the coalition and has led to one of our proposed amendments with respect to this bill, and I ask that those amendments be circulated.

**Opposition amendments circulated by  
Mr RICH-PHILLIPS (South Eastern Metropolitan)  
pursuant to standing orders.**

**Mr RICH-PHILLIPS** — One of the issues that arises in respect of that provision is in fact to define, for the purposes of post-election costing, what a policy is. Is it something that is merely a statement made by a party leader in response to a question in a public forum? Is it a document that has been published by a party, be it on a website or elsewhere, as a policy document? What are the parameters that fit around a definition of ‘policy’? Obviously, in that context, what responsibility does the PBO have for identifying those policies? If a policy announcement is made during the course of a radio announcement in country Victoria, how is the PBO to be aware of that and what obligation does it have to cost it?

One of the coalition amendments that we propose to make to the bill is actually to define policies as those which are published. It is very clear that there is an intention on the part of the party or the party leader to actually put in place a policy document which will be the basis under which the PBO would then undertake the costings, rather than straying into areas which could be as unclear as a statement of policy made in a radio

interview in response to a question from a caller, which may or may not, depending on the interpretation of the PBO, reflect a policy announcement from a party leader.

One of the other curious provisions of the bill relates to correspondence between an MP or a party leader and the PBO in respect of matters relating to costings where a party leader may have requested costings be undertaken by the PBO. The legislation as drafted currently prevents an MP from releasing that correspondence where that correspondence has been entered into with respect to obtaining costings.

It is the coalition’s view that that is an inappropriate restriction on political discourse and that if there has been correspondence between the PBO and a party leader or a member of Parliament on costings, the option should be available to the member of Parliament to release that correspondence, particularly where the basis of costings may be in dispute, where an assumption made by the PBO is not one that is agreed to by the party or the party leader, or where there has been public debate and discourse. One of the amendments we are proposing to make is to provide that, following notice, the member of Parliament who has had the correspondence with the PBO would be able to release that correspondence that was the subject of dispute or the subject of contention, either publicly or on a restricted basis.

One of the other provisions and one of the differences between this legislation and the bill that was introduced by the coalition in 2013 relates to the underlying assumptions which are available to the PBO to base its costings upon. The bill provides that information that is not public, that has not been publicly released — this may be forecasts made by Treasury that have not been released or budgeting data that is held by Treasury but has not been publicly released — is available to the PBO, because the PBO under the legislation will have the capacity to seek information across government for the purposes of its costing activities. Under the legislation as drafted, the PBO will be able to use information which is not published, which may be more up to date than published forecasts for data, and use that for the purposes of costings.

It is our view that where that type of information is used it should be subject to disclosure — not necessarily the data but the fact that unpublished data has been used — so the basis of costings is more transparent. Recognising of course that non-government parties, non-government MPs, will largely only be able to base their own assessments of costings on published data, we think it is important that where the PBO uses

unpublished information that it at least flags that it has used unpublished information in its report back to the commissioning MP and in any subsequent public reporting that is made following an election cycle.

One of the other amendments we are seeking to make to this bill relates to the timing. As I indicated at the outset, the bill requires that requests be made to the PBO by Tuesday of the election week. It is our view, having examined the cycle for costings release in previous elections, that the Wednesday leading up to the election would be a better time frame and more reflective of the time frames that have been used in the past for preparation and release of costings information, and therefore it is our proposal that in clause 36 of the bill an amendment be made to change ‘Tuesday’ to ‘Wednesday’ to provide more flexibility to party leaders and MPs in the commissioning of the costings and in the release of their policy framework.

This is a bill that the coalition does not oppose. As I indicated, that is because this bill is largely drawn from the bill that was introduced into this Parliament in 2013 by the coalition and defeated by Labor joining with Mr Shaw in the other place. So the genesis of the bill is that bill that was introduced by the then finance minister, Robert Clark, the member for Box Hill in the Assembly. There have been some changes to the bill, and the amendments the coalition is seeking to make largely address those differences between the 2013 bill and the bill before the house tonight.

We believe that the introduction of a Parliamentary Budget Officer has the potential to be a good thing. Obviously the way in which it is used by parties and the way in which it operates will determine whether it does become a feature of the parliamentary landscape in Victoria or whether it becomes a white elephant. Only time will tell whether that is the case — whether it becomes an office that is ignored by parties because they do not have confidence in it or in how it is working or whether it becomes a valuable resource for members of Parliament. Likewise with the exercise which takes place post-election in the reporting of costings of policies of parties pre-election; confidence in that exercise and confidence in the way in which the PBO undertakes that will be crucial to the success of the office in the future.

The coalition does not oppose this legislation. We welcome the concept of the PBO, given it was an initiative of the coalition government in 2013. We believe that there are some differences between that bill and this bill which should be rectified to make the PBO more flexible for members of Parliament, to provide greater assurances as to the basis on which costings will

be prepared and to ensure that there is ongoing confidence from members of Parliament in how the office operates. I should add that one of the other amendments that we are seeking in that vein is to strengthen the confidentiality provisions in respect of the way in which the office operates with information it receives from members of Parliament for a costings exercise, because confidence in the confidentiality of the office as well as the capability of the office will be crucial to its future success.

We do not oppose this legislation. We believe that some minor amendments are desirable to make it more flexible and to make it more appropriate for what members of Parliament need, and indeed the public needs, in understanding costing structures around election commitments. We look forward to seeing this legislation go forward, and more importantly, we look forward to seeing an appropriately structured PBO become a valuable addition to the political landscape in Victoria.

**Mr BARBER** (Northern Metropolitan) — The establishment of a Parliamentary Budget Officer (PBO) will give Victorian voters and even other observers, political commentators, information on the fiscal and economic impact of election commitments. It will operate in a similar way to the commonwealth PBO in that it will be a full-time office with different duties during election periods than at other times.

The Napthine government introduced a PBO bill, which was defeated by Labor and Geoff Shaw in the lower house. The Liberal PBO would have been a temporary office only during the election period. That bill did not ever make it to the upper house, and therefore the Greens MPs at the time did not have an opportunity to put our view. However, I did in fact make a submission to the process that Treasury set up. I actually proposed a longer time period — this is to the former government’s bill, the Liberal government’s bill — for the pre-election body of work and also stated a preference for a permanent office. I supported the establishment of memorandums of understanding between the PBO and other government departments to obtain the information they need, the independence of the office and measures to avoid cabinet confidentiality being used as a reason to withhold information from the PBO. In fact all of those matters are reflected in this current bill, so you will not be surprised to hear that the Greens will be supporting this bill.

The PBO will overwhelmingly assist opposition parties. The government has Treasury, and at the next election it will also have Infrastructure Victoria if it chooses to seek advice from that body. The Greens used the

commonwealth PBO extensively in the lead-up to the 2013 federal election and into this election that we are in. In fact the commonwealth PBO was set up as the result of an agreement between the Greens and the Labor Party to form government; that was with the Gillard government. One of the many measures that we agreed upon in order to support the Labor government with confidence and supply was to set up the commonwealth PBO, and so far we have been quite pleased with the way it has been working. As I said, we have been making extensive use of that PBO, and I look forward to this PBO being established because I am sure the Greens will be its best customers and its members will probably be down there on opening day ready to hand over their tokens.

There are a number of key issues that we need to look at though in determining if we think the model is right here. Will the PBO be an independent officer of Parliament? We have gone through and compared the relevant sections of legislation for different independent officers of Parliament and we are sure that as far as there is any consistency amongst the different pieces of governing legislation for what are known as independent officers of Parliament this one is making a reasonably good model for that.

Can the PBO get the information it needs to do its job? That is very important. First of all, the PBO will have similar information-gathering powers to the commonwealth PBO. The commonwealth PBO reports that the system of information sharing is working well. Most information sharing is under formal and semi-formal arrangements with public sector bodies. Like the commonwealth PBO, the Victorian PBO will be allowed to ask private bodies for information. The provision of information will be voluntary.

In relation to commercial in confidence, clause 26 of the bill provides that as a grounds to deny a request for information in circumstances where there is no memorandum of understanding (MOU) as set out in clause 25, or the MOU is not adequate. Clause 3 defines confidential commercial information' as that which would be 'likely to expose the undertaking unreasonably to disadvantage'. 'Unreasonably' was suggested to us as being intended to narrow the exemption to live negotiations for contracts. We may get into that issue a little bit when we get into committee of the whole just to get an answer on the record which supports the narrow interpretation of this exemption. In fact if we can achieve that threshold, then we would actually be in a better situation than the commonwealth provision, which has no separate definition for 'confidential commercial information'.

In relation to cabinet confidentiality, clause 25 — again with the MOUs — and clause 26, provision of information outside of an MOU, both refer to section 28 of the Freedom of Information Act 1982, which is the FOI exemption for confidential cabinet information. The wording is ambiguous; however, the explanatory memorandum indicates that the effects will be that public sector body heads will warn the PBO when they provide information that is an exempt document under section 28 of the FOI act but they will nevertheless hand over the information. This interpretation is further strengthened by the existence of clause 37(2)(g)(v), which provides for the PBO to protect documents that would be exempt under section 28 of the FOI act on top of the other general provisions for keeping confidential information confidential.

Clause 56 stops people using the PBO as effectively a back door to get a hold of confidential information that they would otherwise not be able to access through FOI. If there was any chance the FOI provisions that are shadowed in clauses 25 and 26 of the bill will be interpreted as a reason for a public body to avoid providing the PBO with information, we would be quite concerned about that. If that were the case, a hostile government would be able to use cabinet confidentiality to stymie the PBO. And what would be the point of that? What would be the point of setting up a PBO and then stymieing its access to information?

In fact you could then have a situation where the government of the day was promising a particular policy based on the information it has got and has considered in cabinet and the PBO could be asked to cost, effectively, an identical policy and could come up with a different number for what is agreed to be the same policy. That would defeat the purpose of the PBO and in fact would just create a bunch of confusion amongst the public to no political benefit, because while I said opposition parties will be the major users of this thing, the major beneficiary of the PBO is actually the people of Victoria. It is not just there for opposition parties to make better policies. It is actually there to tip the balance of information more towards the public, who get an independent officer of Parliament that can cost things and decide whether the promises being made by parties are underdone or in fact, through the processes of this bill, can force those parties to come up with more accurate numbers. Frankly, forcing parties that might be a part of an incoming government to more accurately cost their policies is not only good for democracy but it probably also saves money in the long run. It would save us from some of the gotcha efforts where they come into government and suddenly find that what they promised in opposition was insufficient.

Unlike actual FOIs, there are no grounds for appeal on whether a document has been correctly identified as an exempt document. It is all very well to import that definition from the FOI act into this act, but that definition when it is an FOI application is subject to testing at tribunals. Here it is simply a never-ending argument between two different bodies as to whether a document is correctly identified as cabinet in confidence.

The other issue we considered quite closely is whether the post-election reporting will include all policies or just the ones the party has chosen to release amongst the ones it has had costed by the PBO. The post-election report, according to our reading of the bill, will include the policies of each parliamentary leader that were publicly announced before the date of the general election whether or not those policies were the subject of an election policy costing request. This is again similar to the commonwealth provisions. Our submission back at the time of the 2013 discussion paper included support for the post-election report. In fact we suggested that a report be done at the end of the calendar year following the election to include any policies announced that were not even submitted for costing or that were unable to be costed prior to election day.

Should there be an automatic trigger for the PBO to release a costing? The bill gives the party leader absolute control over whether, and therefore when, the PBO releases the policy costings during an election period. This is similar to the commonwealth PBO. I understand that the coalition and others are going to try to perhaps create some controversy around this. It is entirely possible to start asking a series of what-ifs about all the provisions in this bill. But we have the advantage of having seen in operation and being intimately involved with the commonwealth PBO where, as I say, many of the same provisions are reflected, and we have just a little more confidence in the PBO itself than those others who would like to perhaps posit the most extreme examples of manipulation of process.

That is not what this is about. In fact there is not a lot of incentive to do that. Fairfax journalist Peter Martin has written a series of articles calling for the automatic trigger provisions at the commonwealth and state levels to stop a repeat of the 2013 federal election, where Tony Abbott claimed PBO authority for his costings but then did not release them. Peter Martin says Bill Shorten is starting to use some of the same dance moves. I suppose it indicates that the threat of a post-election report is not sufficient to spur some party leaders into releasing the costings when it really

matters — during the campaign. The Napthine government's PBO bill included an automatic release provision, so I have no doubt the Liberals will be raising that again — but then again they are in opposition now, so I suppose it is more likely to apply to them.

I have not had a chance to scrutinise the amendments that Mr Rich-Phillips has just circulated, but we will get to those when we get to the committee stage. The main problem, though, with an automatic release, the way we see it, is that the PBO has to make a judgement call on whether a party leader has (a) formally announced a policy and (b) announced the same policy as the one that the costing was based on — that is, with the same assumptions and details. No matter how much you try to put more legal controls around this, there will always be a way to sidestep it. A party could get a spokesperson instead of a leader to announce the policy. Even a very tightly worded automatic release trigger creates uncertainty. For example, if the trigger was a party leader making a public statement that the PBO had costed a policy, it still creates uncertainty for the PBO. What is a public statement? How does the PBO monitor all public statements? And the parties can still sidestep the trigger if they want to.

As I say, we have had a good record with the PBO. A trigger is not our problem, and frankly there is no way to make Tony Abbott stop being Tony Abbott or make Bill Shorten stop being Bill Shorten. Certainly the Greens will be able to use this and expect to make full use of the PBO. During the election period the PBO focuses on work for the Parliamentary leader. Outside of the election period the PBO has broader education policy development and costing functions for all MPs.

There are others who have argued that this PBO bill should go further — that the PBO should start doing its sort of own-motion analysis of various public finance issues. I would love to see that. That would make it something like the Congressional Budget Office over in the US, which seems to provide quality assurance against all of the different statements, including those of the government, unsolicited, or at least the executive as it works over there. However, the amount of money that this government is willing to provide to the PBO is in fact a rate-limiting factor.

I would love to be here moving amendments to expand the scope of the PBO, but in fact it has only got X amount of money. It is going to inevitably go after its core functions. So the parliamentary leader is not necessarily triggered to party status or any other piece of statute. It simply includes a member of Parliament who is the recognised parliamentary leader of a

registered political party. The definition of a parliamentary leader also would provide for Independents and MPs who do not have recognised leaders to make use of this.

We are quite pleased to see this bill appear. We are really looking forward to the PBO being set up. It will certainly require greater rigour from those who like to throw around election promises, and we think that the major beneficiaries of the establishment of this body will be members of the public, who are going to hear some independent assessment of party policies, the costings associated with them and the assumptions that have gone into them — and that will apply, of course, on both the spending and the revenue side. I hope this bill can be advanced and the office can be established as soon as possible.

**Mr MULINO** (Eastern Victoria) — I rise to speak in support of this bill. This is an important reform that will improve the quality of policy development and the standard of public debate, particularly during election campaigns. I just want to make a couple of very high level observations before running through the key elements of the bill — without going into quite as much detail as previous speakers, who have covered those elements in some detail.

One aspect of the current political debate we have in Australia at the moment is that there is an increasing interest on the part of the public — understandably — in the fiscal impacts of a range of policies. There are a range of fiscal constraints on governments at all levels — and this is not a partisan comment; this is affecting all governments in Australia and will for some time. So people understandably want to understand the fiscal impact of various policy choices. Not just that; they are also interested in more than just the single-year impact of policies. Many of the policy issues we are facing these days, such as climate change, and many, many other issues — infrastructure and so on and so forth — have multi-year impacts, so people are increasingly interested in not just ‘How much is this going to cost as an upfront?’ but also ‘What is the impact going to be over the medium term?’, for example. People want quality, independent costings.

A second aspect of the current debate that I think is relevant is that many in the public feel they are being bombarded with figures and statistics that are often not necessarily all that meaningful. They often feel as though they are being bombarded with figures on the same issue in a way such that it is very hard to distinguish between the different numbers or the different modelling approaches. I think it is in that context that it is important that an institution like this is

established. As I mentioned right at the start, this will improve the quality of debate in that there will be an expectation that all political parties will have their major policies subjected to this independent, rigorous process. In addition, I think it is actually going to be advantageous for the political process for there to be a perception on the part of the public that the numbers they see matter and mean something. I think that to some degree the understandable cynicism that is creeping in is damaging our political debate and our political institutions, and I think that an institution of this sort could be very important in re-establishing the public’s confidence in the figures they are presented with.

So what we see with the Parliamentary Budget Office is an institution that is going to strengthen public debate by providing all political parties with access to independent advice, and that is going to level the playing field by giving other parties — and this is particularly relevant to minor parties and Independent MPs — access to the kind of quality advice that would be more difficult for them to otherwise access. It will also facilitate iterative policy development by all parties, and again this is something that will disproportionately benefit the crossbenches in my opinion. It will also, I believe, encourage all parties and Independent members to release the independent costings of their policies, because that will become the standard benchmark. As I mentioned, I think this is going to particularly benefit this chamber, because this chamber disproportionately has a very diverse membership in terms of the different kinds of parties that constitute its membership. So I think this is a very apposite place for us to debate the benefits of different political parties being able to access this advice.

I am not going to dwell too much on history, but not surprisingly, as distinct from the first speaker on this bill, we would argue that the model that was put forward in the previous term of government was inferior to what we are seeing here — that a permanent model is a better model and that a permanent model provides more institutional meat, by providing for permanent staff rather than seconded staff and providing for the capacity to develop policies over a longer period of time rather than just during the election period. So the permanence of the PBO in this particular model is an important improvement on the previous model. We believe that the independence of the PBO is absolutely critical, in terms of the results that it achieves but also in terms of the confidence that people have in the output that it produces. It is also important that the PBO be able to look at not just election costings but general costings in order to satisfy that general policy development role.

Under this bill the PBO will be led by a Parliamentary Budget Officer, who will be an independent officer of Parliament with the power to employ staff and engage consultants. This power is critical. The PBO will be constituted as a separate office within Parliament. It will be overseen by the Public Accounts and Estimates Committee (PAEC). It will have a mandate to prepare election costings at the request of parliamentary leaders but also to produce general costings. It will publicly disclose those costings and advice at the request of relevant MPs, and where there is not a request to publicly disclose, the PBO will have the power to correct a public misrepresentation of its costings. I think that will be an important way in which people can have confidence that if they come across public statements or claims in relation to something that the PBO has examined, those claims will be accurate.

It is important to note that the PBO will operate confidentially. It will have extensive information-gathering powers, but in providing information, departments will be able to require that the information be kept confidential. It will prioritise election requests, which I think is important. As I mentioned earlier, the permanence of the body and its capacity to undertake general costings is an advantage of this model. But I do think that the priority of this particular organisation will be to facilitate the highest possible public debate, and confidence in that public debate, during election periods. Finally, it is worth noting that the bill, in addition to having oversight by PAEC, will provide an annual report to Parliament on the operations of the organisation and after each state election.

This is a very important and positive reform, and I believe it will benefit many of the political parties and Independent MPs in this place. I think that it will improve not just the quality of debate but the confidence of people in the community about what they hear from politicians, which is a separate but worthwhile gain from this kind of reform. I think this reform reflects similar kinds of initiatives in other jurisdictions in Australia — notably the commonwealth — but also in other countries, and in that sense it reflects a broader move in many areas to use to the advantage of public debate the potential for an independent expert body such as this. So I support this bill, I commend this bill to the house and I look forward to hearing from other speakers.

**Business interrupted pursuant to standing orders.**

**Sitting extended pursuant to standing orders.**

**Mrs PEULICH** (South Eastern Metropolitan) — I also wish to speak on the Parliamentary Budget Officer Bill 2016, which is the result of Labor's stymieing of the coalition's attempt in 2013 to introduce a similar bill, albeit more limited in terms of time, which was based on the New South Wales model rather than the commonwealth model.

The bill in 2013 was stopped by Labor in the Assembly with the support of Geoff Shaw. Notwithstanding the Labor Party had some views about how the bill could be different — in its thinking, more robust — I still think it was just sheer opportunism to stop it when we could have already had the benefits of a parliamentary budget office, and of course on winning government the options are always there for the government of the day to make amendments to its workings.

Nonetheless, I note the comments made by Mr Mulino and agree with many of them. In particular I think the public does want a trusted source of information. In a world where there is an avalanche of information through all sorts of means, whether it is Twitter, Facebook, the internet, newspapers online or in hard copy, books and whatever around the world 24/7, people are simply inundated and often do not really know, nor do they have the time to synthesise and connect, the information they receive. In particular where there is obviously competing information of competing veracity perhaps based on different parameters and different assumptions there is distrust and so the ability of the public to acquire and have trust in a source of information is a very, very powerful position.

This certainly could be a very, very powerful position, and I hope it is. I hope it is indeed a very successful one. Of course there are concerns, and those concerns are reflected in the amendments to be moved by my upper house colleague the deputy leader, the Honourable Gordon Rich-Phillips.

The bill outlines the operations of the PBO's office and the method of appointment. The method of appointment that the government has accepted is actually based on the previous bill, which came out of a discussion paper. I am not sure whether Mr Barber actually made a submission to that particular discussion paper. It is not necessarily the model that was preferred by the submissions, but it was deemed to be, after much consideration, one with appropriate oversight by the Public Accounts and Estimates Committee (PAEC), in particular the appointment of the PBO. It has to be recommended by PAEC and also agreed to by both houses of Parliament.

The PBO will need to hire staff and consultants with general obligations of confidentiality attached, and this is obviously one issue where the test of the PBO's office will be seen — its capacity to maintain confidentiality and not be drawn into the political play of the political parties. As mentioned by Mr Barber the PBO will obviously need to establish protocols, and there will be a work plan. The precedence given to election costings will kick off on budget day of the election year, concluding at 5.00 p.m. on the Tuesday before the election. Mr Gordon Rich-Phillips has moved an amendment on that, which I think makes sense. During this period the election costings take precedence over all of the other work that would be undertaken by the PBO.

The PBO will need to establish protocols in terms of how the office works with public sector bodies as well as the private sector to access information to assist with costings. As Mr Barber mentioned it is not obligatory for the private sector to provide information, but public sector bodies will need to provide information unless of course the head believes that it is not practicable, that it is unlawful, that it is prejudicial to national security or that it would require the disclosure of confidential information, so there are a number of exemptions there.

Each occasion on which the request for information by the PBO is declined by a public sector body head is to be reported in the PBO's annual report, and that adds to the accountability and transparency of the regime. The public sector body head may request that the material provided to the PBO be kept confidential and may advise that the material sought is subject to cabinet confidentiality. One of the concerns of course is that the costings be based on the most recent published information, rather than information that may be held by the departments and of which the opposition at the time may not be aware. So if we really want to make it a level playing field, it must be information that is equally accessible to everyone, not just to one political party, being the government of the day.

As Mr Barber mentioned, in this regime the government of the day will rely on the work, the resources and the advice of the Department of Treasury and Finance, whereas it is anticipated that opposition parties will use the opportunity of the Parliamentary Budget Office resources, advice and service. I certainly believe that it is critically important to make sure that everyone has access to the same information, rather than just the government of the day, so we need the published protocols and we need some strong assurances about confidentiality. In particular I guess my concern, having been around the block a few times in this game, is the manner in which information

travels — through porous walls of the public service and parliamentary offices — and the importance of maintaining that confidentiality so as not to lose a political advantage in the contest of our democratic elections. This will be a test, and I certainly hope that it all works out hunky-dory, because if it does not, the entire PBO will fail to establish the trust on which it will rely, and therefore it will not serve to bolster the performance of political parties and their capacity to generate policies which are costed.

The policy costing will be prepared and provided to the leader who requested it, with the costing summarising the policy information provided by the leader to the PBO, rather than releasing it in full, which is important. The objective to release all policy costings within two months of the election, whether the political party wins office or not, I see as a waste of a resource. For me it makes no sense that a defeated party's election policies are costed, but it is there, and we will see.

We will obviously need a bit of crystal ball gazing, and this leads me to one final point I would like to make, and that is: even if costings are accurate, it does not necessarily mean that the political party elected to office sticks to the policies as it committed to them or that there are not other deals that are done — for example, we have seen the enterprise bargaining agreement (EBA) deals — which impact upon the policy costings of the government. They may be accurately assessed two months after a party is elected, but it would be interesting to see how it would be assessed three months before the next election. If we were to ask whether indeed the original policy costings stayed true to the promises that were made, with all of those very generous EBA arrangements impacting on the individual portfolio policies, I would suggest the answer would be a very strong no.

Apart from that of course we have seen that significant policy implementations are often subjected to cost blowouts, so this is not the be-all and end-all. This is not the panacea; this is just an opportunity for political parties to lift their game. We will certainly see how that works. I am of course always circumspect about these panacea solutions, but I think it has opportunity.

The PBO will have the power to correct material errors. This power is one that we must watch as to how it is used, especially given that not all political parties will have access to all of the material that is available. Opposition parties will only have access to published material, whereas the government of the day may have access to information that has not been published, unless of course the amendment is accepted by the chamber, which I certainly hope is the case.

The bill provides for the PBO to publicly release a statement to correct a misrepresentation where it considers that a costing, a pre-election report, a post-election report or other analyses have been publicly misrepresented. That is a very, very significant power, and it certainly needs to be used in a very sober fashion and a very responsible fashion, because I would imagine it could certainly have a significant impact on election outcomes if used recklessly.

The confidentiality clauses prohibit a person from publishing particular information unless the PBO consents. The information covered includes draft costings and correspondence with a PBO officer. I think there are some issues here. It appears to include the MP or leader who sought the information, thereby prohibiting the MP from releasing correspondence with a PBO officer unless the PBO consents. There were certainly none of the same provisions in the coalition's bill in 2013.

The last bit, clause 57, extends the service of the Presiding Officers of the Parliament to continue in their roles after the expiry of the Assembly for a scheduled election until another person is chosen. This applies even where the Presiding Officer has resigned his or her seat, which is a bit of an oddity — an oddity to resolve an oddity.

With those few words, I would like to say that this is an opportunity. The bill can actually be much improved by the acceptance of the amendments that have been moved by Mr Gordon Rich-Phillips, but again I stress it is not a panacea because unless we actually have a report card by the PBO on the accuracy of the policy costings six months out from a subsequent election, we cannot know whether those election costings are accurate or not. Two months afterwards — well, it is early days. Unless the PBO has a very accurate crystal ball, it will be just more resources used without necessarily matching up with reality two or three years later. With those few words, I look forward to the amendments being accepted by the house.

**Motion agreed to.**

**Read second time.**

**Ordered to be committed later this day.**

## SERIOUS SEX OFFENDERS (DETENTION AND SUPERVISION) AMENDMENT (COMMUNITY SAFETY) BILL 2016

*Second reading*

**Debate resumed from 14 April; motion of Mr HERBERT (Minister for Training and Skills).**

**Mr O'DONOHUE** (Eastern Victoria) — I am pleased to rise on behalf of the opposition and indicate that the opposition will not oppose this bill. Indeed, as the member for Box Hill in the other place identified in his contribution on this bill, when the bill was first introduced, and indeed when it was debated in the Assembly, one of the reasons the opposition did not oppose it was that we had not yet been briefed on or seen the contents of the Harper review. This legislation implements two of the recommendations of the Harper review, recommendations 7 and 9. I am pleased to advise the house that subsequent to the bill passing the Legislative Assembly, the opposition has had a full briefing from the department. I thank the acting minister for facilitating that, and I thank the departmental officials who provided us with the briefing in relation to the review, which contains some significant recommendations.

As I said as an introduction, this bill seeks to implement only two of those recommendations, and therefore we will be looking forward as a Parliament to seeing subsequent legislation brought before the house to implement some of the other recommendations. As a community we look forward to those recommendations that do not require legislative change being implemented as expeditiously as possible. I say that in the spirit of bipartisanship across the chamber because the background to this legislation and the reforms that are before us is, tragically, the death of Masa Vukotic and the horrendous, heinous crimes that resulted in her death and the issues that flowed from that. Following that crime, and following the community understanding that Sean Price was on an order pursuant to the serious sex offenders detention and supervision legislation, the government asked former Court of Appeal judge David Harper and a panel to review the way this system operates. The panel gave its report to the government late last year. As we know, it was released some time ago. On Tuesday, 22 March, the government introduced this legislation, and the actual report was released subsequent to that.

This is a step towards implementing the Harper recommendations, but I make the point that it is only the start. I commend Judge Harper and his team for their work. I draw the attention of members of the

house to the *Alert Digest* and the work that the Scrutiny of Acts and Regulations Committee (SARC) has done in relation to this legislation. The work that SARC has done really brings to the fore the challenges in legislating for people who have served their time in prison — who have done their time as ordered by the court — but who pose an unacceptable risk to the community if released to live in the community without supervision. Of course that is a challenging area for us and for the community. Clearly community safety must be the paramount consideration, and that is one of the things that is recommended by the review.

We have seen various changes to the Serious Sex Offenders (Detention and Supervision) Act 2009 (SSODSA) since it was introduced, and this bill will provide some further strengthening of the act. There is a small cohort of sex offenders in the community that would pose an unacceptable risk if released. That cohort has been growing in recent times, and that has led to the expansion of Corella Place from 40 to 55 beds during the term of the previous government and to the current government creating the new Emu Creek facility, which is adjacent to Langi Kal Kal Prison, and of course the government has flagged with the release of the Harper review that another facility will be built or developed adjacent to a prison. Again that is down the track, and the opposition welcomes the government moving quickly on those matters that are separate to this bill and which relate to the implementation of the recommendations of the Harper review.

As I said, the SARC report highlights some of the challenges in finding that right balance between community protection and the rights of an individual who may be the subject of one of these orders, but in light of that heinous crime, in light of the learnings and in light of the recommendations of the Harper review, community safety must be the top priority and paramount consideration.

The main provisions of this bill are to enshrine in law the principle that all decisions made under the SSODSA must give paramount consideration to the safety and protection of the community, which is similar to the test that the coalition introduced following the release of the Callinan review back in 2013, appropriately giving primacy to community safety and the protection of the community. The bill broadens the core conditions of supervision orders to prohibit the commission of violent offences and behaviour and therefore implements recommendation 7 of the Harper review, again for this cohort; some of them have a propensity for violence as well.

Recommendation 7 states:

The reformed post-sentence detention and supervision scheme —

under the SSODSA —

should:

include a clear statutory power for conditions, instructions and directions to be made that are aimed at reducing an offender’s risk of committing either violent or sexual offences or both, and

continue to provide that a core condition of every supervision order be not to commit a ‘relevant’ sexual offence and provide that a core condition of every supervision order be not to commit a serious violent offence (defined as an indictable offence punishable by a sentence of imprisonment), such that the commission of such an offence whilst an offender is subject to a supervision order will constitute a breach of that order.

That expands these offences from sexual offences only to include violent offences as defined, and as I said, it implements recommendation 7 of the Harper review.

The bill also provides a clear power for conditions, instructions and directions to be imposed for the purpose of reducing a serious sex offender’s risk of committing violent offences or engaging in violent behaviour, which is also part of recommendation 7. It introduces a minimum term of imprisonment of 12 months for breaching certain restrictive conditions of supervision orders unless a special reason exists. It provides police officers with new search and seizure powers when monitoring a serious sex offender’s compliance with their supervision order. It extends the maximum period of the holding powers of Victoria Police, pursuant to the SSODSA, from 10 hours to 72 hours, which addresses recommendation 9 of the Harper review.

Recommendation 9 states:

The reformed post-sentence detention and supervision scheme should:

...

extend the limit of the holding powers of Victoria Police from 10 hours to 72 hours —

quite simply.

While I note that at the time of the release of the report that was contentious for some, that is a reasonable period of time to stop further offending behaviour and to hold the individual for various purposes. The bill provides that the 17 offenders currently on the SSODSA orders will be subject to the Sex Offenders Registration Act 2004, which is to tidy up a historical

issue. It will make other changes to the SSODSA, including clarifying information-sharing laws under the SSODSA and the Corrections Act 1986 and adding the offences of slavery and servitude to the list of eligible offences under the SSODSA.

As I say, the bill is welcome, and since the legislation passed through the Legislative Assembly the opposition is grateful for the fulsome briefing that we received on the Harper review, which has provided much greater context to the implementation of these two recommendations. As we did with the implementation of the Callinan review recommendations when in government, we are prepared to work with the current government to see the implementation of these recommendations as recommended by Mr Harper and his team that have been accepted in principle by the government. We look forward to the further legislative changes that are required to implement those other recommendations being brought forward to the Parliament as quickly as possible.

We look forward to clarification from the government about the location of any new facility so that the community has an understanding of where that facility will be, and I would call on the government to work with the relevant local community as much as possible. So there are indeed tragic circumstances that sit behind the review and that sit behind the legislation that is before us tonight, specifically the two recommendations that are being implemented with the passage of this bill. As a Parliament and as a community we must work together to further refine and improve this scheme to protect the community, and we must do all we can to ensure that the community is protected and ensure that the causes of the offending behaviour can be addressed to stop repeat offending wherever possible.

I note in conclusion that the Greens have this afternoon foreshadowed and Ms Pennicuik has provided amendments to the bill, which I think seek to implement recommendation 35, if I am correct — the five-year review.

Whilst the opposition is supportive of the implementation of all recommendations, it questions whether the five-year review should be legislated now, at a time when many of the other recommendations are yet to be before the house. I look forward to the minister's advice about the government's perspective on that issue, and following that information the opposition will form a view about whether or not to support Ms Pennicuik's amendment.

**Ms PENNICUIK** (Southern Metropolitan) — The bill before us, the Serious Sex Offenders (Detention and Supervision) Amendment (Community Safety) Bill 2016, is the most recent in a number of pieces of legislation that we have had in this area over a number of years. As I have said in speaking on all of those bills over the past few years, dealing with serious sex offenders is a difficult and complex area of the law.

The bill itself makes several amendments to the serious sex offenders detention and supervision order regime, including, under clause 5, making community safety the paramount consideration to inform all decision-making in the management and supervision of serious sex offenders. Clause 5 also will require a court to make a sex offender registration order in relation to a person who is not already a registered sex offender upon the making, confirmation or renewal of a supervision or detention order. Additional core conditions for supervision orders, including prohibiting violent offending under new schedule 1A, such as murder, manslaughter et cetera, and violent conduct, are inserted by clauses 12 and 17.

The bill also creates a new class of conditions, known as restrictive conditions, which will comprise two categories as defined in clause 4: the core conditions of every supervision order prohibiting further sexual offending or violent offending or conduct, which apply to every offender on a supervision order; and conditions declared by the court to be restrictive conditions, which are tailored more to the circumstances of an individual case — for example, alcohol and drug abstinence, curfews, residence restriction et cetera. A statutory minimum sentence of 12 months would apply for a breach of a restrictive condition on a supervision order unless a special reason exists. This is inserted by clause 40 of the bill, and I also note that it is inserted by clause 9, which inserts a note into the Serious Sex Offenders (Detention and Supervision) Act 2009. I note initially that the Scrutiny of Acts and Regulations Committee has raised concerns about these particular provisions of the bill, which I will return to later in my contribution.

The bill also provides that the conditions imposed by the Adult Parole Board of Victoria must be reasonably related to the gravity of the risk of offending by the offender, including the risk that the offender will commit a relevant offence, commit a violent offence or engage in violent conduct. The bill also provides extended powers for police officers to have entry, search and seizure powers similar to corrections officers, but they must first satisfy certain conditions to use them. The bill also reduces the threshold trigger for carrying out a search in a residential facility or other

place of residence from reasonable belief to reasonable suspicion.

Lastly, the other major provision of the bill is to enable police to hold a serious sex offender for up to 72 hours without charge if they pose an imminent threat. Currently that time is restricted to 10 hours. This is also a significant provision which I will return to.

The government tells us that this bill is informed by the Harper review. As Mr O'Donohue said, the bill was introduced prior to the findings of the Harper review being released. The Harper review was carried out by the Honourable David Harper, AM, Professor Paul Mullen and Professor Bernadette McSherry. They conducted a review of the management of offenders under the act who are described in the terms of reference of that review as 'complex adult victim sex offenders'. They are complex because they have a complex offending profile by presenting a risk of violent offending in addition to a risk of sexual offending or they are by reason of their issues and needs, including one or more mental health issues, personality traits, behavioural issues, cognitive impairment and substance misuse or all of the above, difficult to treat and to manage.

It is interesting to note that the panel also provided an independent assessment of two reviews into Sean Price, one by the Department of Justice and Regulation and the other initiated by the chief psychiatrist by way of an investigation into the mental health services that were provided to Price, but these have not been released. I am not sure if the government is intending to release them.

We know that in part this bill has come about following the murder of Masa Vukotic by Sean Price, and I take the opportunity once again, as I have before, to extend my sympathies to Masa's family, her friends and the community in which she lived. We note that Justice Lex Lasry made the comment in sentencing that it was an astonishing and catastrophic case of mismanagement that Price was left unsupervised. The government said at the time of Ms Vukotic's death that there were 54 sex offenders living in the community. Since then, this number has been reduced to 41. Seventeen of those were not on the sex offender register even though they were under serious sexual offender supervision orders. This is an anomaly that will be fixed by this bill.

I should mention, as I have many times, the sex offender register and remind the government that it needs to look at this register. It has been pointed out by many in the community that the register is too big and does not focus on the most serious offenders. There are

people on the register who are not a risk to the community and have in some cases committed what are not really offences but acts that were committed when they were very young, under 18, and they are not regarded as ongoing risks to the community. It has certainly been raised by many in the legal community that the sex offender register needs to be looked at and made more focused and therefore more efficient and more useful in terms of the purposes of the register.

We do have some issues with the statutory minimum sentence of 12 months which will apply to a breach of the restrictive condition under clause 40 of the bill. This is problematic and also was not recommended by the review into the management of serious sex offenders by Judge Harper and the rest of the panel, which we are told informs this bill. As I said, the Scrutiny of Acts and Regulations Committee has also raised concerns about these provisions at some length in its *Alert Digest* No. 5 of 2016.

In terms of the rest of the bill, we have concerns about some of the provisions, in particular the increase in the period of time a person can be held without charge from 10 hours to 72 hours. We certainly suggest that the police, if they are holding people, should be making some effort to get them to a court or to charge them well before 72 hours.

It is also worth saying that this is a very complex area of legislation already, and the approach taken here with this bill to some extent, I think, further unnecessarily complicates an already complicated system — for example, the mandatory sentencing provisions that are introduced by this bill, in particular that are applying to restrictive conditions that in and of themselves may not be crimes. Some of the restrictive conditions could be acting in a way as to upset the good order of a facility or to harm oneself. Neither of these may be any sort of criminal activity but could attract a 12-month minimum sentence.

If you took out that particular mandatory sentencing provision, there would not seem to be the need to have restrictive conditions. There are already provisions under the act whereby it is an offence to breach a condition of a supervision order and provisions to deal with more serious breaches. Also, interestingly, recommendations 18 to 22 of the Harper review deal with improving the way that breaches of supervision orders are dealt with, both at the less serious end of the scale and for more serious breaches, which we think would be the more appropriate course of action to take in making improvements in this area.

It is worth going through what the Harper review did say about this particular issue, because it is quite a pivotal issue in the bill. The recommendations on streamlining and simplifying conditions in breach provisions include recommendation 18, which states:

Discretionary conditions attached to supervision orders, as well as instructions and directions, should wherever possible and in accordance with the established case law be streamlined and simplified.

Recommendation 19 states:

The public protection authority —

and that is one of the recommendations: to set up a public protection authority —

should be granted the powers that are currently vested in the adult parole board to respond to alleged breaches of a supervision order.

Recommendation 20 states:

In the majority of cases, charges in respect of less serious breaches of a supervision order should be filed and prosecuted in the Magistrates Court by Victoria Police. The Secretary to the Department of Justice and Regulation should also retain a power to initiate and prosecute breach proceedings in the Magistrates Court. However, guidelines should be developed with input from relevant stakeholders, such as the Director of Public Prosecutions, as to the considerations which should be taken into account when this discretion is exercised to ensure that the prosecutorial discretion is exercised consistently across all agencies.

Recommendation 21 states:

Charges in respect of serious breaches of a supervision order should be initiated by Victoria Police and prosecuted in the County Court or Supreme Court by the Director of Public Prosecutions. To facilitate this, there should be legislative amendment to the Criminal Procedure Act 2009 (Vic) to:

remove the requirement for a committal proceeding in such instances, and

allow related summary offences to be uplifted to the County or Supreme Court to be dealt with summarily in conjunction with a breach of supervision order charge.

And recommendation 22 states:

The Director of Public Prosecutions and Victoria Police should be appropriately resourced to undertake these duties.

I know I have gone to some trouble to read those out, but I read them out as the alternative to the mandatory sentencing provisions that are attached to the breaches of supervision orders under this bill.

Also the panel of the Harper review did say that:

It is imperative that the pool of offenders included in the regime be initially, and continually thereafter, confined to

those who present the greatest likelihood of serious interpersonal harm.

On page 11 the panel also states:

There is an inherent danger that such a scheme will extend its grasp to an ever larger proportion of offenders. This tendency must not prevail. If it does, the principle that the scheme do no harm will be defeated.

Other stakeholders in the legal community, such as the Law Institute of Victoria, Liberty Victoria and the Federation of Community Legal Centres Victoria, have also raised concerns about the bill, particularly the mandatory sentencing provisions and the extension of police powers, including concerns about guarding against the extension, as I just mentioned, picking up more and more people.

They were also of the view that the bill should not proceed without the legislative requirement for a review clause, as recommended under recommendation 35 of the Harper review. Given that this bill does introduce measures in response to the Harper review, and in some cases goes beyond the recommendations of the review, particularly with regard to mandatory sentencing, we believe it is imperative that there be the legislative safeguard of a review clause inserted in the bill to give effect to recommendation 35. I will be moving such an amendment, and I am happy to have that circulated.

### **Greens amendments circulated by Ms PENNICUIK (Southern Metropolitan) pursuant to standing orders.**

**Ms PENNICUIK** — As Mr O'Donohue said, there are more recommendations in the review, some of them not requiring legislation, that could be implemented by way of legislation — some by legislation, others not. He said that this was a first step. I would describe it as a step along the journey. We started this journey quite a few years ago, and we are still travelling along that road.

As I mentioned, there are some other things that are in the review. For example, it recommends establishing a new body called the public protection authority to be responsible for managing serious offenders, both pre and post release, better integration with mental health services and providing more accommodation options for high-risk offenders released from prison on a supervision order. The review also recommends expanding the orders to include people imprisoned for serious violent offences who present an unacceptable risk of harm to the community, as well as those with a history of sexual crimes. Importantly the report also says that even if all its recommendations were introduced, the risk of reoffending could never be

eliminated, which I think we probably all inherently know, but it is a sobering thought in any case.

As I said, the key provisions are to ensure community safety, which is the paramount consideration, and to make sure that sex offenders on supervision or detention orders are also on the register. This was not recommended under the Harper review and, as I said, the register is getting quite unwieldy. Many others, in particular those in the legal community, say it is still too broad and that consequently there is an expanding number of registrants and the scheme needs more judicial oversight.

I think I have covered most of the key amendments that are made by what is a quite complex bill. I will have some questions on the key clauses with regard to mandatory sentencing in particular and to restrictive orders, increasing the holding period from 10 hours to 72 hours, by way of questions to the minister during the committee stage. With those comments I advise that the Greens will not be opposing the bill, but we will be raising some more concerns in committee with regard to some of the particular provisions that are in the bill, as I have mentioned. In particular we will be moving the amendment to insert the review clause for the provisions that are introduced by this bill.

I take Mr O'Donohue's point that there may be more provisions to come in further pieces of legislation, but they are not before us now, and if they are, they can be included in any further legislation.

**Mr EIDEH** (Western Metropolitan) — I rise to speak briefly on the Serious Sex Offenders (Detention and Supervision) Amendment (Community Safety) Bill 2016. It is a very, very important bill for Victorians and for ensuring community safety. We in this house all agree that the safety of Victorians has to be the no. 1 priority for the criminal justice system. Tragically, the system failed Masa Vukotic, whose life was taken far too soon. Sean Price has now been sentenced to life imprisonment, with a minimum of 38 years to serve for his offences. At the time of the offences Mr Price was on a supervision order under the Serious Sex Offenders (Detention and Supervision) Act 2009 and on bail. The Serious Sex Offenders (Detention and Supervision) Act requires serious sex offenders deemed to be an unacceptable risk to the community to be subject to post-sentence supervision or detention. Following Masa's death we acted quickly to review every single offender on that supervision scheme. This resulted in increased supervision of more offenders on this scheme.

This is the second piece of legislation we have introduced on this issue in the past 12 months, but this is not the end of our work to fix this system. In September last year the government introduced significant changes to the Serious Sex Offenders (Detention and Supervision) Act 2009 and the Bail Act 1977 as early action to strengthen the response to serious sex offenders. Then in November last year a review of the Serious Sex Offenders (Detention and Supervision) Act 2009 was handed down by a panel of experts led by a former Court of Appeal judge, David Harper. It was called the Harper review.

The purpose of this bill is to specifically address the risk of serious sex offenders who may be or may become violent. The scheme is currently limited to sexual offending. This bill is principally designed to strengthen the purpose of the act and to extend the scheme to address the risk of breaches of supervision orders by violent offending. This legislation will further tighten the net on those who pose an unacceptable risk to our community. Most importantly, it will enshrine in law that community safety must be the paramount consideration when decisions are made.

The bill also expands the requirements of supervision orders to be able to manage violent behaviour. A new mandatory minimum prison sentence will apply for a breach of these and other conditions. Police search and seizure powers are further expanded, as is the power for police to detain high-risk serious sex offenders — from 10 hours to 72 hours.

The government will continue to work with the Chief Commissioner of Police to ensure that police have the laws and resources they need to keep the community safe. We are proud to be taking the vitally important steps necessary to keep our word on keeping the community safe. I commend this bill to the house.

**Mr FINN** (Western Metropolitan) — I shall speak relatively briefly this evening on the Serious Sex Offenders (Detention and Supervision) Amendment (Community Safety) Bill 2016 because I think it is a matter that can be dealt with relatively briefly. It is also getting on to 11 o'clock, and I doubt if people's minds are perhaps operating as clearly as they were maybe 12 hours ago, so I will address this bill, as I say, relatively briefly.

I address this bill not so much as a legislator but rather as the father of three daughters. I have to say to the house that their safety and the safety of other women and girls must be, with regard to this matter, our only priority and our only concern.

That is the only thing that matters. The scum that regard themselves as having the right to help themselves to women and girls by way of sexual assault, in my view, really do not come into it at all. Their rights are forfeited when they commit these particularly appalling acts.

Given that the community is in no mood for sitting back and allowing this sort of thing to go unpunished, I think we have to, as a Parliament and as a community, go in a lot harder. We have to show these people that we will not tolerate this sort of behaviour under any circumstances. Sadly, the public has lost confidence in the judicial system; that is a sad fact of life. Far too often we see people going before the courts and not receiving their fair whack — not receiving what a fair-minded member of the community would regard as justice — and this has to change.

I understand, as I mentioned in debate on an earlier bill, that this is largely as a result of 11 years of Rob Hulls as Attorney-General and his appointing people to the bench that were of a like mind to him. They, generally speaking, are averse to justice. That is something that we have to be aware of. Unfortunately I do not see it being rectified in the next two and a half years, but certainly I am very, very hopeful that in the first and second terms of the Guy government we will see some radical changes with regard to justice in this state. I use that term 'justice' very deliberately, because I think justice is what we need.

At the moment we have a legal system that the majority of people in the community regard as being for lawyers. The legal system is there to provide lawyers with Mercedes-Benzes. It is there to provide lawyers with fancy houses. It is to provide lawyers with overseas travel. Justice, in the minds of most people in the community, does not come into this matter at all. That is something that needs to be addressed as a matter of urgency, because I think we cannot survive as a civilised society for very long if the community does not have faith in our judicial system. In fact we cannot survive for very long as a civilised society if indeed we have a judicial system and not a justice system, which is what we would really like.

In the debate on this bill tonight the sex offender register has been spoken about. I would have no problem, I have to say, with making that public. I think that people have a right to know whom they are living next to. I think they have a right to know if some evil piece of scum is living in their neighbourhood. They have a right to be able to protect themselves; they have a right to be able to protect their families. I think in the case of child sex offenders — and I am sure everybody

in this house would see such offences as particularly disgusting — they in particular should be on a public register where people are notified of their whereabouts so that they can protect their kids. As I said, as a father that is my main priority — protecting my children.

If I cannot find out where one of these creatures is — one of these sex offenders — I am struggling to do everything I can to protect my kids, and that is something that, as I said, needs to be addressed.

**Business interrupted pursuant to standing orders.**

**Sitting extended pursuant to standing orders.**

**Mr FINN** — I very much appreciate the minister going to that effort to give me the extra time that I need this evening, but I can assure him I will not need an hour, so he can relax. I will conclude my contribution at that point, but I am hoping that this legislation will go some small way to ensuring that our state is a safer place because that is certainly what we need at the moment. We need to be able to go back perhaps a little way to when we knew that if our kids went down to the park, they were safe. We need to go back a little way to when our teenage daughters perhaps went out on a Saturday night or even during the day and they were safe.

We need to send a very strong message to anybody who contemplates involving themselves in any form of sexual assault, serious or otherwise, that their days of freedom are over and we will not, as a community, as a society, tolerate that sort of behaviour. Respect is something that is perhaps very much underestimated in our society, and if we have to come down hard on offenders in order to re-establish that respect, then indeed that is something that I believe we must do.

Community safety is paramount, as are rights of people, particularly women, to walk the streets without being threatened by the sorts of animals who would pose the sorts of threats that we have seen over the years. The rights of those women too are paramount. I am very hopeful that this legislation will go some way to ensuring that those rights are reinforced and protected.

**Motion agreed to.**

**Read second time.**

**Committed.**

*Committee*

**Clauses 1 to 8 agreed to.**

**Clause 9**

**Ms PENNICUIK** (Southern Metropolitan) — I want to clarify clause 9, which adds a note to section 160 of the principal act to provide that it is an offence to breach a supervision order. This I presume is working in conjunction with clause 40 of the bill in terms of the mandatory sentencing provisions.

**Mr Herbert** — And clause 17.

**Ms PENNICUIK** — Clause 17, and clause 10, which inserts the definition of a violent offence. Clause 9 inserts a new section that requires a term of imprisonment of not less than 12 months for an offence against section 160 of the act, which is a breach of a supervision order. That includes I presume core conditions and restrictive conditions of a supervision order. Is that the case?

**Mr HERBERT** (Minister for Corrections) — Yes, that is the case.

**Ms PENNICUIK** (Southern Metropolitan) — I draw the committee's attention to the report of the Scrutiny of Acts and Regulations Committee (SARC) with regard to the addition of the mandatory conditions that will be applied to supervision orders, including that:

... if the court requires an offender to reside at a residential facility, not engage in conduct that poses a risk to the good order of the residential facility or the safety and welfare of offenders or staff at the residential facility or visitors to the residential facility ...

And:

... not engage in conduct that threatens the safety of any person, including the offender.

SARC said:

The committee observes that the combined effect of clauses 10 to 15 —

but also clause 9 —

is to prohibit, and require decision-makers to prevent, offenders subject to supervision orders from engaging in conduct that 'poses a risk to the good order of a residential facility' or 'threatens the safety of... the offender', whether or not that conduct is violent or potentially criminal.

What SARC is saying is this means that a 12-month mandatory sentence applies whether or not the conduct

by the offender is violent or potentially criminal. The SARC report says:

The committee observes that the combined effect of clauses 4, 12, 40 and 41 is that offenders who, without reasonable excuse, intentionally or recklessly engage in conduct that poses a risk to the good order of a ... facility ... must ordinarily be imprisoned for at least 12 months.

The report also says:

... that no other similar Australian law for the supervision of sex offenders imposes, or requires decision-makers to consider imposing, conditions prohibiting conduct by such offenders that poses a risk to good order of a residential facility or that threatens the offender's safety.

I cannot find it right now, but elsewhere the committee said it is not a crime, for example, to harm oneself.

**Mr HERBERT** (Minister for Corrections) — Thank you, Ms Pennicuk. So 12 months up to 5 years. We believe that people on supervision orders are at serious risk of reoffending and a danger to the community. The whole point of having supervision orders is to ensure that danger is mitigated. We think it is appropriate that if there is a breach of those orders, then there should be a penalty, and we believe the penalties outlined here are appropriate.

**Ms PENNICUIK** (Southern Metropolitan) — The question was really about the fact that a breach of an order may not involve any sort of violence offence or any sort of criminal offence and yet the person is then subject to a mandatory provision. I draw the minister's attention also to the recommendations of the Harper review on how to deal with breaches of orders, ranging from not serious breaches to serious breaches involving the Magistrates Court and County Court.

**Mr HERBERT** (Minister for Corrections) — The whole reason we have the restrictive and other judgements for people on supervision orders is because in many cases there are causal links to the crime. As we know, some people, if they take drugs or they are alcohol affected, are a greater risk to the community. That is why we have restrictions on them. As I say, we believe that these restrictions are important because they are important parts of protection, and there needs to be a penalty in there. That is why the penalties are there. They are not just for violent offending. Other issues can lead to a danger of a sexual or violent nature for people on supervision orders.

**Ms PENNICUIK** (Southern Metropolitan) — Thank you, Minister. I am fully aware of the cohort of people we are dealing with, having dealt with these bills for many years, and of the need to ensure the good order of facilities where they are housed et cetera. My

point really is — that having read the Harper review, which the government says this is actually based on — the Harper review did not recommend this provision. It made a series of other recommendations for how to deal with breaches of supervision orders that to my way of thinking not only seem to be possibly more flexible but also probably more effective in dealing with breaches ranging from, as I said, breaches which could be threatening or disturbing the good order of the facility but not involving a crime or a violent offence to violent offences. So really the question is why the government did not follow the recommendations of the Harper review in that regard but has gone down this I think less effective road.

**Mr HERBERT** (Minister for Corrections) — I did not in any way mean to imply that Ms Pennicuik would not be absolutely familiar with these conditions. I must say that, two days into the job, I have not read the Harper review yet. I will put that down for my weekend reading. I am familiar with it of course in terms of legislation and government positioning. This is perhaps a bit stronger than Harper. The member is correct; it was not a direct recommendation. However, we believe that the protection of staff and other people in these facilities is very important. The government believes that this is an appropriate measure and that it is appropriate that it should come in in this legislation. In terms of the courts' decisions about precursors that lead to sexual or violent behaviour, we think it is an appropriate measure.

**Ms PENNICUIK** (Southern Metropolitan) — I think, in terms of the point I am trying to make here, to upset the good order of a facility, for example, or to pose a risk to the good order of a facility is an offence. For example, say a person subject to an order went in and threw furniture around everywhere, just threw chairs around, that could, under this definition because it is so broad and not defined, pose a risk to the good order of the facility and that person may then be subject to a mandatory 12-month imprisonment. Under the current act the penalty is up to five years in any case for a breach of a supervision order, but it is up to the court to decide whether it is worth five years or five months. So for something like that, would that automatically mean a person would get a 12-month imprisonment for the type of activity I was talking about, which is not violent or a crime?

**Mr HERBERT** (Minister for Corrections) — I was hoping we would not go through example by example, but in regard to the example Ms Pennicuik gave, yes, I am advised that it would in fact be criminal damage to property and would be a breach.

**Clause agreed to.**

## Clause 10

**Ms PENNICUIK** (Southern Metropolitan) — Clause 10 inserts the definition of a violent offence, which also relates to the core conditions of a supervision order under the bill, under clause 12. I am sorry to jump ahead there, Deputy President, but they are interrelated clauses. New section 16(2)(ab) of the principal act will say that it is a core condition of a supervision order to not commit a violent offence in Victoria or elsewhere. Now, the violent offences, as listed in clause 17 — and I have just counted them up — amount to some 47 quite heinous offences. Starting off: murder, manslaughter, child homicide, and it continues through the most heinous offences, really, in the statute book. I ask the question: would it not be that if a person on a supervision order committed one of these offences, they would be arrested for that offence, charged with that offence and taken to court for that offence, so why is it then deemed necessary to actually add that to a supervision order — that, for example, a person on a supervision order should not commit murder? There is no-one in the community who is permitted to commit murder, so I am just asking why a crime that we are so obviously not allowed to commit would be added, because no-one is permitted to commit those crimes. It just seems to me to be complicating the whole regime unnecessarily, as I mentioned in my second-reading speech. So I am just wondering why that is inserted, because it would just seem to me that these are already offences under the Crimes Act 1958 that a person would be charged with.

**Mr HERBERT** (Minister for Corrections) — Yes, that is correct. However, they were not in the breaches of supervision orders, and we all know the tragic case that brought about the Harper review and this legislation. These are serious offences. We believe that they immediately breach a supervision order, and we think it is appropriate that they should be included in terms of those breaches.

**Ms PENNICUIK** (Southern Metropolitan) — The minister is basically saying that they are there because they are there but not really explaining why it is necessary to add a whole list of offences that are already offences against the Crimes Act to a supervision order.

**Mr HERBERT** (Minister for Corrections) — The major purpose of this bill is to ensure that violent offences are part of the supervision orders, because we know that in many cases sexual offenders' violence is part of the concern. I guess what I would say is that inserting these definitions in the act highlights the seriousness of people on supervision orders offending

under violent conditions, offending violently or committing violent offences, just as it would if applied to people on parole or bail. It heightens the seriousness of the offence, because they are on supervision orders, just like it would, as I said, if they were out on bail et cetera. We believe it is appropriate, and it is part of our implementation of Harper’s recommendations.

**Ms PENNICUIK** (Southern Metropolitan) — Which recommendation of Harper’s was that?

**Mr HERBERT** (Minister for Corrections) — It could have been one of two, but it is seven, I understand.

**Ms PENNICUIK** (Southern Metropolitan) — I have no further questions on that clause.

**Mr O’DONOHUE** (Eastern Victoria) — Just for completeness, I indicate that the opposition supports this clause and note that there have been incidents previously at Corella Place where violent offenders who are sex offenders have caused a disruption to the operation of that location, and therefore the opposition supports the inclusion of violent offences, as the bill does this evening. Also the opposition supports the inclusion of violent offences because it provides authorities with another avenue under the Serious Sex Offenders (Detention and Supervision) Act 2009 (SSODSA) to remove offenders from the community or to place them in a more controlled environment, separate from the normal criminal justice procedures.

**Clause agreed to; clauses 11 to 16 agreed to.**

**New clause**

**The DEPUTY PRESIDENT** — Order! We now move to Ms Pennicuik’s amendment 1, which seeks to insert a new clause relating to an independent review of the operation of the act. I consider this amendment to be a test for Ms Pennicuik’s remaining amendments 2 and 3.

**Ms PENNICUIK** (Southern Metropolitan) — I move:

1. After clause 16, insert the following new clause—

**‘A New section 198A inserted**

After section 198 of the Principal Act insert—

**“198A Review of operation of Act as amended by the Serious Sex Offenders (Detention and Supervision) Amendment (Community Safety) Act 2016**

- (1) The Minister must cause an independent review of the operation of this Act as amended by the

**Serious Sex Offenders (Detention and Supervision) Amendment (Community Safety) Act 2016** to be undertaken as soon as possible after the fifth anniversary of the first day on which all of the provisions of that Act are in operation to determine—

- (a) the effectiveness of the operation of this Act as amended by that Act; and
  - (b) whether the policy objectives of amendments to this Act made by that Act remain valid and the provisions of this Act, as so amended, remain appropriate for achieving those objectives.
- (2) A person who undertakes a review under subsection (1) must give the Minister a written report of the review.
  - (3) The Minister must cause a copy of the report of the review to be laid before each House of the Parliament within 6 months after the fifth anniversary of the first day on which all of the provisions of the **Serious Sex Offenders (Detention and Supervision) Amendment (Community Safety) Act 2016** are in operation.”.

This is to insert a new clause after clause 16 — so that would be new section 198A inserted into the act — to provide for a review of the operation of the act as amended by this bill. I should say, as you have, Deputy President, that the further amendment, amendment 2, inserts a similar new section — section 115F, after clause 41 of the bill — into the Sentencing Act 1991, and amendment 3 inserts after clause 44 a new clause that inserts new section 74A into the Sex Offenders Registration Act 2004. All of these are because of the amendments made by the bill to those acts. They all go to a five-year review, as recommended by recommendation 35 of the Harper review.

The review did stress that, given the changes it envisioned might be made to the act — not all of them have been — in that regard there should be another review in five years. So we have taken up that recommendation. We believe it is important. The minister would be aware I have moved such a clause before. There is often a difference of opinion between the government and us about review clauses, but we feel that if they are in there, they do in fact remind everybody that a review is required. If they are not in there, then you can go past the time when a review is required on significant legislation and it does not happen.

**Mr HERBERT** (Minister for Corrections) — I thank Ms Pennicuik for her amendment. The government will not be supporting the amendment, not because we have any problem with the five-year review

recommended by Harper — in fact we have accepted all of his recommendations — but this is the first tranche of a specific response to Harper and it is the government’s view that the intent of reviewing the legislation after five years should be the operation of the legislation. We have some more very significant tranches of legislation coming through — very significant pieces of legislation coming through — to enact Harper, and it is the government’s preferred position that we should review the legislation relating to Harper in its entirety — a proper review of the entirety of the legislation from the Harper review. We would prefer not to do it piecemeal, one bit of legislation at a time.

**Ms PENNICUIK** (Southern Metropolitan) — Well, the minister might like to advise us as to how long we will be waiting for those more significant tranches, because it could take up to a year or two years. Significant provisions have already been put in this bill, particularly with regard to mandatory sentencing, which we have been talking about in the committee stage.

I would also say that in response to what the minister has said — he was saying we should not be doing it piecemeal — in fact this is exactly what this bill is doing: putting things in piecemeal rather than implementing everything that the government agrees to with Harper. We could get down the road another two years before we actually see that, so I am not persuaded by that argument.

**Mr HERBERT** (Minister for Corrections) — I thank Ms Pennicuik. I understand her point. We think it is important that we can get legislation that is based on significant issues enacted as quickly as we can. There is a whole heap more in terms of violent offenders with Harper. It is our view that Harper understood that it would take time to get this legislation right and to get it through this house, and that we would have to do it as quickly and as appropriately as possible as a matter of urgency. We will do that; we will continue to bring legislation in here as promptly as we can, but I still believe the intent is to review the whole bank of Harper’s 35 recommendations as to how they have impacted and how they are working.

This is a serious business. I know Ms Pennicuik believes that herself. I understand that she has a proposition about reviews on many of these matters. We do not have a problem with a review, but this is significant legislation, making a significant change and providing for significant protection measures. There will be significant debate in this chamber as the legislation — all of Harper’s recommendations — comes through, and we think we should get it through and then review it.

**Mr O’DONOHUE** (Eastern Victoria) — In government the Liberal–Nationals parties have on many occasions opposed amendments initiated by the Greens on the basis that particularly in this area there is ongoing scrutiny and supervision and learnings taken from the legislation and further reform that comes forward. In this situation, in a general sense, because Harper recommends the review and because the recommendations deal with such a serious issue, we believe it is in the public interest that that review take place, as recommended by Harper. However, the opposition agrees with the government that the best time to do that is further down the road when either all the recommendations or all the legislative change has been brought to the house, or a much greater, much larger, more substantive amount of that work has been completed.

Without being disrespectful to Ms Pennicuik, it has been suggested that bringing in some recommendations now could be seen as piecemeal. It could also be seen as piecemeal by cherry-picking one recommendation now to add to the two that the government is implementing tonight with this bill, where there are all manner of other recommendations, so we will oppose the Greens amendments.

**Ms PENNICUIK** (Southern Metropolitan) — I hear what is being said. If I could ask the minister again, and I think he may have said it and I did not quite hear it, when is he expecting — if he knows — the full tranche of amendments to be completed?

**Mr HERBERT** (Minister for Corrections) — I do not have a strict time frame. We will bring it in progressively. There will be more legislation obviously this year. We will certainly have it in this first term of government; that is an absolute guarantee. But we want to do it properly, and we will bring it in as progressively as we can into the Parliament, which I think was the intention of Harper in his review. I do not have the time frame specifically though.

**Committee divided on new clause:**

*Ayes, 6*

Barber, Mr ( <i>Teller</i> )	Patten, Ms
Dunn, Ms	Pennicuik, Ms
Hartland, Ms	Springle, Ms ( <i>Teller</i> )

*Noes, 33*

Atkinson, Mr	Melhem, Mr
Bath, Ms	Mikakos, Ms
Bourman, Mr	Morris, Mr
Carling-Jenkins, Dr	Mulino, Mr
Crozier, Ms	O’Donohue, Mr
Dalidakis, Mr	Ondarchie, Mr
Dalla-Riva, Mr	Peulich, Mrs
Davis, Mr	Pulford, Ms

Drum, Mr	Purcell, Mr
Eideh, Mr	Ramsay, Mr ( <i>Teller</i> )
Elasmar, Mr ( <i>Teller</i> )	Rich-Phillips, Mr
Finn, Mr	Shing, Ms
Fitzherbert, Ms	Somyurek, Mr
Herbert, Mr	Symes, Ms
Jennings, Mr	Tierney, Ms
Leane, Mr	Wooldridge, Ms
Lovell, Ms	

**New clause negatived.**

**Clauses 17 to 39 agreed to.**

**Clause 40**

**Ms PENNICUIK** (Southern Metropolitan) — Clause 40 amends the Sentencing Act 1991 such that certain mandatory non-parole periods are inserted. This is the clause that inserts a term of imprisonment of not less than 12 months for a breach of a supervision order. I did not really get the answer before when I asked about what recommendation this applied to. I was given no. 7, which applies to violent offences, I think, but as I understand it the Harper review did not recommend mandatory minimum sentencing, so can the minister clarify where this comes from?

**Mr HERBERT** (Minister for Corrections) — I thank Ms Pennicuik. It is a slightly different way she has put it to the last question, but I understand her proposition. As I say, these minimum sentences from 12 months up to 5 years are tougher than Harper. We say that we believe they are tougher than Harper and we think that is appropriate. I guess I do have a bit of an issue with ‘mandatory’ given that the court has discretions in this if special reasons exist, such as mental impairment or a range of other issues.

**Ms PENNICUIK** (Southern Metropolitan) — So in terms of the court, as I understand it the court can only apply this if there is a case of intentionally or recklessly failing to comply with a restrictive condition of a supervision order. It might be an obvious question, but it may not be an obvious question to everyone in the committee, so how does the court ascertain whether the breach was intentional or reckless?

**Mr HERBERT** (Minister for Corrections) — In terms of intentional or reckless, essentially the prosecution has to prove it beyond reasonable doubt in terms of the court.

**Clause agreed to; clauses 41 to 50 agreed to.**

**Reported to house without amendment.**

**Report adopted.**

*Third reading*

**Motion agreed to.**

**Read third time.**

**ADJOURNMENT**

**Ms PULFORD** (Minister for Agriculture) — I move:

That the house do now adjourn.

**Water trading**

**Ms LOVELL** (Northern Victoria) — My adjournment matter is for the Minister for Water, and it regards the impact of water issues on irrigators, with particular focus on dairy farmers who have fallen victim to the current dairy industry crisis. My request of the minister is that she immediately commit to two things. The first is to put in place a permanent ban on any further water being traded out of irrigation districts in the Goulburn Valley and Upper Murray, and the second is to establish a review of water trading and the constraints management strategy.

As the minister knows, dairy farmers in the north of the state are reeling from the sudden and retrospective drop in farmgate milk prices by Murray Goulburn and Fonterra. The crisis that has exploded in the dairy industry is of extreme concern to dairy farmers, farming communities, regional Victoria and the state and country as a whole. Simply put, it has the capacity to wipe out many small dairy farms, destroying the livelihoods of farmers and decimating small rural farming communities, and the flow-on effects will likely have long-term ramifications for the Victorian and Australian dairy industry. An immediate concern is that some farmers may need to sell permanent water to pay down debt, and we need to ensure none of this water leaves our district. A permanent ban needs to be placed on any further water being traded out of irrigation districts in the Goulburn Valley and Upper Murray.

Another concern dairy industry members have as they attempt to deal with this adjustment to their business is the rising cost of temporary water. Many farmers believe the current rules and practices of water trading and traders are driving up the cost of water and that to prevent this there needs to be better regulation of temporary water trading and water ownership. A review of water trading and ownership should include but not be limited to reviewing carryover rules to only allow carryover for those who use the water for productive use; establishing a public register of water

owners; establishing regulation of water brokers, including registration of brokers, to provide better transparency in the trading of water; allowing more flexibility for environmental water to be sold on the temporary market without the requirement for the environmental water holder to buy further water; and introducing more equitable sharing of the cost of water delivery through requiring speculators to contribute towards the delivery of the water which funds the maintenance of the system. While this review is underway it would present the opportunity to also conduct a review of the constraints management strategy to prevent flooding of privately owned property, which has been of grave concern to many communities in the catchment.

My request of the minister is that she immediately commit to two things. The first is to put in place a permanent ban on any further water being traded out of irrigation districts in the Goulburn Valley and Upper Murray, and the second is to establish a review of water trading and the constraints management strategy.

### Dairy industry

**Ms TIERNEY** (Western Victoria) — My adjournment matter is for the Minister for Agriculture and is in relation to assistance provided by the Andrews government for dairy farmers in Victoria in light of the recent milk price cut. This morning I had the opportunity to give a members statement on the milk price cut and the devastating impact it is having on our grassroots farmers in Victoria and the workers who add value to product in the dairy industry. This impact cannot be overstated.

Farmers are now making significant decisions on a day-to-day basis as they work through these realities. Many have made the decision to sell cows or dry off cows as they face farm bills that amount to hundreds of thousands of dollars. The Andrews government, I understand, is standing firm with our farmers and will continue to work with dairy farmers to assist them in getting through these difficult times. As I mentioned in my members statement this morning, the announcement that the Minister for Agriculture made last week, which dealt with counselling, financial advice and health issues, has now been supplemented with a further announcement today that will also assist the industry. It is a partnership arrangement with dairy farmers and the wider industry to deliver an \$11.4 million package.

So the action I seek from the minister is that she provide us with a road map of what state government assistance is available to farmers in my electorate so

that they understand how they can access that information, how they can access those programs and services, who will be eligible and what the timetable will be in terms of the rollout of those available programs.

### Pathways

**Mr RAMSAY** (Western Victoria) — My adjournment matter is for the Minister for Mental Health and Minister for Housing, Disability and Ageing, the Honourable Martin Foley. I am calling on the minister to provide as a matter of urgency \$1 million in gap funding to Pathways from 30 June for six months to allow it and other stakeholders time to respond to the flaws in the national disability insurance scheme (NDIS), including the lack of distinction between mental health clients and permanent disability clients, who require different levels of funding for different levels of specialist care. I do so on the basis that the state government will cease funding Pathways on 30 June, which will mean this very well respected mental health care provider in the Barwon region will face losses of over \$1 million over the six months as it transitions into the NDIS.

This service provider is one of a few specialist mental health providers that have been part of the NDIS trial for the last three years. The minister was aware of the difficulties in the transition process, particularly for specialist mental health service providers, and has had many meetings with Pathways over the last year. The shortfall for funding was also well documented to the minister in relation to the transition process. It is unfortunate that the Victorian government has seen fit to put its entire mental health budget into the NDIS, which other states have not. They have provided gap funding, knowing full well that some mental health providers will not be able to fund their specialist services under the NDIS scheme.

It is disappointing that Bill Shorten was in such a calamitous rush to have mental health included in the NDIS that he did not pay proper consideration to the consequences. We are now seeing the flaws in this approach become apparent with the outcomes for specialist mental health providers like Pathways, which will lose half its funding and be forced to close.

There is some urgency with regard to this matter, particularly because 7.30 has tonight revealed that the federal seat of Corangamite has one of the highest rates of suicide in Australia. The Prime Minister has said that mental health would be a top priority for the coalition, and the Labor Party has said the same. This issue is particularly important in the Corangamite and Barwon

regions, where Pathways is providing this service. It is important that Pathways is funded for the six months post-June to enable the transition process to be properly accommodated and to enable Pathways to continue its very important service.

**The PRESIDENT** — Order! I would remind the member and other members that this is the state Parliament and we work on state parliamentary boundaries, and issues that are raised in the adjournment are for the consideration of state ministers.

### **Victoria Street, Richmond, tram zone signage**

**Mr ELASMAR** (Northern Metropolitan) — My adjournment matter is for the Minister for Public Transport, the Honourable Jacinta Allan. In my electorate there is a tram zone on Victoria Street, Richmond, under the bridge just before Hoddle Street, travelling west, that has the potential to be extremely dangerous to motorists. The hump could quite easily cause damage to drivers and pedestrians, and there is little visible signage. A motorist travelling at night could cause damage to their vehicle or themselves.

I have had a number of complaints from motorists who have narrowly missed having such an accident because there is no effective warning or road signage to alert them to this impending traffic hazard. The area requires the installation of traffic signs to warn drivers of an impending hump in the middle of the road, such as an arrow directing traffic to keep to the left. I ask the minister to give an undertaking that she will investigate this issue as a matter of urgency, because several near mishaps have already occurred and it is only a matter of time before there is a serious accident.

### **Past adoption practices memorial**

**Ms BATH** (Eastern Victoria) — My adjournment debate this evening is for the Minister for Families and Children, the Honourable Jenny Mikakos, and the action I seek from the minister is to provide funding for a memorial honouring the federal and state government apologies to families affected by past adoption practices.

On Thursday, 25 October 2012, the Victorian Parliament formally apologised to the mothers, fathers, sons and daughters who had been profoundly harmed by past adoption practices in Victoria. The apology acknowledged that thousands of Victorian babies had been taken from their mothers without informed consent and that this loss had caused immense grief to them all. On 21 March 2013 the then Prime Minister

also apologised on behalf of the Australian government to people affected by past adoption policies.

The Independent Regional Mothers group has applied for \$5000 from both the federal and the state governments to fund a memorial honouring these families to be created in Sale in my electorate. The memorial will be established in Victoria Park in Sale with the support of the Wellington shire. It is supported by many constituents in Eastern Victoria Region. The federal government has contributed \$5000, but the group is still waiting to hear from the Victorian government. This is a worthwhile project which will provide a place for many of the families affected by these practices to sit and reflect in a peaceful environment. It will acknowledge what these families have been through and also raise awareness of what has occurred in the past and recognise the apologies made.

The Independent Regional Mothers spokesperson, Brenda Coughlan, has been in contact with me regarding the state government's contribution. She is becoming distressed that approval for these funds is taking an extended period of time, and she is worried that they will not be forthcoming at all. This memorial is very important to many of my constituents, and I ask the minister to ensure funding is provided as a matter of urgency so this worthwhile project can go forward.

### **TAFE funding**

**Mr MELHEM** (Western Metropolitan) — My adjournment matter is for the Minister for Training and Skills, the Honourable Steve Herbert. The minister recently announced a \$50 million boost in community service funding to lift the burden forced on TAFEs by the former Liberal government. It is well known that previous Liberal cuts devastated TAFEs across Victoria. This forced many to drop vital programs and services or incur additional operating costs. Such programs are immensely important for giving vulnerable students who face barriers to training the best opportunity of getting the skills they need to maximise their opportunities in life. Evident in a drop in enrolments, the cuts gravely affected Indigenous and unemployed students as well as students with disabilities.

The action that I seek is for the minister to outline to me and to my constituents of Western Metropolitan Region how this recent \$50 million boost in community service funding will benefit my constituents.

### Level crossings

**Mr DAVIS** (Southern Metropolitan) — My matter for the adjournment tonight is for the attention of the Minister for Public Transport in the other place. It relates to the actions of the Level Crossing Removal Authority (LXRA) in the construction process relating to its sky rail between Caulfield and Dandenong. In what seems to be an increasing practice the LXRA is working very late into the night and, on some occasions, right through the night making very loud noises, including the dumping of large amounts of metal. This came to a head last night at Murrumbeena in and around the station, with the dumping of metal and large gutters. This went on incessantly for many hours deep into the night. People are being driven mad by this —

**Ms Crozier** interjected.

**Mr DAVIS** — There is no consideration, as Ms Crozier correctly points out, and it is hard to see that this complies with the normal rules that would be expected in terms of this type of construction. Now, it is clear that the LXRA is well outside these normal bounds.

What I am seeking from the minister is for her to intervene to ensure that the LXRA complies with the Environment Protection Authority Victoria (EPA) rules in this matter — to pull the LXRA into line basically.

This authority is like a cowboy. It is way out there on its own; it is not bound, it appears, by any reasonable rules. We know there have already been infringements in terms of activities on land that the government does not own where the authority has been undertaking works without proper permits. This authority is, as I say, like a cowboy, and it needs to be pulled in. So the action I seek is for the minister to investigate, to chastise, to bring the authority to heel and to make sure that it complies with every proper rule, including the EPA rules.

### Mandalay community centre

**Ms SYMES** (Northern Victoria) — My adjournment matter tonight is for the Minister for Planning and relates to funding for the Mandalay community centre. I have spoken many times in this place about the population growth pressures in Mitchell shire, and perhaps this is most evident in the rapidly developing Mandalay and Beveridge communities. The Mitchell Shire Council is committed to securing key community infrastructure in its growth communities and has identified the Mandalay community centre as a

top priority. It envisages the centre will consist of kindergarten rooms, maternal and child health rooms, allied health and specialist services and community rooms and will effectively provide a space for the community to gather.

Danielle Green, the member for Yan Yean in the Legislative Assembly, and I have met with the council, Mandalay representatives, primary school principals and health providers and are fully supportive of the need for such a facility to get underway as a matter of urgency. The council is prepared to invest several million dollars in the centre, but to do it right and to provide a facility that this community deserves requires further finances.

This project is suitable for funding from the Building New Communities Fund, which represents half the money collected from growth areas infrastructure contributions, known as the GAIC. I have sought support for the project from the Minister for Planning, the Treasurer and the Minister for Families and Children. I am very pleased that this year's budget has allocated new funds for the outer suburbs, including \$10 million for children's centres in growth suburbs, \$50 million for shared facilities to create community hubs at schools and \$50 million for another major round of grants through the Growing Suburbs Fund. These are major commitments to the outer suburbs of Melbourne. In relation to that funding, I would use my adjournment matter this evening to call on the Minister for Planning to approve the GAIC funding bids for important projects such as the Mandalay community centre.

### Post-correctional housing

**Ms PATTEN** (Northern Metropolitan) — My adjournment matter is for the Honourable Steve Herbert in his role as Minister for Corrections, and the action I am seeking is regarding post-correctional housing. Last Friday I toured the Metropolitan Remand Centre and the Dame Phyllis Frost Centre. Both of these maximum security facilities are run by incredible, hardworking individuals, and their dedication to supporting the inmates is really commendable. However, they are working with limited funding and overwhelmingly negative public sentiment at times, and they seem to be fighting an uphill battle. Seeing prisoners leaving and returning time and time again would wear most of us down.

The Sentencing Advisory Council noted in its 2011 report that:

... imprisonment has, at best, no effect on the rate of reoffending and often results in a greater rate of recidivism.

The report notes that prison can reinforce criminal identity, can diminish or sever social ties that encourage lawful behaviour and fails to address the underlying causes of criminality. Well, the prisoners I spoke to last week agreed with all of that.

The lack of funding for intensive programs inside, and the subsequent impacts of criminal convictions on the outside, facilitate the revolving door of the justice system. As one inmate told me, even if you did a drug treatment program inside a prison, you end up in a boarding house full of drugs outside, and that is obviously not conducive to people trying to recover. Losing one's house while in prison and then having nowhere to go once released again is a recipe for reoffending. That is to say nothing of the detrimental impacts of a criminal conviction, which means that any subsequent employment is limited and low level at best. It seemed at Dame Phyllis Frost that barista training was the go-to option. How can we expect people to act as productive members of our society when so many doors are closed so tight? That is especially in regard to housing.

I call on the minister to fund or consider looking at ways to improve access to safe, supportive post-correctional housing situations for men and women when they are released from incarceration.

### **Diggers Rest police resources**

**Mr FINN** (Western Metropolitan) — I wish to raise a matter for the attention of the Minister for Police and to congratulate her on her appointment. I understand that she is intent on taking a more active role as police minister, and that, to my way of thinking, is probably a very good thing.

Diggers Rest is on the verge of a population boom. New estates are blooming, and houses are going up on a daily basis. Of course with new developments and increased population comes the need for policing. New residents expect police to respond to their requests for help quickly. The situation we have at the moment is that Diggers Rest itself, whilst only 5 minutes from Sunbury, must depend on policing services from Caroline Springs, which in the middle of the night is about 15 to 20 minutes away. In peak hour, it can be anything up to 2 hours away, given the traffic conditions in the outer west these days.

I have been asked by residents of Diggers Rest to pass on to the minister their request for police services serving the Diggers Rest community to be relocated to Sunbury. They wish to be in the Sunbury policing area, and that, I have to say, makes a great deal of sense,

given that they feel they are in the Sunbury community, being just 5 minutes away — just down Vineyard Road and obviously a lot closer to Sunbury than they are to Caroline Springs. I ask the minister to take that matter into consideration.

As I say, Diggers Rest is a rapidly growing community. It has been pretty stable for a very long time, but now it is really taking off in a very big way. Inevitably there will be a greater need for police support for this area. I ask the minister to take into consideration the request of my constituents in Diggers Rest. I know it is an operational matter, but I trust that the minister will be able to raise this with the appropriate authorities within the police force and get a result which will indeed bring Diggers Rest into the Sunbury policing zone and make all of Diggers Rest feel a lot more comfortable, with police who will be able to meet their needs a lot closer to them.

### **Small Business Festival Victoria**

**Mr EIDEH** (Western Metropolitan) — My adjournment matter is for the Minister for Small Business, Innovation and Trade. The Andrews Labor government is working hard to ensure the best conditions for small business to thrive across our state. The 2016–17 budget delivered recently outlines several great wins for small business, such as exempting the wages of displaced apprentices or trainees from payroll tax and notably the significant changes to the payroll tax threshold, which will assist tens of thousands of small business owners in Victoria. This message has been well received amongst business owners, with even industry groups calling it a pro-business budget — again showing the government's commitment to small business and its important role in the Victorian economy.

The Small Business Festival Victoria has for many years provided support to small businesses all over Victoria. Mentoring, workshops and networking opportunities are available to the hundreds of thousands of businesses all over the state, providing our small businesses with the expert advice and assistance so they can be successful in their ventures and business goals. I note the budget also allocated funding for the festival to continue its valuable work with small business owners, and I am proud to be part of a government delivering this festival. Small businesses in Western Metropolitan Region have long benefited from the services of the small business festival, and I look forward to this year's festival in August and to discussing the opportunities the festival will provide to small businesses in the region I am proud to represent.

To be able to properly assist small business owners I engage with, the request I make of the minister tonight is that he provide me with some information about the ways small businesses in Western Metropolitan Region are able to access the small business festival and what benefits the festival may bring to their businesses.

### University Hospital Geelong

**Ms FITZHERBERT** (Southern Metropolitan) — My adjournment matter is for the Minister for Health, and it concerns University Hospital Geelong and some unfunded beds at the hospital. In 2012–13 the coalition government in Victoria invested \$93 million to expand capacity at University Hospital Geelong, with a total of 64 new beds. These were intended to cater for cancer patients, people needing palliative care and older patients with complex needs. The building work was completed in May 2015, but the beds were not funded at that time. In particular there is a 32-bed ward in Baxter Wing 7 which would provide capacity for 24 palliative care beds and 8 acute beds.

Last year, during the inquiry into end-of-life choices, the committee held a public hearing at Barwon Health and heard information regarding these beds. We were told that the region had a limited number of palliative care beds, and I asked how many there were. The answer was that the beds are used flexibly — sometimes for acute care, sometimes for palliative care — but that there are around 24 palliative care beds for Barwon-south western region, which goes to the South Australian border. That is right: if the 24 unfunded palliative care beds came online, it would double capacity in the west of the state.

Hospital staff confirmed that they sought the funding from the state government in September 2015 after the building work was completed in May of that year. As far as I know, these beds were not announced as funded in the state budget that was handed down in April. It is now a year since the building was completed and eight months since the hospital made the funding application to the state government. Funding these beds is purely a state government responsibility, and it has taken a very long time just to make a decision and announce it.

The action I seek from the minister is that she clarify the status of these beds. When will they be funded and opened? Will they be as planned: 24 palliative care beds and 8 acute beds?

**The PRESIDENT** — Order! I am relying on the fact that the member is drawing on publicly published information rather than evidence presented to the committee. Members need to be very careful about

using information that is provided by way of submission to a committee before the committee makes a determination about its position in respect of that evidence and provides a report to the Parliament. Some information that is provided to committees is also more widely available, and on this occasion, as I said, I am relying on the fact that that information that has been referred to by Ms Fitzherbert is more broadly available and was not simply a matter of a submission to the committee itself. I simply make this statement by way of caution to members in regard to their responsibilities within the committee process.

### Dairy industry

**Mr PURCELL** (Western Victoria) — The adjournment matter I raise tonight is for the Minister for Agriculture and concerns the dairy industry and the clawback clauses that have been used by both Murray Goulburn and Fonterra. As I mentioned earlier today, the horrific situation in the dairy industry is a problem. I congratulate the government on the initiatives that it has announced today regarding this situation which arose a few weeks ago.

The support packages put together in consultation with the Dairy Industry Taskforce include rural counselling and provide extra counselling and mental health first-aid training, which is desperately needed and is a critical aspect that is far reaching. I would like to congratulate the task force on implementing the initiatives, and I hope it does take into account the suggestions that were made in the briefing today.

While the responses are welcome, it is critical the task force looks at more than just the issues that are currently in place. They need to look at the dairy industry from the farm gate onwards. In particular, we have instances where three milk tankers will follow each other up an unmade road to collect milk from different areas just because they are operated by different dairy companies. As well as this there is a need to improve the single-wire earth return lines which provide power to the dairy industry, and there needs to be transparency in the supply chain from the farm gate.

The matter I would like to raise in particular is in regard to the clawback. This is a situation where the dairy companies have said that at the end of the year they will be taking back 20 per cent of the income of the dairy farmers this year. This slashes the income of dairy farmers after it has actually been spent. The clawback is horrendous for any industry, but at this time of the year it is particularly difficult because this is when many of the dairy farmers make the significant amount of their money.

The dairy industry does need to flourish to keep our agricultural sector alive, and I ask the minister to request that the Dairy Industry Taskforce liaise with the dairy companies to encourage the development of an industry-driven clawback model that limits how retrospective a clawback can be and limits the percentage of that clawback.

**The PRESIDENT** — Order! I call Mr Drum.

### **Echuca-Moama bridge**

**Mr DRUM** (Northern Victoria) — Thank you, President — possibly the best President this chamber has ever seen, I might add. You gave brilliant warnings to Mr Ramsay and a guarded warning to Ms Fitzherbert. You are in good form tonight.

My issue is for the Minister for Roads and Road Safety and is in relation to the Echuca-Moama bridge. It has been 43 years that this project has been in the wings, and it is very, very close to being delivered. There is only a little bit of work that needs to be done by the state ministers in Victoria and New South Wales in relation to delivering the final amount of money to deliver this project. The federal Minister for Infrastructure and Transport, Darren Chester, has been to Echuca twice in recent weeks to see firsthand how important this project is going to be for these twin towns. The \$1.5 billion that was put aside for the east–west link and not returned when that project was scrapped has now been opened up, and there is a \$350 million fund for regional Victoria from which the Victorian government has agreed to fund a range of projects. However, the business case and a formal application are the only outstanding aspects that are hampering this project from going ahead from Victoria's point of view.

The New South Wales government has said that it has the money, and even though that money has been reallocated previously the New South Wales government has said it is back on track. So the two states simply need to finish off this final piece of work, and my request is that Minister Donnellan take the opportunity to meet with me in the next few days to ensure that everything that can be done has been done, that these applications have been lodged and that the business case has been completed and lodged with the federal government. That is my adjournment matter. The project has been on the books for over 50 years now, MPs have been calling for it to be completed for 43 years and certainly at this particular time we need to do everything we can to make sure it is finally delivered.

**The PRESIDENT** — Order! Thank you. Ms Crozier, with similar plaudits, I expect.

### **Haven Foundation**

**Ms CROZIER** (Southern Metropolitan) — Absolutely, President — best President the chamber has ever had.

My adjournment matter this evening is for the Minister for Housing, Disability and Ageing, the Honourable Martin Foley. It relates to the Haven Foundation located in South Yarra, which provides accommodation for some of our most vulnerable members of the community.

Last week I was at the Prahran Mission breakfast and met up with the CEO, who spoke to me about the success of that project and what the Haven Foundation is now trying to do, and that is to expand into the Geelong and Frankston areas. It was a commitment of the former government that if the coalition were to be elected in 2014, funding would be provided to assist the Haven project in Geelong. The CEO spoke to me about what the Haven Foundation is trying to achieve, and that is to provide accommodation not only for people with mental illness but also for women fleeing domestic violence.

I understand that the Haven Foundation has had various conversations with the current government and the current minister and that a funding commitment is to be provided. However, it is not known when that will actually be delivered. I am calling on the minister to provide that funding as a matter of urgency so that these projects can get up and running in Frankston and Geelong and provide that necessary accommodation support for both people with mental illness and women fleeing domestic violence.

### **Country Fire Authority Buninyong brigade**

**Mr MORRIS** (Western Victoria) — My adjournment matter this morning is for the attention of the Minister for Emergency Services and relates to the Buninyong Country Fire Authority (CFA) brigade. The Buninyong CFA, like all our CFAs across the width and breadth of Victoria, is an important volunteer organisation that protects our community in times of need. I would like to thank brigade captain Marc Cannan for his work and all the work of his brigade members in ensuring the community of Buninyong and surrounds is kept safe from the threat of fire and more.

A great example of the brigade's work is that the Buninyong CFA quickly responded to the devastating fires in Scotsburn last year, ensuring residents were

aware of the immediate threat to life from the fire while also protecting property. The Buninyong brigade has secured funding for a new fire station and is currently undertaking the preliminary stages of this project. The action I seek from the minister is that the minister work with the Buninyong CFA to ensure an appropriate site with regard to both location and size is acquired to house this essential community organisation in new premises.

### Premier comments

**Mrs PEULICH** (South Eastern Metropolitan) — I wish to raise a matter for the attention of the Premier. It is in relation to an article published on the *Age* website today headed ‘Andrews accused of hypocrisy and bullying over weight joke’. It is in relation to an incident that reportedly occurred in the chamber of the Legislative Assembly today during which Mr Katos, the Liberal member for South Barwon, was disturbed by a comment made by the Premier in the chamber, which he took as being a remark on his weight. The comment reportedly was that Mr Andrews had chipped in and said of Mr Katos, and I quote:

First time anyone has said they didn't see him coming.

Mr Katos admits in the article that he has had a lifetime of issues with his weight and that in actual fact it does place him under a lot of pressure — gets him down in the dumps — and I guess in a week when we saw a minister come back from an incident involving mental health issues it is regrettable that attacks, which can be robust in the chamber, can be so personal and so cutting. Mr Katos is also concerned that the Premier has in the past repeatedly made comments about Assembly opposition leader Mr Guy being short. The Premier has portrayed himself as being an advocate of diversity, but the rhetoric seems to fall short of the practice or perhaps the spirit.

In reviewing the *Code of Conduct for Ministers and Parliamentary Secretaries*, especially parts 2.12 and 9.3, I noticed that it does indeed suggest that this behaviour is contrary to the code of conduct and that the Premier himself is not immune from this. I ask that the Premier reflect on those two provisions of the code of conduct and at very least make a prompt apology to Mr Katos as well as to Mr Guy. As a Premier who, as I said, is putting himself up as the champion and advocate of diversity, he needs to observe the standards that he sets for the broader community by making that apology. That would be simply the end of the matter.

**The PRESIDENT** — Order! Can I just clarify — did Mrs Peulich mention that it appeared in the *Age*?

**Mrs PEULICH** — Yes.

**The PRESIDENT** — Order! When she says ‘today’, is she referring to Tuesday or Wednesday?

**Mrs PEULICH** — Published 24 May 2016, 6.24 p.m.

**The PRESIDENT** — Order! Thank you. The action sought is really an apology.

### Responses

**Ms PULFORD** (Minister for Agriculture) — I have adjournment matters for a number of ministers.

Ms Lovell raised a matter for the Minister for Water in relation to the dairy industry and water trading.

Mr Ramsay raised a matter for the Minister for Mental Health, the Honourable Martin Foley, seeking funding for Pathways.

Mr Elasmara raised a matter for the Minister for Public Transport, the Honourable Jacinta Allan, in relation to a safety issue in his electorate.

Ms Bath raised a matter for Minister Mikakos in relation to a memorial in relation to past adoption practices.

Mr Melhem raised a matter for the attention of Minister Herbert in relation to Mr Herbert's ongoing work to restore our TAFE system.

Mr Davis raised a matter for the Minister for Public Transport in relation to the CD9 — the Caulfield–Dandenong rail project — and the Level Crossing Removal Authority's compliance with Environment Protection Authority Victoria rules.

Ms Symes raised a matter for the Minister for Planning in relation to the Mandalay community centre.

Ms Patten raised a matter for the attention of the Minister for Corrections. Her interest is particularly in the rehabilitation of people exiting our corrections system.

Mr Finn raised a matter for the Minister for Police in relation to the Diggers Rest police service and policing area.

Mr Eideh raised a matter for Minister Dalidakis in relation to the Small Business Festival Victoria.

Ms Fitzherbert raised a matter for the Minister for Health in relation to University Hospital Geelong.

It was a good thing Mr Drum buttered you up, President, with his cheeky election campaign-related request for Minister Donnellan, who I think has probably already done just about everything he can do in relation to the Echuca-Moama bridge. Perhaps Mr Drum will be successful in achieving an outcome to put the missing piece of that puzzle together for us all, but I shall pass that on anyway.

Ms Crozier raised a matter for the Minister for Housing, Disability and Ageing in relation to the Haven Foundation.

Mr Morris raised a matter for the Minister for Emergency Services in relation to the Buninyong Country Fire Authority brigade.

Mrs Peulich raised a matter for the attention of the Premier.

Two matters were raised for me in relation to matters currently impacting the dairy industry in Victoria. Ms Tierney sought some detailed information on the rollout time line and delivery arrangements for the \$11.4 million package that was announced today as a result of the work of the Dairy Industry Taskforce. I undertake to provide that information to Ms Tierney and indeed to all members. Some of that information is available now and some of the answers to those questions will be developed over the coming weeks, but I know that there is a great level of interest among members across the Parliament and across the three dairying regions of Victoria in this issue. We had a very constructive discussion and briefing that was well attended. I hope members found it informative earlier — yesterday, today, earlier, a few hours ago.

On a related matter, Mr Purcell, who also represents Western Victoria Region along with Ms Tierney and me, proposed a suggestion for some future work for the task force. I think this is an interesting suggestion. The task force was established really to coordinate an immediate industry response, and its members have done that. They have done a power of work in three short weeks, and I thank them for it.

I undertake to Mr Purcell to take that matter into consideration and, if not through the task force, then perhaps through some other mechanism, to explore what options are available to industry or indeed to government to protect all Victorian primary producers — in this instance we are talking about our dairy farmers — from the kind of clawback that we have seen that has had such a profound impact. There are dairy farmers in many parts of the world who are dealing with the challenges associated with a declining

global milk price, but the way in which this has been brought to bear in Victoria has been particularly severe and I think Mr Purcell's points are well made so I undertake to give that further consideration and to provide an update to Mr Purcell.

I also indicate that I have 29 written responses to adjournment debate matters raised by a number of members, but given the hour the President will not require me to read all of them out, will he? No. I thank him.

**The PRESIDENT** — Order! I am delighted. On that basis, the house stands adjourned.

**House adjourned 12.31 a.m. (Wednesday).**