

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT

FIRST SESSION

Tuesday, 25 October 2016

(Extract from book 16)

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

By authority of the Victorian Government Printer

HANSARD¹⁵⁰



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

(from 20 June 2016)

Premier	The Hon. D. M. Andrews, MP
Deputy Premier and Minister for Education, and Minister for Emergency Services (from 10 June 2016) [Minister for Consumer Affairs, Gaming and Liquor Regulation 10 June to 20 June 2016]	The Hon. J. A. Merlino, MP
Treasurer.....	The Hon. T. H. Pallas, MP
Minister for Public Transport and Minister for Major Projects.....	The Hon. J. Allan, MP
Minister for Small Business, Innovation and Trade	The Hon. P. Dalidakis, MLC
Minister for Energy, Environment and Climate Change, and Minister for Suburban Development.....	The Hon. L. D'Ambrosio, MP
Minister for Roads and Road Safety, and Minister for Ports.....	The Hon. L. A. Donnellan, MP
Minister for Tourism and Major Events, Minister for Sport and Minister for Veterans.....	The Hon. J. H. Eren, MP
Minister for Housing, Disability and Ageing, Minister for Mental Health, Minister for Equality and Minister for Creative Industries.....	The Hon. M. P. Foley, MP
Minister for Health and Minister for Ambulance Services	The Hon. J. Hennessy, MP
Minister for Training and Skills, Minister for International Education and Minister for Corrections	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 Consumer Affairs, Gaming and Liquor Regulation	The Hon. M. Kairouz, MP
Minister for Families and Children, and Minister for Youth Affairs	The Hon. J. Mikakos, MLC
Minister for Police and Minister for Water.....	The Hon. L. M. Neville, MP
Minister for Industry and Employment, and Minister for Resources.....	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 G. A. Tierney, MLC

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 — Mr Bourman, #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, Mr Eideh, #Ms Hartland, Mr Melhem, #Mr Purcell, #Mr Ramsay, Ms Shing and Mr Young.

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

participating members

Legislative Council select committees

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

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 and Ms McLeish.

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

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

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

Public Accounts and Estimates Committee — (*Council*): Ms 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:

Mr K. EIDEH

Acting Presidents:

Ms Dunn, Mr Elasmarr, Mr Finn, Mr Melhem, 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 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 ²	Eastern Victoria	Nats	Mulino, Mr Daniel	Eastern Victoria	ALP
Bourman, Mr Jeffrey	Eastern Victoria	SFFP	O'Brien, Mr Daniel David ¹	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	O'Sullivan, Luke Bartholomew ⁴	Northern Victoria	Nats
Dalla-Riva, Mr Richard Alex Gordon	Eastern Metropolitan	LP	Patten, Ms Fiona	Northern Metropolitan	ASP
Davis, Mr David McLean	Southern Metropolitan	LP	Pennicuik, Ms Susan Margaret	Southern Metropolitan	Greens
Drum, Mr Damian Kevin ³	Northern Victoria	Nats	Peulich, Mrs Inga	South Eastern Metropolitan	LP
Dunn, Ms Samantha	Eastern Metropolitan	Greens	Pulford, Ms Jaala Lee	Western Victoria	ALP
Eideh, Mr Khalil M.	Western Metropolitan	ALP	Purcell, Mr James	Western Victoria	VILJ
Elasmarr, Mr Nazih	Northern Metropolitan	ALP	Ramsay, Mr Simon	Western Victoria	LP
Finn, Mr Bernard Thomas C.	Western Metropolitan	LP	Rich-Phillips, Mr Gordon Kenneth	South Eastern Metropolitan	LP
Fitzherbert, Ms Margaret	Southern Metropolitan	LP	Shing, Ms Harriet	Eastern Victoria	ALP
Hartland, Ms Colleen Mildred	Western Metropolitan	Greens	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Herbert, Mr Steven Ralph	Northern Victoria	ALP	Springle, Ms Nina	South Eastern Metropolitan	Greens
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Symes, Ms Jaclyn	Northern Victoria	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Lovell, Ms Wendy Ann	Northern Victoria	LP	Wooldridge, Ms Mary Louise Newling	Eastern Metropolitan	LP
Melhem, Mr Cesar	Western Metropolitan	ALP	Young, Mr Daniel	Northern Victoria	SFFP

² Appointed 15 April 2015

³ Resigned 27 May 2016

¹ Resigned 25 February 2015

⁴ Appointed 12 October 2016

PARTY ABBREVIATIONS

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

CONTENTS

TUESDAY, 25 OCTOBER 2016

ACKNOWLEDGEMENT OF COUNTRY.....	5503	DISTINGUISHED VISITORS.....	5520
ROYAL ASSENT.....	5503	QUESTIONS WITHOUT NOTICE	
JOINT SITTING OF PARLIAMENT		<i>Craig Minogue</i>	5523
<i>Senate vacancy</i>	5503, 5565	<i>Malmsbury Youth Justice Centre</i>	5524, 5525
STANDING COMMITTEE ON THE ECONOMY AND INFRASTRUCTURE		<i>Youth justice centres</i>	5525, 5526, 5528
<i>Reference</i>	5503	<i>Respectful relationships education</i>	5528, 5529
<i>Reporting dates</i>	5506	<i>Hunting regulation</i>	5529
RULINGS BY THE CHAIR		<i>West Gate Bridge truck ban</i>	5529, 5530
<i>Mobile phones in chamber</i>	5503	<i>Written responses</i>	5530
PETITIONS		QUESTIONS ON NOTICE	
<i>Goulburn-Murray irrigation district</i>	5504	<i>Answers</i>	5530
<i>Country Fire Authority enterprise bargaining agreement</i>	5504	CONSTITUENCY QUESTIONS	
<i>Equal opportunity legislation</i>	5504	<i>Northern Victoria Region</i>	5530, 5532
<i>Ormond railway station</i>	5505	<i>Western Victoria Region</i>	5530, 5531, 5532
SCRUTINY OF ACTS AND REGULATIONS COMMITTEE		<i>Northern Metropolitan Region</i>	5531
<i>Alert Digest No. 14</i>	5505	<i>Western Metropolitan Region</i>	5531, 5532
PAPERS.....	5505	<i>Southern Metropolitan Region</i>	5532
INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION		ESTATE AGENTS AMENDMENT (UNDERQUOTING)	
<i>Operation Exmouth</i>	5506	BILL 2016	
BUSINESS OF THE HOUSE		<i>Second reading</i>	5536
<i>General business</i>	5506	<i>Third reading</i>	5540
MINISTERS STATEMENTS		LEGAL PROFESSION UNIFORM LAW APPLICATION AMENDMENT BILL 2016	
MEMBERS STATEMENTS		<i>Second reading</i>	5540
<i>Past adoption practices memorial</i>	5507	<i>Third reading</i>	5543
<i>Responsible Gambling Awareness Week</i>	5507	VICTORIAN FISHERIES AUTHORITY BILL 2016	
<i>Baptcare Westmeadows aged-care facility</i>	5507	<i>Second reading</i>	5544
<i>Container deposit scheme</i>	5507	<i>Committee</i>	5554
<i>Australian Caravan Club national muster</i>	5508	ADJOURNMENT	
<i>Shepparton Relay for Life</i>	5508	<i>Greater Bendigo disability services</i>	5559
<i>Shepparton Pink Ribbon Brunch</i>	5508	<i>Veterans oral history program</i>	5560
<i>Western distributor</i>	5508	<i>Bus route 792</i>	5560
<i>West Gate Bridge truck ban</i>	5508	<i>Respectful relationships education</i>	5560
<i>King Bhumbol Adulyadej</i>	5509	<i>Great Ocean Road tourism</i>	5561
<i>Shimon Peres</i>	5509	<i>Wyndham roads</i>	5561
<i>Diwali festival</i>	5509	<i>Lakeside Pakenham community safety</i>	5562
<i>Western Ring Road upgrade</i>	5509	<i>Better Apartments reference group</i>	5562
<i>Road safety</i>	5509	<i>Malmsbury Youth Justice Centre</i>	5562
<i>Rita Bentley</i>	5509	<i>Responses</i>	5563
<i>Beaumaris Secondary College site</i>	5509		
<i>Clothesline Project</i>	5510		
<i>Eagle Point Ramsar wetlands</i>	5510		
<i>Brenda Coughlan</i>	5510		
<i>Mambourin Enterprises</i>	5510		
<i>Ormond railway station</i>	5510		
<i>John Henry Primary School</i>	5511		
<i>Australia Day awards ceremony</i>	5511		
<i>Brimbank City Council</i>	5511		
CORRECTIONS LEGISLATION AMENDMENT			
BILL 2016			
<i>Second reading</i>	5512, 5521, 5532		
<i>Third reading</i>	5536		

Tuesday, 25 October 2016

The PRESIDENT (Hon. B. N. Atkinson) took the chair at 12.04 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 respects 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 Parliament in this week.

ROYAL ASSENT

Message read advising royal assent on 18 October to:

Crimes Amendment (Carjacking and Home Invasion) Act 2016
Crown Land Legislation Amendment Act 2016
Melbourne and Olympic Parks Amendment Act 2016
National Domestic Violence Order Scheme Act 2016
Police and Justice Legislation Amendment (Miscellaneous) Act 2016
Tobacco Amendment Act 2016
Victorian Funds Management Corporation Amendment Act 2016.

JOINT SITTING OF PARLIAMENT

Senate vacancy

The PRESIDENT — Order! I wish to advise the house that I have been informed by the ALP state secretary that they have elected a person to be nominated to fill the seat in the Senate rendered vacant by the resignation of Senator the Honourable Stephen Conroy. The letter is addressed to Mr Purdey, the Clerk of the Parliaments, and I have been copied in on that letter along with the Clerk of the Legislative Council. The letter, dated 14 October 2016, reads:

I write in my capacity as the state secretary of the Victorian branch of the Australian Labor Party to advise you that the party has officially endorsed Kimberley Kitching, residing and enrolled ...

and an address is given —

as our nominated replacement for the vacancy arising from Stephen Conroy's resignation from the Australian Senate.

The party would greatly appreciate a speedy resolution to the process of appointing Ms Kitching to fill the aforementioned vacancy as soon as is practicable.

Should you have any questions or require further clarification in relation to any of the above ...

please do not hesitate to contact him.

STANDING COMMITTEE ON THE ECONOMY AND INFRASTRUCTURE

Reference

The PRESIDENT — Order! I have received a letter from Joshua Morris, the chair of the Standing Committee on the Economy and Infrastructure. This letter reads:

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

That pursuant to sessional order 6:

1. the economy and infrastructure standing committee undertake an inquiry into the Domestic Animals Amendment (Puppy Farms and Pet Shops) Bill 2016;
2. that the committee reports its findings and recommendations to the Legislative Council by 6 December 2016, and
3. that the inquiry in particular examine the likely effect of the bill on:
 - a. existing Victorian dog breeders, and
 - b. the availability of both pet and working dogs in the state of Victoria.

RULINGS BY THE CHAIR

Mobile phones in chamber

The PRESIDENT — Order! I wish to convey a ruling to the house which arises from the last sitting week. It may cover an area that other members did not pick up on but which is certainly a matter of concern to me in terms of the conduct within the house. It refers to mobile phone use in the chamber.

I wish to briefly remind members of the longstanding practice of the house that prohibits speaking on a mobile phone in the chamber. This is distinct from, perhaps, messaging, but I might say that even there I have had concerns at times about portable devices being used and passed around where there has been

quite a bit of laughter and where clearly those devices have not been used to inform debate or even to undertake work associated with the member's capacity but to clock into some other areas of, shall we say, entertainment. In this context certainly I limit this ruling to mobile phone use — that is, speaking on mobile phones.

I am aware that several members were seen talking on mobile phones in the chamber during the most recent sitting week. This is not permissible at any time in the house when it is sitting, including during divisions. Standing orders do not expressly refer to the use of mobile phones in the chamber, but the practice of the house is clear. Presidents' rulings prohibiting both pagers and mobile phones date back to 1992, when President Chamberlain prohibited phones in the chamber. The rule in relation to voice calls has been restated several times since 1992, but it has been relaxed in relation to the use of mobile phones for other purposes, such as text and email, as phone technologies have evolved.

In summary, the rules are as follows: members should not make or receive a mobile phone call from any part of the chamber when the house is sitting, including during divisions; mobiles should be muted at all times in the chamber; mobiles should not be used to take photos or videos in the chamber; and mobiles may be used for text, email, internet or similar purposes but must not be audible.

PETITIONS

Following petitions presented to house:

Goulburn-Murray irrigation district

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council the need for a thorough review of the ownership and trading of water and a permanent ban on water being traded out of the Goulburn-Murray irrigation district (GMID).

The petitioners therefore request that the Legislative Council of Victoria ensure that the Andrews government ban any further water being traded out of the GMID and conduct a thorough review of ownership and trading that includes:

- A. reviewing carry over rules to only allow carryover for those who use the water for productive use;
- B. establishes more equitable sharing of the cost of water delivery, by requiring speculators to contribute to the delivery of water and maintenance of the system;
- C. establishes a public register of water ownership;

- D. establishes regulation of water brokers, to provide for better transparency in the trading of water;
- E. allows more flexibility for the environmental water holder to sell water on the temporary market without the requirement to purchase further water.

By Ms LOVELL (Northern Victoria) (37 signatures).

Laid on table.

Country Fire Authority enterprise bargaining agreement

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 Premier Daniel Andrews must not hand control of the Country Fire Authority (CFA) to the United Firefighters Union (UFU).

The petitioners therefore request that the Legislative Council of Victoria ensure that the Andrews government reject any EBA conditions that:

- A. allows the UFU to direct or impede CFA activities;
- B. undermines the autonomy of CFA volunteer firefighters;
- C. impacts upon the rights of CFA volunteer firefighters (including through the volunteers charter);
- D. leads to a reduction in surge capacity of the CFA to respond to major events.

By Ms LOVELL (Northern Victoria) (3 signatures).

Laid on table.

Equal opportunity legislation

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council our objection to the moves by the Victorian government to remove or restrict the freedom of faith-based schools and other organisations to employ staff who uphold the values of the organisation and to force faith-based organisations to hire staff who are fundamentally opposed to what the organisation stands for, thereby:

- I. denying those organisations the freedom to operate in accordance with their beliefs and principles;
- II. denying parents the ability to choose to send their children to schools that are able to give them the values-based education their parents are looking for; and
- III. undermining Victoria's diverse, pluralist, multicultural society, which supports the right of people of many different faiths to establish institutions in accordance with their faith.

The petitioners therefore call up on the Legislative Council of Victoria to oppose these plans by the Victorian government and to uphold freedom of association and freedom of belief in Victoria.

By Dr CARLING-JENKINS (Western Metropolitan) (754 signatures).

Laid on table.

Ormond railway station

To the Legislative Council of Victoria:

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

the foundation deck for the development of an up to 13-storey residential tower on the Frankston railway line on North Road above Ormond station has been constructed without informing or consulting the local community;

established low-rise suburbs should not be destroyed and permanently scarred by the construction of inappropriate, high-rise overdevelopment on railway land, particularly in the absence of community consultation; and

the local community does not support or consent to the construction of a residential tower of up to 13 storeys above Ormond station.

We therefore call on the Andrews Labor government to abandon its plans for the inappropriate overdevelopment of the Ormond station site and instead proceed with a development that is smaller in scale and more in keeping with the low-rise village atmosphere of Ormond.

By Ms CROZIER (Southern Metropolitan) (16 signatures).

Laid on table.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 14

Mr DALLA-RIVA (Eastern Metropolitan) presented *Alert Digest No. 14* of 2016, including appendices.

Laid on table.

Ordered to be published.

PAPERS

Laid on table by Clerk:

Crown Land (Reserves) Act 1978 — Ministerial orders for the following approvals in relation to Trentham Public Park and Recreation Reserve —

Lease, dated 19 February 2016.

Licence, dated 19 February 2016.

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

Corangamite Planning Scheme — Amendment C46.

East Gippsland Planning Scheme — Amendment C132.

Frankston Planning Scheme — Amendment C112.

Greater Shepparton Planning Scheme — Amendment C194.

Latrobe Planning Scheme — Amendment C93.

Maribymong Planning Scheme — Amendment C142.

Melton Planning Scheme — Amendment C167.

Moonee Valley Planning Scheme — Amendment C167.

Mornington Peninsula Planning Scheme — Amendment C189.

Mount Alexander Planning Scheme — Amendments C60 and C77.

Nillumbik Planning Scheme — Amendment C110.

South Gippsland Planning Scheme — Amendment C107.

South Gippsland, Baw Baw and Latrobe Planning Scheme — Amendment GC31.

Stonnington Planning Scheme — Amendment No. C245.

Surf Coast Planning Scheme — Amendment C110.

Whitehorse Planning Scheme — Amendment C186.

Whittlesea Planning Scheme — Amendments C76 and C188.

Yarra Ranges Planning Scheme — Amendment C155.

Statutory Rules under the following Acts of Parliament —

Australian Grands Prix Act 1994 — No. 133.

Catchment and Land Protection Act 1994 — No. 125.

Drugs, Poisons and Controlled Substances Act 1981 — Nos. 131 and 132.

Gene Technology Act 2001 — No. 130.

Metropolitan Fire Brigades (General) Interim Regulations 2016 — No. 129.

Prevention of Cruelty to Animals Act 1986 — No. 127.

Serious Sex Offenders (Detention and Supervision) Act 2009 — No. 128.

Subordinate Legislation Act 1994 — No. 124.

Subordinate Legislation Act 1994—

Documents under section 15 in respect of Statutory Rules Nos. 125, 128, 129 and 130.

A Legislative Instrument and related documents under section 16B in respect of the Planning and Environment Act 1987—Variation to the Community Infrastructure Levy Order, dated 11 October 2016.

Victorian Electoral Commission—Report, 2015–16.

Victorian Inspectorate—Report, 2015–16.

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

Gene Technology Amendment Act 2016—Whole Act—1 November 2016 (*Gazette No. S319, 18 October 2016*).

Serious Sex Offenders (Detention and Supervision) Amendment (Community Safety) Act 2016—Part 3—31 October 2016 (*Gazette No. S319, 18 October 2016*).

INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION

Operation Exmouth

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

Laid on table.

Ordered to be published.

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, 26 October:

- (1) notice of motion 332 standing in the name of Mrs Peulich calling for sky rail to be referred for environmental assessments under the Environment Protection and Biodiversity Conservation Act 1999;
- (2) notice of motion given this day by Dr Carling-Jenkins in relation to a moratorium and investigation of the Safe Schools program in primary schools;
- (3) order of the day 31, resumption of debate on motion for a committee reference on Parkville and Malmsbury youth justice centres;
- (4) notion of motion 329 standing in the name of Mr Ondarchie in relation to StartCon Melbourne;

(5) order of the day 32, resumption of debate on motion relating to Victoria Police resources; and

(6) order of the day 19, resumption of debate on motion relating to the Country Fire Authority proposed enterprise bargaining agreement.

Motion agreed to.

STANDING COMMITTEE ON THE ECONOMY AND INFRASTRUCTURE

Reporting dates

Mr MORRIS (Western Victoria)—By leave, I move:

That the resolution of the Council of 27 May 2015 requiring the economy and infrastructure standing committee to inquire into infrastructure projects and report every six months in June and December be amended so as to now require the committee to present reports every six months in April and October.

Motion agreed to.

MINISTERS STATEMENTS

Latin America education mission

Mr HERBERT (Minister for International Education)—I rise to inform the house about the latest steps my government is taking to broaden our international education markets and cement Victoria's credentials as a world-leading education destination. Building on last year's successful visit to Latin America, a visit which has already resulted in increased student numbers and research partnerships, last week I travelled on a seven-day education mission to Mexico and Chile. The trip included meetings with senior government representatives, including the Mexican Secretariat of Public Education, the Chilean Vice Minister of Education and key education agents in Mexico and Chile. In Santiago I signed a letter of intent with the vice minister that will pave the way for more cooperation between Victoria and Chile in education and training. Agreements like this clearly demonstrate how well respected Victoria's education, training and research expertise is throughout the world.

South America and Latin America, with a rapidly expanding middle class, is one of Victoria's growing areas for international students, with student enrolments doubling in the past five years. They are part of the 175 000 international students studying here in Victoria, who contribute more than \$5.8 billion to our economy and support 30 000 local jobs. Whilst we pride ourselves on being able to deliver one of the best student experiences in the world, we cannot become

complacent. We have competition all around us, and that is why we have to be on the ground building new markets, strengthening existing markets and doing all we can to grow this very important sector for Victoria.

MEMBERS STATEMENTS

Past adoption practices memorial

Ms BATH (Eastern Victoria) — Today I wish to acknowledge the Independent Regional Mothers group on their work in establishing a memorial honouring the mothers who had their children taken illegally from them under past forced adoption policies and practices. On Thursday, 25 October 2012, the Victorian Parliament formally apologised to the mothers, fathers, sons and daughters who were profoundly harmed by past adoption practices in Victoria. Today is the fourth anniversary of this apology, which acknowledged that thousands of Victorian babies were taken from their mothers without informed consent and that this loss caused immense grief.

On 21 March 2013 the then Prime Minister apologised on behalf of the Australian government to people affected by forced adoption or removal policies. The current federal government has contributed \$5000 to the memorial project to have this memorial established in Sale. Back in May this year I asked for the Victorian government to also contribute \$5000, but unfortunately it has not come to the table, leaving the federal government to fund an extra \$5000 to ensure this worthwhile project goes ahead.

I would like to acknowledge the hard work of Brenda Coughlan and the Independent Regional Mothers group for pushing ahead with this wonderful memorial, that I am told is going to be a bronze memorial of a mother and child. I hope it becomes a place for peaceful meditation, for healing and for solace for those who have been affected by forced adoption practices, and I hope to be at the opening of it.

Responsible Gambling Awareness Week

Mr ELASMAR (Northern Metropolitan) — On Monday, 17 October, I was very pleased to attend the launch of Responsible Gambling Awareness Week. The Minister for Consumer Affairs, Gaming and Liquor Regulation, Ms Marlene Kairouz from the other place, officiated at this special event. It was heartening to see practical strategies, aimed primarily at youths, specially designed to reduce the harm of problem gaming.

It is a great pity that the majority of them actually gamble to win. New strategic initiatives are targeted at year 10 to 12 students and use role-playing in maths classes to challenge misconceptions around the chances of winning. They will help teachers incorporate gambling education into the curriculum and deliver information on how young people can seek help with problem gambling.

Baptcare Westmeadows aged-care facility

Mr ELASMAR — On another matter, on Friday, 21 October, I attended the Baptcare Valley Park community facility located in Westmeadows. The purpose for my visit was to help celebrate the commencement of construction of a 90-bed residential aged-care facility. We were given a tour of the proposed site, and while visually it is hard to imagine, I am sure that a beautiful aged-care home for our elderly citizens will emerge in time from the foundations.

Container deposit scheme

Ms SPRINGLE (South Eastern Metropolitan) — From July next year consumers and community groups in New South Wales will be entitled to recover 10 cents upon the presentation of an empty beverage can or bottle after the New South Wales Parliament passed legislation last week. By the middle of next year there will be a container deposit scheme in South Australia, the Northern Territory and New South Wales, with others well on the way in both Queensland and Western Australia. Very soon Victoria will be the only mainland state outside the national container deposit scheme. This means that Victorians will be the only ones unable to redeem their drink containers for 10 cents and the only ones committing a crime if they try to redeem containers interstate.

Meanwhile the Victorian Labor government continues to use completely unreliable statistics — statistics produced by the beverage industry — to continue to thwart a national scheme. A container deposit scheme clearly benefits everyone. It benefits recyclers, it benefits consumers, community groups and the broader community, and it benefits local councils. It seems the only groups left in Australia who oppose a container deposit scheme are Coca-Cola and the Victorian Labor Party. The Greens are absolutely committed to a container deposit scheme and will be introducing the text of a bill shortly.

Australian Caravan Club national muster

Ms LOVELL (Northern Victoria) — Last week I was delighted to officially open the 10th annual Australian Caravan Club muster and welcome 400 members of the club to Shepparton for the muster and the club's annual general meeting — a social and educational event where members from all over Australia converge in one place for a full week to have fun and tour the district. It is estimated that the muster contributed about \$250 000 to our local economy, which is fantastic. I was delighted to outline Shepparton's tourism attractions and day trip opportunities to club members and have extended Shepparton's hospitality to them whenever they would like to return.

Shepparton Relay for Life

Ms LOVELL — Over the weekend of 15 and 16 October I was privileged to attend and take part in the Shepparton Relay for Life. This year's event was the 15th annual Shepparton relay. Over the years the relays have raised more than \$2.5 million. Relay for Life is an emotional event because everyone's life has been touched in some way by cancer. It is an opportunity to remember those we have lost, to celebrate the lives of those who have survived and to work towards the goal of a cancer-free world. I want to thank the organising committee and every single person who took part in this year's event, as well as the 56 local businesses that sponsored this year's event.

Shepparton Pink Ribbon Brunch

Ms LOVELL — Last Sunday 732 Greater Shepparton women and a couple of men turned out for the 10th annual Shepparton News Pink Ribbon Brunch. Congratulations to the organising committee and to all the attendees who supported this year's event, which should raise in excess of \$70 000. I would like to make special mention of Peter Copulas, who donated \$20 000 on the day. Over the past nine years the brunch has raised close to \$320 000. What a fantastic local effort!

Western distributor

Mr MELHEM (Western Metropolitan) — Our Prime Minister has ripped off Victorians once again. At first Malcolm Turnbull failed to deliver on his promise to top up the funding from the lease of the port of Melbourne by 15 per cent, only delivering 9 per cent. Victorians were ripped off by \$650 million. Now Mr Turnbull has indicated that the federal government will not contribute any funding whatsoever to the construction of the western distributor.

I am sure that by now members of this house are well aware of the benefits of the western distributor. It will provide an alternative to the West Gate Bridge by building a second river crossing and a tunnel under Yarraville. It will take 22 000 vehicles, including 6000 trucks, off the West Gate, widen the West Gate Freeway from 8 to 12 lanes between the M80 and Williamstown Road, provide a direct link to the port of Melbourne, deliver an \$11 billion boost to the state's economy, create 5600 new jobs and reduce noise, accidents and pollution. The house is well aware of these things, but Mr Turnbull is not — or he refuses to accept the facts.

It is important to note that 25 per cent of the Australian population lives in Victoria, yet we only receive a 9 per cent share of infrastructure investment. Definitely Victoria deserves a fair share of the federal funding, but with or without Malcolm Turnbull's support the West Gate distributor will be built.

West Gate Bridge truck ban

Ms HARTLAND (Western Metropolitan) — My members statement is in relation to a letter I sent to Minister Donnellan yesterday:

I am writing in regards to the ban on container truck loads greater than 68.5 tons on the West Gate Bridge, due to come into force on 1 November 2016.

As the local MLC for the western suburbs, this decision has serious ramifications for my constituents. It will have the inevitable consequence of exacerbating the already intolerable traffic load of large trucks on suburban streets in the inner west.

It is inappropriate that these large, heavy trucks will now be diverted into residential streets in Melbourne's inner west suburbs.

As would be aware, the local community has been campaigning for many years to reduce the amount of truck movements on local streets and to expand truck curfews to protect the health and safety of residents, particularly young children.

If these trucks cannot be accommodated on the West Gate Bridge, they should not be put onto the road.

I call upon the minister to explain to the community what evidence there is that the West Gate can no longer accommodate these trucks, how many of these trucks will actually now be on western suburbs roads and why it was that he decided to make an announcement in the press and once again not even bother to tell the local community.

King Bhumibol Adulyadej

Mrs PEULICH (South Eastern Metropolitan) — On 13 October His Majesty King Bhumibol Adulyadej of Thailand died. I would like on behalf of the coalition to extend our deepest sympathies to the Thai people, our Thai community and of course the royal family. The king has provided steady leadership despite political challenges and fostered a national pride and identity which has enabled the Thai people to see through that. At a time of national mourning I extend to the Thai royal family and the people of Thailand, as well as our Thai diaspora, the condolences of the coalition.

Shimon Peres

Mrs PEULICH — Similarly, on 28 September Mr Shimon Peres, former President and former Prime Minister of Israel, died. The Parliament of Victoria obviously mourns his passing but honours and celebrates his long and eventful life. The passion of Shimon Peres for the state of Israel, which he helped to found, was matched only by his commitment to pursuing peace for Israel with its neighbours. He was awarded the Nobel Peace Prize for his efforts in support of the Oslo accords. To this day his Peres Centre for Peace seeks to build links between Israelis and Palestinians in programs that promote coexistence and reconciliation. On behalf of the coalition I extend to his family and to Victoria's Jewish community the condolences of the coalition at a time of sadness.

Diwali festival

Mrs PEULICH — Lastly, I just wish to thank all of those organisations that have celebrated Diwali and invited us to those celebrations, including the one that has an exhibition in Queen's Hall, which I would invite members to enjoy.

Western Ring Road upgrade

Mr EIDEH (Western Metropolitan) — I rise to speak on the \$300 million upgrade to the M80 ring-road. This vital upgrade has been made possible through the joint contribution of the state and federal governments and will include the widening of the M80 to create more lanes in each direction between Sunshine Avenue and the E. J. Whitten Bridge. This is an extremely significant upgrade for the 165 000 vehicles which cross the E. J. Whitten Bridge each day, and it will mean a safer, stronger bridge, better road layout to reduce the incidence of collisions, improved traffic flow for cars and trucks, and reduced travel times. In fact this upgrade will reduce travel

times on the M80 by up to 15 minutes for motorists travelling to and from the western suburbs.

For some years motorists using this freeway have been met with congestion and bottlenecks at these busy freeway points, even more so during peak hour, as the population boom continues in the western suburbs. The 3.2-kilometre upgrade project will include a new electronic lane management system and CCTV cameras, which will ensure more efficient management of traffic incidents as well as boosting our economy and creating over 1300 jobs.

Road safety

Mr BOURMAN (Eastern Victoria) — Road safety, as we know, is very important, with the road toll going up quite substantially of late. Even as recently as last night a 15-year-old lost his life on the roads, while up to something. Misbehaviour on the roads, as well as inattention and inappropriate speed, is quite dangerous. What we need are avenues off-road in legal areas for people to let off steam and enjoy themselves.

Keep it off the Streets is a group dedicated to allowing people to go and do burnouts in private areas. They can do whatever they like — damage their cars as much as they like — but it is all in a safe location. I believe the government should be giving that sort of thing a lot of support. When legal off-street drag-racing has been shut down it has always resulted in more illegal on-street drag-racing. As we get on a little bit we need to make sure that we are giving people the ability to do what they want without having to do it on the roads.

Rita Bentley

Mr BOURMAN — Lastly, Rita Bentley of the Prospectors and Miners Association of Victoria stepped down after a long time at the helm as president. I want to say 'A job exceptionally well done' and wish her well. She will be leaving big shoes for someone else to fill.

Beaumaris Secondary College site

Ms FITZHERBERT (Southern Metropolitan) — Yesterday I attended a community protest at the Beaumaris Secondary College site close to my home. I was accompanied by the member for Sandringham in the Assembly and Mr Davis. Several hundred members of the community had gathered together very early in the morning to protest against the sudden announcement of the removal of several hundred trees. The school site is very unusual: it has expansive grounds and abuts a well-loved nature reserve. There

are thousands of trees and other foliage in this precinct, plus the many animals and birds that live there.

Last week the Victorian School Building Authority advised that it would cut down more than 200 trees and said this would start from yesterday. They would not advise anyone, including my office when we rang on Friday, which trees would be cut down. Locals want the school built but resent having no input or information in regard to extensive tree loss in their community. This is a precinct that is well used by the local community, aside from the traditional use of the land as school grounds. It is a similar story with sky rail and Domain station — an announcement, or not, that hundreds of trees are going to be knocked down without any input into how this might happen and whether it is really necessary.

I will be watching very closely to see that the consultation promised to occur over the next two weeks with residents about tree loss is genuine, and I am sure I will soon be hearing again from many concerned residents if it is lacking in any way.

Clothesline Project

Ms SHING (Eastern Victoria) — It was a great privilege and honour to speak at the launch of the Clothesline Project last week in Morwell, which is one of six sites where clotheslines have been set up with T-shirts decorated by victims and survivors of domestic violence. In acknowledging the work that needs to be done to continue to tackle the scourge of family violence in our community, I pay tribute to everyone from the Gippsland Community Legal Service who has supported this project and allowed it to come to fruition. I also look forward to the commonwealth government backing paid family violence leave so that women survivors and victims of family violence can maintain some continuity and connection to employment whilst they are tackling such a difficult time of trauma.

Eagle Point Ramsar wetlands

Ms SHING — On another matter, it was a great privilege to head to Eagle Point near Paynesville to celebrate \$10 million in funding to the ministerial advisory committee to deal with compliance with the Ramsar-awarded wetlands in and around the Gippsland Lakes area. This money will be allocated to grants for research and education to make sure that this precious part of the world, which has enormous historical significance for Indigenous communities as well as for international communities and migratory bird populations, is preserved now and into the future.

Brenda Coughlan

Ms SHING — On another matter, I would like to pay tribute to the ongoing work of people such as Brenda Coughlan in Gippsland who make such a significant contribution to the ongoing issues of forced adoption and the recovery that our community needs to make to continue to move beyond the trauma suffered by so many families and children between the 1950s and the 1970s.

Mambourin Enterprises

Dr CARLING-JENKINS (Western Metropolitan) — Last week I had the pleasure of attending the Mambourin Enterprises annual general meeting. Mambourin is a disability service operating at several sites within my electorate and empowering people to live independently by offering individualised support, employment, education and training services. The night kicked off with the Mambourin choir performing *Bohemian Rhapsody* — not the easiest piece to perform, I must say. The pianist and the choir did a marvellous job and really created a positive vibe which lasted throughout the night. Next I heard Deborah Terrell share her story about the friendship group she is involved in, complete with a PowerPoint presentation. It really highlighted Mambourin's warm and welcoming culture. Then Rohan Braddy, CEO, celebrated the significant events and milestones the organisation has achieved over the past year. Some of these included Mambourin participants recording the weekly *Off the Wall* radio show, broadcast on community station 88.9 WynFM, and the Mambourin moviemakers gala night, at which their full first full-length movie to be created, filmed and produced, *The Visitor*, was showcased.

I really encourage everyone to get out and support the disability services in their local area. By now each member of this place and the other place have received a formal invitation to attend the Australian disability enterprise directory launch and exhibition, which will take place in Queen's Hall from Tuesday, 6 December, to Thursday, 8 December. I hope to see you all there.

Ormond railway station

Mr DAVIS (Southern Metropolitan) — Last night I attended a large public meeting in Ormond. My colleagues Mr Southwick, the member for Caulfield in the other place, and Ms Crozier were also there, along with more than 100 members of the local community. The absolute fury and anger was palpable. This related directly to the Labor government's massive proposed sky tower in Ormond. The community are outraged

because they were in no way consulted about the plan to build a massive tower.

The pad has been built over the level crossing removal. The level crossing removal is supported by everyone — in fact this one was funded by the previous government — but nobody was advised, including the Glen Eira council, that a massive concrete pad was to be built over the station. This came as a massive shock to the community. They are absolutely incensed that they are going to have a 13 to 20-storey tower built at this location. There was no planning or attention paid to the impact on traffic or the amenity of the area. Ormond is three storeys high around that area — this is completely and utterly out of sympathy. The community is up in arms, the community wants it stopped and the community does not believe that the level crossing removal should be paid for by this value capture when it was already funded by the previous government.

John Henry Primary School

Mr MULINO (Eastern Victoria) — It was very pleasing to visit the building site for the John Henry Primary School in Pakenham. Considerable progress has already been made. This school contains a number of very important and innovative features. There are two separate science, technology, engineering and mathematics areas for students at different stages of learning. There is an early learning centre, run by the YMCA, to support the transitions between early learning, childhood learning and primary education. There is a multipurpose space that will activate outside school hours services for a range of community services and programs. There is also an expanded gymnasium, built to Netball Victoria competition standards, and embedded environmental education.

This is one of 15 schools being delivered through the government's \$291 million public-private partnership project, a critical project in order for us to keep up with rapid population growth and to deliver schools in the outer suburbs, where they are needed. This is part of the government's record infrastructure spend in education.

Australia Day awards ceremony

Mr MULINO — It was also fantastic to attend the Australia Day awards at Government House last week. This was a truly uplifting event. Ninety-seven awards were presented across the full gamut of society, many to people from my electorate of Eastern Victoria Region. Many of those receiving awards have spent decades tirelessly volunteering for their communities. I acknowledge the initiative of the Governor of Victoria

in spreading these awards across two days, which allowed a doubling in the number of family members who were able to attend. Congratulations to all the winners.

Brimbank City Council

Mr FINN (Western Metropolitan) — I wish to pay tribute to the outgoing administrators of the City of Brimbank. John Watson, Jane Nathan, John Tanner and their predecessors have performed what could best be described as a miracle in returning good governance to a municipality that was the laughing stock of local government around the nation. I warmly congratulate the administrators for the outstanding job they have done for the people of Brimbank. They leave with the heartfelt gratitude of locals, and they can be very, very proud indeed of the legacy that they leave, one that will be enjoyed for generations to come.

In thanking the administrators, I take this opportunity to issue a warning to the councillors elected to replace them. Brimbank City Council was, under then mayor Natalie Suleyman, a basket case and an unmitigated disgrace. Its treatment of the citizens of Brimbank was shameful. Any return of that outrageous behaviour by the new council will not be tolerated, and I can assure the house and the community that I will make sure of that. In fact I will continue to monitor all councils in Melbourne's west and will hold councillors accountable for any misdeeds or contempt of the communities that they are elected to represent. Wyndham City Council should take note.

I will work with anyone who has the genuine interests of the western suburbs at heart, but God help those who put their own personal or political interests ahead of the people of the west — and that is not a threat; that is a promise.

Mr Dalidakis — On a point of order, President, the member reflected on a member of the other place, and I ask you to have him withdraw his remarks.

Mr FINN — On the point of order, President, could I offer some clarification for Mr Dalidakis, who obviously was not listening. I certainly reflected on the Brimbank council, and I would have no hesitation in continuing to do that. What I referred to was the mayor of that council. I did not refer to her in any disparaging way, I just said that the council that she was mayor of was a disgrace.

The PRESIDENT — Order! It would not matter whether it was a disgrace, a basket case or some other

adjective — the adjectives were applied to the council, not to the individual. The Clerk also heard them — —

Mr Dalidakis — Can I ask that you look at the *Hansard*?

The PRESIDENT — Order! Mr Dalidakis, I do not have conversations when I am on my feet. It is my view that there is no point of order and no need for a withdrawal in this instance.

Mr Dalidakis — On a point of order, President, I am happy to accept that on the basis of what you and the Clerk heard, but can I ask that you review *Hansard* when *Hansard* comes out then?

The PRESIDENT — Order! All right; I am prepared to do that.

CORRECTIONS LEGISLATION AMENDMENT BILL 2016

Second reading

Debate resumed from 11 October; motion of Mr DALIDAKIS (Minister for Small Business, Innovation and Trade).

Mr O'DONOHUE (Eastern Victoria) — I am pleased to speak on behalf of the opposition, at least in the first instance, on the Corrections Legislation Amendment Bill 2016 and to indicate to the house that the opposition will not be opposing the bill. In summary, the amendments made to the bill, whilst modest and some are technical in nature, seem to make sense and improve — as I say, in a small way — the operation of the system.

The bill will amend the Corrections Act 1986 to provide the security and emergency services group (SESG) — the highly trained, elite members of the corrections system — with a new role in supervising prisoners on parole, drawing on recent reforms in relation to serious sex offenders. The SESG, as I said, have extra training, they have highly trained dogs and they provide that emergency response capacity to the corrections system, and providing this amendment to provide backup to community corrections officers would appear to be a reasonable one. But I would ask that the minister provide some clarity as to why this is being sought now or why this is being delivered now. Is there a particular circumstance or set of circumstances that has given rise to the suggested amendment? I have asked the minister's office for some advice about that, so I look forward to the minister providing that response, because as Mr Clark, the member for Box Hill in the other place, noted in his contribution on this

bill, the number of offenders on parole has gone from around 1800 to — I think on the latest count — less than 1200, or somewhere around the 1100 or 1150 mark.

The supervision of those parolees through the implementation of the Callinan reforms has been increased, so one would anticipate that those who are achieving parole have completed the relevant programs and have met that higher threshold or benchmark that is now required, and therefore I am interested to know why this extra role for the SESG in helping community corrections officers is needed.

While we are talking about the SESG, prison officers and community corrections officers, let me place on the record my respect and admiration for the work they do. It is very difficult work and very important work in improving safety in our community. The role they can play in helping a prisoner get his or her life back on track in a crime-free way can be central and critical. Let me just make that observation.

I am concerned that the enormous growth in the number of offenders on a community corrections order has placed significant pressure and strain on workloads for community corrections officers. So while the number of offenders being supervised by parole officers or corrections officers in that parole space has been reduced in the broader community corrections system, my understanding from feedback from community corrections officers and others is that there is significant pressure on those in the community corrections space because of that significant growth in the number of offenders on a community corrections order.

The bill also provides a clear power for the Secretary of the Department of Justice and Regulation to issue a warrant or authorise an application for a magistrate's warrant that authorises a police officer to break, enter and search a public place or private residence to arrest and return an unlawfully released prisoner to custody or that authorises a prison officer or an escort officer to arrest a prisoner in a public place and return them to custody. Again I think that is an uncontroversial proposition. Probably it is a good risk mitigation or risk management power, and the warrant needs to go through the appropriate channels. However, the question arises: what particular circumstances have given rise to this amendment making its way into this amendment bill before the house today? I have sought some advice from the minister's office about that before today, and I look forward to some further advice about that issue from either a government member or the minister in summing up or indeed if necessary in committee. The bill also improves and clarifies the

information-sharing provisions in part 9E of the act, including to expressly incorporate current ministerial authorisations permitting relevant persons, such as corrections staff, to share personal or confidential information about offenders and prisoners for the purpose of the Working with Children Act 2005 to protect children from sexual or physical harm and to share such information with correctional services authorities and parole authorities in other states, territories or countries, such as New Zealand, to prevent crime and to monitor offenders who may pose risks to the community. Again I think this is uncontroversial and relatively minor, but it could be an important amendment in individual circumstances.

Information sharing across government is notoriously challenging and difficult, and there must be protections in place to make sure information is not inappropriately shared with other third parties, even within government, but I think in this circumstance this reform is worthy and should be of benefit to the operation of the corrections system and the interchange with other correctional services authorities and parole authorities in other locations. As we become more mobile as people, the need for that sharing of information will increase, and this provides the ability for other authorities — and vice versa for government — to understand potential risk and the like.

The bill also provides an exemption from liability for any damage or injury caused by the use of reasonable force by corrections staff, and that will ensure a consistent approach to exemption from liability throughout the Corrections Act. This is an uncontroversial proposition; if someone is using reasonable force, that would be exempt from liability throughout the act which regulates the corrections system.

The bill also makes technical and other miscellaneous amendments to the act, including clarifying the power of prison governors and regional managers to delegate functions and powers under the Corrections Regulations 2009 in addition to the Corrections Act. We were advised through the briefing process which the minister's office facilitated that Victoria Police and the relevant agencies within government, including the Adult Parole Board of Victoria, Corrections Victoria and the like, were all consulted. The bill, as I say, is relatively uncontroversial in what it does, and on the face of it it would appear to make amendments and improvements to the system.

The bill is important not in what it does but in what it does not do. We just heard a question in the other place during question time as to why only two of the

35 recommendations from the Harper review have been implemented. The government has now had the Harper review for 11 months following the tragic murder of Masa Vukotic, and only two of those 35 recommendations that flowed from that important review have been implemented. Many of the major reform questions associated with the improvement of the Serious Sex Offenders (Detention and Supervision) Act 2009 and the regime associated with managing offenders on post-sentence orders and those offenders living at Corella Place or Emu Creek or indeed in the community are yet to be answered, including whether the government will establish a public protection authority and remove that responsibility from the adult parole board. What will be the criteria to establish a post-sentence regime for violent offenders akin to that for serious sex offenders? What criteria will apply to those violent offenders to put them on that post-sentence scheme?

Indeed Justice Harper recommended the establishment of a new facility. Where will that facility be located? There was \$3 million in this current financial year budget for the creation of a temporary facility, and to the best of my knowledge that temporary facility is yet to be established and the location of the permanent facility has yet to be decided or at least has yet to be announced. So there are some very important and serious questions about the implementation of the Harper recommendations.

We in the opposition welcome the report and we want to work with the government to improve the operation of this very difficult area, but we are concerned about the apparent slow nature of the implementation of those 35 recommendations. As I say, in the minister's answer to my question during a recent sitting week, he advised me that only two of the 35 recommendations had been implemented. At the end of his answer to the question I asked on 12 October, he said:

This is a complex reform agenda that is under active consideration. Relevant legislation will be prepared for Parliament's consideration in due course.

With the greatest respect, the phrase 'due course' does not imply the urgency that I think would be expected or is warranted in this circumstance, so I would encourage the minister and those who advise him to move these recommendations on as quickly as possible.

I will also touch on the impact on the corrections system of the riot at the Metropolitan Remand Centre (MRC). As we saw, the first of those people involved in that riot were sentenced earlier this week. The government said that the repair cost would be between \$10 million and \$12 million. The Special Minister of

State advised of that in a written answer to a question without notice on 18 August last year. That costing went up to \$52 million following the release of the Walshe report in December last year. Then it was revealed in the budget last year that the true cost of the MRC rebuild was more like \$95 million. So we have gone from \$10 million to \$12 million to \$52 million to \$95 million.

In his press release of December last year, the then Minister for Corrections, Mr Noonan, said the timetable to rebuild the prison would be between 12 and 18 months, which takes us from December last year through to May or June next year. At the end of the budget time Acting Minister Scott again said 12 to 18 months, even though six months time had passed, and then Minister Herbert in response to questions from me has said it would be mid-2018. So we have gone from a potential time frame of 12 months to 30 months and a potential cost of between \$10 million and \$12 million to a cost of \$95 million. All the while the capacity of the MRC has been reduced, putting enormous strain on the police cell system and enormous strain on courts, with prisoners not being presented to court in breach of a court order, which is a pretty substandard situation.

We have also had some comical situations in the prison system, such as prisoners being caught cultivating drugs in the prison vegetable garden down at the Fulham Correctional Centre near Sale. We have had 25 deaths in custody since 1 July last year. Despite the response from the minister, interestingly the analysis shows that a number of those deaths in custody have been of younger men, so this is not just an issue that is affecting the aged prisoner cohort that has been coming into the prison system in recent years. This is also younger men who have been dying in the prison system, and there are questions about that. We had prisoners refusing to work and striking at Barwon Prison and the recent reports of vicious attacks on prison officers at that prison. We have had an increased number of recent escapes, including the first escape from a walled medium or maximum security prison since 16 June 2001, when a prisoner escaped from the Hopkins Correctional Centre in Ararat.

When the government came to office the then minister talked about being smart on crime, not tough on crime, and about doing something about the recidivism rate. The recidivism rate, as shown in the budget papers, is forecast to stay above 40 per cent this year and through the forward estimates. I noted a comment attributed to the deputy commissioner of corrections at a justice forum recently that the current recidivism rate is around

42 per cent, so despite the government's promises, the forecast for the recidivism rate remains high.

As I mentioned, we have gone from less than 100 prisoners in police cells in November 2014 — consistently below 100 — to at times in excess of 300 and regularly well in excess of 200 or 250 prisoners in police cells. We have had a flood of contraband drugs, weapons, cigarettes, alcohol and the like, including reports of tennis balls being thrown over the prison wall at Port Phillip Prison containing mobile phones, drugs and other contraband. Simply — —

Mr Dalidakis — But then they're not tennis balls; they are conduits for illegal activity.

Mr O'DONOHUE — I take up Minister Dalidakis's interjection. I think they can be at the same time a tennis ball and a conduit for illegal activity, which is no doubt part of the reason the tennis balls are chosen as a conduit for the drugs and other items that are flooding the prison system. I thank the minister for that interjection. We have also had — —

Mr Dalidakis — Flooding with water?

Mr O'DONOHUE — No, flooding with drugs, Minister. They are being inundated with drugs, weapons, cigarettes, matches and other items of contraband.

Honourable members interjecting.

Mr O'DONOHUE — Members of the government may make light of these issues, but they are actually very serious issues. Some of the reports of deaths in custody have related to the alleged use of illegal drugs. This is a very serious issue, and of course when drugs and other contraband are in the prison system they become a form of currency, which can lead to standover tactics and other illegal activity in the prison system. This is a very serious issue, and it needs much greater focus and attention from the minister and from the government.

We have also had regular drone incursions over Victorian prisons, which again are seen as a conduit for the dropping of drugs and other contraband into the prison. We have had the absolutely farcical scenario of a prisoner having a pet snake in his cell down at Fulham. These are issues that are not addressed by this bill, which I think is regrettable, because there are a range of issues that need to be addressed. I thank the minister's office for the interchange about a couple of questions I had in relation to the bill, and I look forward to the response from the minister about those things.

Of course the broader context of the corrections system is the crime crisis that we see in Victoria. Crime is up 13 per cent, frontline police numbers have been cut and police stations have been closed — police stations such as Burwood, Ashburton, Mount Waverley, Nunawading, Mooroolbark, Endeavour Hills, Pakenham, Carrum Downs, Somerville, Waurin Ponds, Whitfield, Ballarat West, Lakes Entrance, and the list goes on. They have had their opening hours cut or they have been closed or they have been unable at times to open their doors due to a critical lack of frontline police resources. I distinctly remember going through the police academy last year, and it was like a ghost town. There was hardly anyone there training and hardly anyone there learning to be a police officer, because one of the first actions of Daniel Andrews upon becoming Premier was to shut down the very successful growth of Victoria Police that had happened under the coalition government.

Consequently we are having a crime wave, with a 13.4 per cent increase in crime. We have a justice system that has been weakened by the government. We have a corrections system with a range of issues. We have a bill before us today that addresses none of those issues. The issues it does address appear to be worthy, but in the context of the justice issues Victoria is currently experiencing they are minor. I look forward to further substantive legislation, particularly around the implementation of the Harper recommendations, being brought forward to this place as soon as possible.

Mr MULINO (Eastern Victoria) — I rise to speak in favour of this bill. It is a bill which contains a number of important measures to strengthen our corrections system and the supervision of prisoners on parole. The bill contains five elements, which I will very briefly identify, and then I will speak to a couple of them.

The first is that the bill establishes a new safety role for the security and emergency services group (SESG) of Corrections Victoria in supervising prisoners on parole — and I will speak to a couple of the additional powers that group will be granted when I speak to that particular measure. Secondly, it provides a clear power for the Secretary to the Department of Justice and Regulation to issue a warrant or authorise an application for a magistrate's warrant in relation to situations in which there is an unlawful release from custody. Thirdly, it improves and clarifies information-sharing provisions in part 9E of the Corrections Act 1986, and in particular clarifies two heads of information sharing which are currently in the law but are temporary — it clarifies the way they will continue into the future. Fourthly, the bill provides an

exemption from liability for damage or injury caused by the use of reasonable force by corrections staff to ensure a consistent approach to exemption from liability throughout the Corrections Act. In addition there are a number of technical amendments.

Firstly, I make some brief comments in relation to the safety role for the security and emergency services group in relation to prisoners on parole. As all of us in this place are aware, there are a number of safety risks to the community and to community corrections staff in the supervision of some prisoners on parole. These safety risks are more likely to occur in relation to particular high-risk categories of prisoners. This bill addresses the safety risk by establishing a new safety role for prison officers in the SESG.

There are currently a range of powers under the act. Community corrections officers currently have general powers to use reasonable force to respond to threats of death, serious injury or serious property damage. Under the bill prison officers in the SESG, in their new safety role as a special class of community corrections officers, may supervise prisoners on parole and use additional measures when using that reasonable force. These additional powers in the bill include the application of instruments of restraint, garment or pat-down searches of the prisoner on parole or at the prisoner's residence and the power to seize items on safety or welfare grounds or due to a risk of reoffending or a risk of breaching the parole order. In addition, the SESG officer may conduct alcohol or drug testing of the prisoner on parole.

These are important measures to strengthen the current powers that officers within the SESG have. These powers are modelled on those currently exercised under the Serious Sex Offenders (Detention and Supervision) Act 2009 (SSODSA). In so doing they are suitably crafted for the particular prisoners that will be dealt with under this bill. While they are crafted on the powers relevant to the Serious Sex Offenders (Detention and Supervision) Act, the threshold is higher in the current bill than under the SSODSA, because in the context of parole the SESG will be engaging with a much larger category of offenders in the community who may pose a wider range of risks.

To ensure oversight of the exercise of the stronger powers, SESG officers will be subject to the direction of the commissioner of Corrections Victoria. This bill requires that specified officers report on instances of the use of reasonable force to the commissioner, who is then required to report these matters to the Secretary to the Department of Justice and Regulation. These powers are necessary and very important in that they

can involve the restraint of individuals — they can involve limiting individuals' freedom of movement — and therefore it is critical that they are exercised in a way where there is transparency and accountability. So it is important that the exercise of these powers is reported in such a manner.

I will also make a couple of comments in relation to unlawful releases from custody. There is currently a lack of a clear and express power in the Corrections Act in relation to situations in which there is a return to custody of an unlawfully released prisoner. Unlawful releases clearly undermine community safety and also community confidence in the corrections system. There are currently general powers under the Corrections Act which can be used to return a prisoner to custody after they are mistakenly released into the community. But it is also true to say that even though there are these general powers, these powers do not allow for certain actions by police — for example, the current powers do not allow police, or any other officers, to break and enter premises for the purposes of taking charge of a prisoner. The current powers in a sense require that the prisoner be located in a public place. So the amendments in the bill remove an anomaly in the current act in relation to the return of unlawfully released prisoners to custody. This is again a very important matter when it comes to both community safety and the community's confidence in the corrections system as a whole. The bill provides clear powers for the Secretary to the Department of Justice and Regulation to issue a warrant or to authorise an application to a magistrate for a warrant for the return of an unlawfully released prisoner to custody.

I would also like to make a couple of observations in relation to information sharing under part 9E of the Corrections Act. There are currently two ministerial authorisations in force which permit a relevant person to share personal or confidential information about offenders and prisoners. The first of those categories relates to sharing information for the purposes of the Working with Children Act 2005 to protect children from sexual or physical harm, and the second category of information sharing relates to sharing with correctional services in other states, territories or countries. As was alluded to by the previous speaker, this kind of interjurisdictional information sharing can be very important in a number of cases. The current ministerial authorisations have been in place for around one year and were initially intended to be temporary and limited. This bill makes these two new categories of information sharing explicit in the Corrections Act to provide greater transparency, and it includes further classes of persons who may use or disclose that information to ensure consistency between the two

information-sharing schemes under the Corrections Act and the serious sex offenders legislation.

So there are a number of elements in this bill. This is another plank in the government's response to protecting the community. It is another plank in the government's response to law and order issues. This government has invested significantly in the corrections system. This government has invested significantly in training new police officers. This bill continues in that vein. I support this bill and commend it to the house.

Ms PENNICUIK (Southern Metropolitan) — The Greens will be supporting the Corrections Legislation Amendment Bill 2016. The provisions of the bill have been extensively outlined by Mr O'Donohue and by Mr Mulino just then, but I will certainly go through the major provisions of the bill, which we are supporting, and make some comments on them.

The bill amends the Corrections Act 1986, particularly to establish a new role for prison officers in the security and emergency services group (SESG) of Corrections Victoria in the supervision of prisoners who are on parole. This draws on the recent reforms in relation to the supervision of serious sex offenders who are released into the community. That particular group, the SESG, has a role in the supervision of that cohort of ex-prisoners. We are talking here about prisoners who are on parole but who may pose a high risk of violence or threat to the safety of persons in the community. That is why this bill is providing that particular group, the SESG, with a role in the supervision of this cohort of high-risk parolees.

As the Greens have said many times in this chamber, parole serves a very useful and worthwhile purpose in releasing prisoners prior to the end of their sentence but making sure they are still under the supervision of Corrections Victoria. In many cases parolees are released on parole with a number of conditions applying to their parole. When corrections staff are required to, for example, visit the homes of parolees, particularly after hours, to check on electronic monitoring equipment or to check on the compliance with curfews or other conditions that have been put on the parolees by the Victorian adult parole board, that can be a safety risk for those staff.

That is why, as I understand it, the SESG are being charged with the supervision of that cohort of parolees. It is not to apply to all parolees but to those who have been identified as posing a risk to the safety of not only corrections staff but also other members of the community. This builds on the role that the SESG has in the supervision of serious sex offenders.

Mr O'Donohue mentioned the issue of serious violent offenders being released on parole — and we have raised that issue many times in the Parliament too — and the need for some legislative program for the post-sentence supervision of serious violent offenders similar to that that applies to serious sex offenders.

Under this particular bill, before these supervision powers can be used by the SESG the circumstances surrounding the particular parolee and the supervision of that parolee must be assessed by the commissioner of Corrections Victoria as posing a high risk of violence or other threat to the safety of that person. This is a higher threshold than under the Serious Sex Offenders (Detention and Supervision) Act 2009 (SSODSA), because in the context of parole this means that the SESG will be engaging with a much larger category of offenders than the small cohort that are under the SSODSA, and this may involve posing a range of risks that the SESG and community members will be exposed to.

These are significant powers involving the use of reasonable force and the use of instruments of restraint — for example, if the specified officer believes on reasonable grounds that the use of force is necessary to prevent a prisoner on parole or any other person being killed or seriously injured. It is the same for the use of an instrument of restraint. These are significant increases in the powers of those officers so it is appropriate that they be under the direct supervision of the commissioner. Also the bill requires an officer to report any incidents of the use of reasonable force or restraint to the commissioner, who is then required to report these matters to the Secretary of the Department of Justice and Regulation. Any breaches of the parole conditions or risks to community safety identified as part of this new role by the SESG in supervising prisoners on parole may also lead to a report to the Adult Parole Board of Victoria, which may in the circumstances lead to the cancellation of parole.

It is certainly a change in the supervision of serious offenders on parole who pose a risk to the community. It is always an issue of balancing the safety of the community with the right of the person who is on parole, as long as they are complying with the conditions, if any, that are applied to their parole, to go about their business. It is community safety, the safety of corrections officers and the safety of the person on parole that needs to be considered here.

Other provisions under the bill include the provision of a clear power for the Secretary of the Department of Justice and Regulation to issue a warrant or to authorise an application for a magistrate's warrant authorising a

police officer to break, enter and search a public place or a private residence to arrest and return an unlawfully released prisoner to custody or for a prison officer or an escort officer to arrest the prisoner in a public place and return them to custody. This is with regard to unlawfully released prisoners. I would presume and hope that only a very few prisoners have been unlawfully released, but I take the government's rationale here that the act currently does not allow for those particular specific provisions, in particular to enter a private place of residence to arrest such a prisoner.

The bill also improves and clarifies information sharing provisions in part 9E to expressly incorporate the current ministerial authorisations permitting a relevant person, such as staff of Corrections Victoria, to share personal or confidential information about offenders and prisoners, where required, and for the purposes of the Working with Children Act 2005 to protect children from sexual or physical harm, and also to share information with correctional services authorities in other states, territories or countries, in particular New Zealand, to prevent crime and to monitor offenders who are moving within those jurisdictions and who may pose risks to the community.

The bill provides an exemption from liability for any damage or injury caused by the use of reasonable force by corrections staff to ensure that is consistent throughout the act and makes various other technical amendments that I will not go into in any detail.

The Greens are always concerned to look closely at increased powers of police or correctional officers, but in this particular bill we are satisfied that the oversight of those powers is adequate and that in some circumstances, with a particular cohort of parolees who have conditions imposed upon them and who may pose a risk of not complying with those conditions and pose a risk to the safety of themselves to the corrections officers who have to check on the compliance with those provisions and/or to the community, we need to have those SESG officers who are highly trained in these areas to be the people who are supervising those particular prisoners.

Having said that, it is also important to raise again that it is imperative for the parole system that all parolees have access to secure and stable housing, which is not currently the case. There certainly needs to be a lot more resourcing of and a lot more attention paid to the ability of people who are on parole — and we want people to be on parole because they are supervised, and we want them to be properly supervised, and they do have conditions imposed on them — to have access to

secure, stable and affordable housing and accommodation, because not having that puts them at risk of recidivism.

Mr O'Donohue talked a lot about recidivism and the rise in the rates of recidivism, and that is because the access to secure and stable accommodation and housing is not universal for parolees. If they do not have that, then it is not safe for the community because we have an issue of increased recidivism. In order for people to get their lives back together and to be rehabilitated and reintegrated back into the community, that is a key issue. Continuing rehabilitation programs and access to housing are critical to reducing recidivism, as are post-release programs and education to assist prisoners to not reoffend. That is what the community wants. It wants offenders to not reoffend, so we need to put in place programs to assist offenders who are on parole and post release not to get caught up back into the correction system.

Other countries have trialled programs such as using reformed prisoners as mentors to discourage others from reoffending and returning to prison. There are programs such as this in the US, the UK and Sweden, for example. These are the sorts of things we also need to look at as well as the law and order approach of supervising prisoners — making sure that they have support and stable housing to enable them to reintegrate into the community and not reoffend and become part of that statistic of recidivism that Mr O'Donohue was talking about.

While we are on this subject, it is just over a year — in fact it was in September last year — since I wrote to the Attorney-General raising the issue of spent convictions. I wrote to him on 11 September last year asking if he would legislate for a spent convictions scheme here in Victoria, and I made particular reference to a model that the Law Institute of Victoria has put forward. The Attorney-General responded in October last year saying that the government is committed to promoting rehabilitation and safely integrating those who have come into contact with the criminal justice system into the community and that the government was examining the merits of a legislative spent convictions scheme in Victoria. We believe that this is a scheme that is imperative. In fact currently all states and territories as well as the commonwealth have this legislation. Victoria is the only state without such a scheme.

In terms of this issue there were 481 945 criminal history checks reported in the 2013–14 year, according to the Victoria Police annual report. In a submission to the Attorney-General, the law institute and other groups argued that the findings of guilt without conviction and

less serious and irrelevant convictions should no longer appear on a person's criminal record after 10 years for adult convictions and 3 years for juvenile convictions. Currently information is routinely released by Victoria Police for up to 10 years for adults and 5 years for children since they were last found guilty of an offence, unless Victoria Police exercises discretion in its disclosure of older convictions. The proposed scheme would apply to sentences that attract no imprisonment or imprisonment of less than 30 months, and that would align with commonwealth and Queensland legislation, for example.

Spent convictions and findings of guilt would no longer be required to be revealed. Exceptions to this would be sexual offences, in line with other jurisdictions, and the register. But I have also mentioned that the register needs to be reviewed in terms of the types of people who are still on the register and the fact that that does not distinguish between serious offenders and others who may be in the category of less serious offenders. This would mean that people who have been involved in and convicted of non-serious crimes a very long time ago and have never been convicted of anything else since would not be discriminated against in terms of employment or housing et cetera, which they are currently. People have been known to have lost their jobs or been refused accommodation based on a longstanding conviction for a very minor offence a very long time ago, when since then they have been convicted of nothing. So in terms of putting everything into context, that is another thing that I think the government could move on in the foreseeable future. Otherwise the Greens are supporting the bill.

Mr RAMSAY (Western Victoria) — I am pleased to be able to make a small contribution on the Corrections Legislation Amendment Bill 2016. Certainly much of my contribution has been well covered by Mr O'Donohue, who is always very thorough and methodical in his contributions and who made many points that I was going to make in mine. I perhaps will then take the opportunity, given that some of that has been covered, to talk about the issues perhaps more relevant to the electorate that I represent.

Just to precis the amendment, this is an amendment to the Corrections Act 1986, as has been identified by other contributors. The bill will establish a new safety role for the security and emergency services group of Corrections Victoria in supervising prisoners on parole, drawing on recent reforms in relation to serious sex offenders, and provide a clear power for the Secretary to the Department of Justice and Regulation to issue a warrant or authorise an application for a magistrate's warrant authorising a police officer to break, enter and

search a public place or private residence to arrest and return an unlawfully released prisoner to custody or a prison officer or an escort officer to arrest a prisoner in a public place and return them to custody.

It will also improve and clarify the information-sharing provisions in part 9E to expressly incorporate current ministerial authorisations permitting a relevant person to share personal or confidential information about offenders and prisoners for the purposes of the Working with Children Act 2005 to protect children from sexual or physical harm and to share such information with correctional services authorities and parole authorities in other states, territories or countries to prevent crime and to monitor offenders who may pose risks to the community. That is more about information sharing.

The bill provides an exemption from liability for any damage or injury caused by the use of reasonable force by corrections staff to ensure a consistent approach to exemption from liability through the Corrections Act, and it makes other technical and miscellaneous amendments to improve the operation of the Corrections Act. So that is basically what this bill is about.

I did want to just draw to the attention of the chamber some issues that I have been raising in this house for two years. As Mr O'Donohue has indicated, we do have a crime crisis across the state of Victoria. Particularly in regional Victoria, which I represent, we have seen a significant increase in criminal activity. I have been raising concerns with the Minister for Police, Minister Neville, who actually has an electorate, Bellarine, that has seen a 303 per cent increase in criminal activity over the last 12 months. We have a police minister that is unable to make provision in her very own electorate for keeping the community safe in that part of the state.

Just today we see the *Geelong Advertiser* identifying a significant increase in illegal firearms. In fact, to quote the *Geelong Advertiser*, it says that prevalence of handguns is up by 433 per cent since 2012 and offences in relation to illegal firearms are up by 35 per cent. The Australian Criminal Intelligence Commission, as quoted in the *Geelong Advertiser*, has stated that approximately 260 000 or up to 600 000 firearms are on the illicit market. Just the other day 200 weapons were found at Whittington, which is a small suburb of Geelong.

So we in the Greater Geelong region have a problem. We have a problem with high rates of crime and repeat offenders through the correctional system and through the justice system. We have a significant drug problem,

and a lot of these guns are being traded with drugs on the illicit market. We have bikie gangs, mainly the Comancheros and the Rebels, at war with each other in the Greater Geelong area, and we have a significant increase in home invasions. So the story is not pretty in relation to the rates of crime in what has been historically a crime-free area in Bellarine and the Surf Coast.

Certainly my concern is that while this bill amends the Corrections Act to provide greater safety and security for staff and also gives the Secretary to the Department of Justice and Regulation more powers in relation to warrant authorisations, it does not address the issues around what is happening in the justice system in relation to either prisoners on parole or those that are incarcerated in our corrections system.

Mr O'Donohue has mentioned the Harper review, which was released in April, and still the bulk of the 35 recommendations have not been implemented. That was a significant review by Justice Harper to look at the corrections system and make recommendations to improve it, but this government up to this point has chosen to ignore the bulk of those recommendations that were made six or seven months ago.

In relation to operational matters, we have seen problems at Fulham. We have seen in the Barwon Prison, which is located in my electorate of Western Victoria Region, prisoners actually going on strike to get better pay conditions, if you can believe that. Then we have seen significant prison riots in the Metropolitan Remand Centre, and these riots were the worst in Victoria's history. We have seen in the Barwon Prison an extension of that prison to house Victoria's hardest and most difficult prisoners, and again we have seen problems associated with that prison.

We have seen violence at Malmsbury Youth Justice Centre. Only last Saturday night there was significant rioting by 16 and 17-year-old young offenders — they were ripping benches off walls and jumping around on top of the roof — and many of these youths had actually been transferred from the medium-security Melbourne Youth Justice Centre. There are quotes of up to \$100 000 or \$200 000 worth of damage having been done by 16 and 17-year-olds at the youth justice centre in Malmsbury.

We have a real problem with the behaviour of inmates in our corrections system not being addressed, certainly not through this legislation; it is not being addressed by anything the government is proposing in relation to new legislation. We know there are significant illicit drugs

going into these prisons. We know there is a lack of will to educate and retrain some of these prisoners for a better life once they are released. We know that the justice system allows repeat offenders to be sentenced and then go back out on the street within 24 hours. In fact, Superintendent Daryl Clifton, when he was superintendent of Geelong, was exasperated by the fact that they put a lot of work into arresting offenders only to see them go through the justice system and then be put out on the streets and reoffend again within 24 hours.

Not only do we have problems associated with criminal activity and the lack of police resources to respond to that activity, we have communities across the state that are feeling unsafe and are having to set up Neighbourhood Watch networks. We have a justice system that is clearly broken, where the sentencing system is not seen as a deterrent for those engaging in criminal activity. We see a total lack of respect for law and order right across the state. We have police that now have to double up for fear of their own lives. I have indicated in this chamber before that in Geelong, in Norlane and in Geelong itself, where we have two sitting Labor MPs, they in fact need two squad cars to go to an incident of domestic violence or to even talk to a potential criminal. They need two cars: one to attend the investigation and the other one to actually protect the other squad car — that is how bad it is — because they know the wheels will be knocked off if the car is left unattended in those high-crime rate suburbs of Norlane and Geelong.

The problems associated with resourcing are diabolical at the moment, not to mention the fact that the highway patrols that are normally stationed in Geelong are now being transferred to Dandenong, so we do not have any highway patrol cars available in the Geelong area, where as I said, crime rates have gone up by over 300 per cent. So we have significant problems with resourcing, we have significant problems with the judicial system and we have significant problems with our corrections system and the behaviour of inmates, particularly in respect of the way they are on a continual basis, as we have seen, not only through our adult corrections system but now through our youth justice centres, creating mayhem. There appears to be a total lack of responsibility by the ministers that are responsible for those portfolios but also by the government in responding to these riots and — getting back to this bill — in providing a safe working environment for the staff who actually have to work in these corrections centres.

Ms Mikakos — You cut staff, and you have the temerity to talk.

Mr RAMSAY — Ms Mikakos, at some point in time you are going to have to take responsibility for your portfolio in this area and not just put your head in the sand. Lift it out. See what is going on. Talk to local police, talk to the corrections officers and perhaps get a better understanding of what is going on in the prison system, because I have seen nothing in the way of legislation that is actually going to respond to what I see as a corrections crisis, as well as a crime crisis, at this stage, and I suspect more will be said about that during the day.

In relation to this bill, we are not opposed, as indicated by Mr O'Donohue. It amends an act to make it better and to provide a safer working environment for staff. It gives the Secretary of the Department of Justice and Regulation more powers, or more transparent powers, in relation to issuing warrants and authorising applications for a magistrate's warrant. It gives prison officers and police a little more surety in relation to their protection when they go out, whether that is in the circumstance of entering a public place or private residence to arrest an unlawfully released prisoner and returning them to custody or in the circumstance of some damage having been done during that requirement to break and enter.

This bill is a good bill with its amendments, but it certainly does nothing to address, as I said, the corrections centre crisis, the crime crisis, the justice system crisis and the lack of police resources crisis. We have had crisis after crisis after crisis, and as indicated in the *Geelong Advertiser* today, we have an illegal firearms crisis now enveloping the sleepy hollow down there of Geelong, if I can use that term in a complimentary manner.

Debate interrupted.

DISTINGUISHED VISITORS

The ACTING PRESIDENT (Ms Patten) — Order! I would just like to draw to the attention of the house the presence in the gallery of the Honourable Jean McLean, a former MLC for Melbourne West and a former member for Boronia. Welcome. Thank you; it is nice to see you again.

CORRECTIONS LEGISLATION AMENDMENT BILL 2016

Second reading

Debate resumed.

Mr EIDEH (Western Metropolitan) — I rise to speak to the Corrections Legislation Amendment Bill 2016. This is an extremely important bill as it reinforces a key focus of the Andrews Labor government, and that is community safety. Unfortunately my electorate, Western Metropolitan Region, is not immune to the negative and often devastating impacts of criminal activity, and the communities and residents within my electorate need to feel that they have law enforcement and correctional systems in place to provide safety and security.

This bill is broad in scope and will amend the Corrections Act 1986. It includes initiatives such as the establishment of a new safety role for the security and emergency services group (SESG) of Corrections Victoria in supervising prisoners on parole, similar to recent initiatives in relation to serious sex offenders. The bill provides a clear directive for the Secretary to the Department of Justice and Regulation to issue a warrant or authorise an application for a magistrate's warrant authorising a police officer to break into, enter and search a public place or private residence to arrest and return an unlawfully released prisoner to custody, or a prison officer or an escort officer to arrest a prisoner in a public place and return them to custody.

This bill will also streamline or overhaul the information-sharing provisions in part 9E of the Corrections Act 1986, including to expressly incorporate the current ministerial authorisation permitting a relevant person to share personal or confidential information about offenders and prisoners for the purpose of complying with the Working with Children Act 2005 to protect children from sexual or physical harm.

There are many miscellaneous amendments to the Corrections Act which assist in improving the structural, management and regulatory components of that act. Most of these amendments were born of an extensive consultation process with key stakeholders such as Corrections Victoria, Victoria Police, the Adult Parole Board of Victoria and the Department of Premier and Cabinet. The Andrews Labor government knows that by working together and combining resources across numerous portfolios and jurisdictions we are making all Victorians safer.

All these measures also make a tangible contribution to enhancing the capacity of Victoria Police in their essential work to drive down crime. By providing greater resources and powers to police and correctional staff the government is delivering on its promise to all Victorians. This bill will ensure that the management and treatment of staff and prisoners in correctional facilities operates and exists within a better managed, resourced and, importantly, safer environment. I commend the bill to the house.

Mr BOURMAN (Eastern Victoria) — I rise to speak in support of the bill today. There are a few things that obviously need to be attended to, and there seems to have been a bit of a loophole that has been around for a while. Before I get to the bill itself, the fact that we need things like the security and emergency services group (SESG) and the fact that we need to worry about the use of force on people on parole speaks volumes as to why we have some people on parole.

Parole itself is not a problem — there are people who are no doubt worthy of it — but if we have got to send someone from an elite unit, for want of a better term, to deal with a prisoner on parole, whether they have been incorrectly released or not, speaks volumes about what is going on. Obviously things have got better of late, but for a while there were some serious criminals out there doing what they wanted with no-one paying any regard to what they were doing.

Having said that, I am going to talk about the bill itself. When going through this bill I found some interesting stuff about the Corrections Act 1986. It has some weird provisions in it, and one that tickles my fancy is that everyone in this chamber can be searched if they are going in or out of a prison on reasonable grounds but magistrates, judges and County or Supreme Court judges are exempt. It is a bit strange.

My main issue with this bill is the use of force, and it is not the fact that force may or may not be used. I hope the minister, when he sums up, will be able to sort out a bit of a conundrum that I found. Subsection (1)(b) of new section 78H, inserted by clause 8 of the bill and headed 'General powers', provides that a specified officer may use reasonable force and so on and so forth; and then subsection (2) provides:

For the purposes of subsection (1)(b), a specified officer may use any weapon, other than a firearm, in accordance with an exemption order ...

and so on.

This brings us to a slightly interesting issue, and that is that section 462A of the Crimes Act 1958, which is the section the police use when they need to justify the use of force, does not differentiate between what you can and cannot use. Given the calibre of some of these criminals, I can see that there could be an instance where a police officer and one of these SESG corrections officers could be in a situation where the police officer may lose their gun or be incapable of using it for some reason and the corrections officer cannot use the firearm but a passer-by can. I do not know if I am misreading this section, but this seems to me to be something that needs to be sorted out because it is not often that a use-of-force provision is specific to the point of excluding something when the general provision is not.

That is the main thing that I want the minister to deal with. I do not believe the bill is going to committee or I have would have asked about it then. With that lengthy speech, I commend the bill to the house.

Mr FINN (Western Metropolitan) — I rise to speak on the Corrections Legislation Amendment Bill 2016. As has been indicated by a number of my colleagues, led by Mr O'Donohue, the opposition will not be opposing this bill. However, I think the government has attempted, disingenuously it has to be said, to sweep a few problems under the carpet. This is an opportunity for us to examine those problems. We can lift the carpet up, and we can have a good look at these problems.

An issue that we really have to deal with in our correctional system at the moment is one that has mystified me for a very long time, and that concerns prisoners who are caught cultivating or growing drugs in the prison yard. I know what is growing in my yard, and I would have thought that if you were a prison officer or if you were running a prison, you would have a fair idea what was growing in your yard. To have a situation where prisoners are actually growing drugs out the back or down the side alley or wherever it might be just seems to be somewhat of a mystery.

How does this happen? Again it is like when people smuggle drugs into prisons. How does that happen? Do we not have security in our prisons? I mean, you cannot get in here with drugs — not that I am aware of — but in prisons apparently you can. You have got to ask yourself exactly what is going on when people can grow drugs or have them smuggled in to them whilst they are in prison. These are substantial issues, I think, in terms of the health and safety not just of the prisoners but most certainly of the correctional staff.

There has also been a significant recent increase in the number of deaths in custody, and that is something that must worry everyone because you would have thought that if you are in prison, you would probably be pretty safe. But not in Victoria because, as I have said, we have had a recent spike in the number of deaths in custody, and that is something that the government has to go out on a limb and explain. They have not attempted in any way, shape or form to do that with this bill. I think that is a very great pity because these are issues that need to be addressed.

This next one is a ripper. This is almost as good as giving people pizza and Coke for getting up on the roof — —

An honourable member — Rioting.

Mr FINN — I will get to the rioting bit in a minute. I know that Ms Crozier has quite a view on this. I am quite looking forward to the next few minutes whereby she might be able to let us all know about this view, which is going to be a ripper — —

Ms Crozier interjected.

Mr FINN — Well, it is. But what about this one here: prisoners are refusing to work and striking at the maximum security Barwon Prison. Do they think they are in Barwon Prison or at the Construction, Forestry, Mining and Energy Union? Prisoners are going on strike! Have you ever heard such nonsense in all your born days? Who is running the show? It is just an absolute nonsense to have a situation where prisoners go on strike at a maximum security prison. This is not just your prison farm — oh no! This is not the Derryn Hinch memorial prison farm. This is the maximum security Barwon Prison. The prisoners have all got together, they have called a stop-work meeting and they are not going to do any work. How does that happen? Again, we have not heard from this government about how that happens. I would be fascinated to hear from the minister.

I feel a bit sorry for the minister. I do, honestly — —

Mr Herbert interjected.

Mr FINN — Look, I do. The man has a lifelong commitment to the trade union movement, so when people go on strike he is with them. He spends most of his life on strike from what I can see, so it is not surprising that when the prisoners go on strike their minister — the minister responsible for the prisons they are in — would sympathise with their position. It is not at all surprising but very, very strange indeed.

Another matter that needs to be looked at with regard to the Corrections Legislation Amendment Bill 2016 is the recently reported issue of vicious attacks on hardworking prison staff and officers. I just do not understand this. Again, this bill raises so many questions. I do not understand how you could have a situation where you allow the prisoners to bash the warders, or the prison staff, as they are called these days. How could that be allowed to happen?

Surely if you have people in a prison, they are there for a reason and you have to have people who are keeping an eye on them — obviously — to make sure that they do not get away or do the wrong thing. How can you then have a situation where those people who are going from cell to cell to make sure that everything is in order are bashed — and not just bashed but viciously bashed? How can this be allowed to happen? Again in this debate there has been no discussion from the government, there has been no response from the government and there has been no explanation from the government as to how this could be allowed to happen.

We know, as I have explained to this house on a number of occasions over a number of years, that the Labor Party does not like authority, we know that the Labor Party does not like police and clearly now we know that the Labor Party does not like prison officers either. That is something that should be explained by the minister when he gets the opportunity. I think the minister has an important role in explaining what this means to us all as Victorians.

Business interrupted pursuant to order of Council.

QUESTIONS WITHOUT NOTICE

Craig Minogue

Ms WOOLDRIDGE (Eastern Metropolitan) — My question is to the Minister for Corrections. Minister, last year Russell Street bomber Craig Minogue was moved to the lower security pre-release Loddon Prison. Why was the decision made to move Craig Minogue to Loddon Prison, and who made that decision?

Mr HERBERT (Minister for Corrections) — Thank you very much; I appreciate the question. There is an assumption in there in terms of moving prisoners around. It is an operational matter, but it is also something that we do not publicly disclose. These are part of the operational matters of running a prison. Prisoners shift around and are shifted quite a bit, including Mr Minogue. On the specifics, if I can provide extra information, I will.

Supplementary question

Ms WOOLDRIDGE (Eastern Metropolitan) — I thank the minister for his response and his offer to take that on notice and provide further advice. Perhaps, Minister, you can also advise then: what advice did the Andrews government receive at the time of the decision to move this multiple murderer to a lower security environment?

Mr HERBERT (Minister for Corrections) — Firstly, there is an assumption there about where Mr Minogue currently is; I will not comment on that. If I can provide further information, I will. However, I will say that in terms of prisons — and the former minister will know this very well — shifting prisoners around is part of the overall enforcement regime in prisons. They are shifted around quite regularly for different reasons and different purposes. These are operational matters. It is not for politicians to make those decisions. I am surprised, though, that we seem to be getting exactly the same questions as happened in the lower house just before — perhaps that is a lack of creativity here. But I shall take that on notice and give a written answer.

Craig Minogue

Mr O'DONOHUE (Eastern Victoria) — My question is to the Minister for Corrections. A decision on whether to release the Russell Street bomber Craig Minogue will soon be made. Given the risk to community safety in his release, what action have you taken to ensure this does not happen and that he remains behind bars?

Mr HERBERT (Minister for Corrections) — I am not quite sure whether, when you were the corrections minister, you went to the parole board and actually made decisions for them! What I will say is this is a very serious issue, and we expect the Adult Parole Board of Victoria to take into account the community attitudes that apply here. What I will also say, however, is that under us and under the implementation of the Callinan report, we have substantially improved the operations of the parole board to take community safety and expectations into account. The shadow minister will see that soon, undoubtedly, when the annual report is tabled.

Supplementary question

Mr O'DONOHUE (Eastern Victoria) — By way of supplementary question, I ask: senior police and other justice officials have expressed concern about the prospect of Craig Minogue living in the community.

What advice have you received about the risk to community safety if Craig Minogue is released?

Mr HERBERT (Minister for Corrections) — That is a hypothetical question. I would expect the parole board to take into account the seriousness of his crimes and the allegations there, and I will take the rest of it on notice and provide a written answer.

Malmsbury Youth Justice Centre

Ms CROZIER (Southern Metropolitan) — My question is to the Minister for Families and Children. Minister, the Malmsbury Youth Justice Centre was subject to another riot this past weekend, with more damage by young offenders. Can you detail for the house the extent of the damage caused on the weekend and the damage bill associated with those events?

Ms MIKAKOS (Minister for Families and Children) — I thank Ms Crozier for her question. As I have made clear on a number of occasions we do take the safety of the staff, the clients and the broader community very seriously, and this is why in fact we are addressing the neglect of the previous government. They planned and provided taxpayers funds for a new wing at Malmsbury, which was meant to be the high-security wing available in our youth justice facilities, but failed to put in place a proper staffing plan to adequately staff this facility.

This is why we have been working to address the staffing shortages in relation to our youth justice facilities. This is why we have introduced a rolling pipeline of staff being recruited to our youth justice facilities that will see 60 staff recruited by the end of this year. In fact 23 staff have been inducted to our youth justice facilities just this month. We have also been working with the union representing the workers there to address occupational health and safety issues — issues that the previous government failed to address, because there were many, many incidents, as Ms Wooldridge well remembers, during the previous government's term, including during her time as Minister for Community Services. In fact there were far more serious incidents — involving a staff member having his throat slashed and a staff member having his skull broken — when you were the minister, Ms Wooldridge.

Ms Crozier — On a point of order, President, I would ask you to draw the minister back to the question. It was very specific, and although the minister has been debating my question, I would ask you to draw her back to what I asked: what was the damage bill?

Ms Lovell — Further on the point of order, President, I noticed that the minister was aggressively pointing at Ms Wooldridge during that time, and I ask that you ask her to address her remarks through the Chair.

The PRESIDENT — Order! Minister, I also had some concerns about your response to this question in that I think it was about a very recent incident and it was a specific question. I could understand that in fact the information sought might well not be available at this point in time, but that might have been the response that you could have gone to — or to whatever information was available to satisfy the question. My concern with your response was that you were debating, and so I would bring you back to the actual question that was asked. Might I indicate that I also noted the pointing at members of the opposition. That sort of provocation just raises the temperature; it gets people interjecting at a greater rate.

As you know, both the questions and the answers are really to go through the Chair. There is a very good reason for that — because it actually does take some of that personalisation out of the whole process and ensures that we have more respect for questions and more respectful answers.

Ms MIKAKOS — Thank you for your guidance in these matters, President. I am only halfway through my response. The point I am making is that there is enormous hypocrisy by those opposite in relation to these particular issues. On the issues in relation to Saturday night, as I made very clear yesterday I condemned those particular actions of the young people involved in that particular incident in the strongest possible terms, but the point that I make —

Honourable members interjecting.

The PRESIDENT — Order! I asked the minister to respond specifically to the question that was asked. The minister has obliged. The minister is actually providing an apposite answer to the question that was asked. She deserves the courtesy of being allowed to complete that answer without interruptions.

Ms MIKAKOS — As I was saying, I have condemned the actions that were undertaken in the strongest possible terms. Those actions are completely unacceptable. They are completely unacceptable, and our staff, who work in a very challenging work environment, do not deserve to have that type of behaviour. This is why we have been working very hard with the union and in fact implementing the recommendations that have come out of reviews that I

have directed the department to undertake to provide a safer working environment for our staff, which those opposite failed to do.

The point that I want to make in relation to the incident on Saturday night is that whilst sadly, tragically, we have had staff seriously injured in the past — including during the time that Ms Wooldridge was the minister — thankfully on Saturday night there were no injuries. There were no injuries, and that is something on which I would like to commend the staff who were present — our safety and emergency response team that was present, management who were involved in that particular incident and also Victoria Police members who were in attendance as well — because they prioritised the safety of people over property. Now what that meant — —

The PRESIDENT — Order! The minister's time has elapsed.

Supplementary question

Ms CROZIER (Southern Metropolitan) — I note the minister did not answer my question at all. My supplementary is: since 1 October 2015, what has been the cost of repair, maintenance or additional works at Parkville or Malmsbury due to young offender incidents or riots?

Ms Mikakos — On a point of order, President, the substantive question related to the events of Saturday evening. The supplementary question is not apposite to the substantive question, because it is broader in nature and in fact the member referred, as I recall, to matters from October last year, taking in a far broader scope in her supplementary question.

Ms Wooldridge — On the point of order, President, I think the problem may be that the minister did not listen or respond to the question in the first instance — to the substantive question — which very clearly asked for the cost of the damage bill for Saturday's incident. The supplementary was directly related to that in so much as it asked for the damage bill related to all these riots over the past 12 months when the minister has been responsible.

Honourable members interjecting.

The PRESIDENT — Order! I heard the interjection of Ms Pulford, and I tend to agree that perhaps the question should have been reversed. Indeed the broader question might well have been the substantive question, then narrowing down to the other one. I noted the minister also challenging the scope of the supplementary question. What I would ask is that the

minister provide an answer to the supplementary question but in respect of Malmsbury, not Parkville. We are dealing with since 1 October 2015 to now. I agree that that is a wider scope than the events of the weekend, but it is consistent with the particular centre.

Ms MIKAKOS (Minister for Families and Children) — President, thank you for your guidance. As I was explaining in my response to the substantive question, I was very relieved and very grateful to the staff who went about the response on Saturday evening and ensured there were no staff injuries and there were no clients injured either. As a result, there was property damage. That is being assessed. It happened on Saturday evening. Rectification work started yesterday. Obviously the assessment of the extent of the damage will be one that will need to be properly assessed as the repair work is undertaken, but there will also be fortification works to ensure that the facility can be strengthened for the future as well.

In relation to the specific detail that the member has asked for, I will take that matter on notice, but I do point out to Ms Crozier that I have in fact provided her with details around repairs on matters in relation to Parkville on a previous occasion, yet she has come in and she has asked me essentially to cover the same ground that she has asked me on a previous occasion. But I will take the matter on notice.

Youth justice centres

Mr MORRIS (Western Victoria) — My question is to the Minister for Families and Children. Minister, a code white represents a riot in our youth justice facilities. How many code whites have been called at the Parkville and Malmsbury youth justice centres since you became minister?

Ms MIKAKOS (Minister for Families and Children) — I thank Mr Morris for the fact that he has gone and done his Google research as he is wont to do, as we know from previous occasions — the member for Google over there. What I can say about this matter is that we as a government take the issues around the safety of the staff, the clients and the community very seriously. This is why, rather than being critical, those opposite should be applauding the good work of Victoria Police members that has seen 210 young offenders arrested through Operation Cosmas. We know that some young people who are incarcerated now have some very, very complex behaviours and have some very violent criminal offending histories as well.

Unfortunately there has been a significant increase in those who are remanded into Parkville in particular — something that actually started to happen during the time of the previous government. That has created a more volatile environment in Parkville in particular and has presented some more challenging behaviour. Despite the fact the previous government failed to take action on these issues, failed to address staff vacancies on these issues and failed to address many other issues, which I cannot go into detail about because I actually do care about the safety of that precinct and the security and the good order of that precinct, I want to assure the house that we are working to address these issues.

We have now got a rolling recruitment pipeline of staff coming on board — 60 new staff who will start by the end of the year and 23 staff being inducted this month. In fact WorkCover claims have been trending down. For the month of September this year we have had half the number of claims compared to what it was in July 2014 — half the number.

Our government is investing in our youth justice system. The previous government cut 20 youth justice staff. We are investing in putting in more staff. Not only are we replacing staff vacancies but we will go above and beyond that in terms of putting additional positions into our youth justice facilities to keep people safe.

Mr Morris — On a point of order, President, on relevance, it is a very simple question that asks for a number, and I would ask you to consider drawing the minister back to responding to the question.

The PRESIDENT — Order! Mr Morris's point of order does have credence in the sense that the minister is basically just over 3 minutes into the answer and therefore has provided a great deal of context. But the question was quite straightforward, so I would ask that the minister respond as to whether or not she is able to provide that information on this specific question.

Ms MIKAKOS — We take an evidence-based approach to these issues. We respond to these issues by talking to staff, talking to the union and getting in experts like Neil Comrie and others, who the member opposite has been critical of, and we are responding accordingly. Reviews that were undertaken by the previous government never saw the light of day, yet opposition members are criticising me for undertaking reviews. I will never apologise for the fact that I am undertaking reviews and working with staff and unions to address the safety issues in these facilities — something that those opposite failed to do. We have just got thought-bubble policy being made by those

opposite, where they have now decided they are going to make their policy through talkback radio.

The PRESIDENT — Order! I did observe at the 58-second mark that the minister had provided sufficient context, I thought, for the answer. She has actually continued with that context, and I think she is now entering into the realm of debating as well. I would have thought that in the remaining 11 seconds the number might be possible.

Ms MIKAKOS — I will take the specifics of Mr Morris's question on notice and provide him with a written answer, but I am always happy to provide the member — and I hope Ms Heidi Victoria is listening as well — with a detailed verbal briefing on these issues.

Supplementary question

Mr MORRIS (Western Victoria) — I thank the minister for her response and also for committing to provide a written answer to that question. My supplementary question is: can the minister confirm two code whites were called this year at the Malmsbury Youth Justice Centre on one day, which is an unprecedented event?

Ms MIKAKOS (Minister for Families and Children) — Given that the member is asking me to compare something that may have occurred in previous governments when I was not the minister, I will obviously need to take that particular question on notice. He says this is unprecedented, so I would obviously need to take that particular question on notice. But can I say to the member that we are responding to these issues — something that his government failed to do — and we will not engage in thought-bubble policymaking, like having a Don Dale for Victoria, naming and shaming derived directly from the Northern Territory or making policy on the run through talkback radio.

Youth justice centres

Ms CROZIER (Southern Metropolitan) — My question is also to the Minister for Families and Children. Minister, can you advise the house: since 1 October 2015 how many individual young offenders have been involved in rioting or significant incidents at either Parkville or Malmsbury? You might need to take that on notice too, I suppose.

Ms MIKAKOS (Minister for Families and Children) — I have explained to the member now multiple times that we are a government that is serious about addressing issues that we have inherited that were completely neglected by the previous government.

They allowed staff vacancies to exist, and they slashed 20 youth justice workers out of the system. They were aware of issues that they failed to address in relation to infrastructure issues, and we are a government that is taking action.

Honourable members interjecting.

The PRESIDENT — Order! I am not happy about the choir on my left. These are really serious matters dealing with some very troubled youth and how the government deals with them. Scrutiny of the government's practices is appropriate; that is what question time allows to happen. Ms Crozier has posed a serious question. She does not need the barrage of interjections to the minister; it is not only discourteous to the minister but it is discourteous to me, it is discourteous to the house and it is discourteous to all those people who are involved in this particular area of service delivery and who are very concerned about some of the trends that they are needing to deal with and which in some cases — as Ms Crozier has pointed to in her questions and the minister in her answers — have put those people at risk. Let us give all of them due courtesy and allow the minister to answer the question without that barrage of interjections. The minister, to continue.

Ms Wooldridge — On a point of order, President, I ask you to bring the minister back to the question. My point of order is in relation to relevance. The minister had been speaking for 41 seconds, 39 of which she spent being provocative in relation to the former government as opposed to answering the question. That provocative language could have elicited the response that you have raised concerns about from the opposition. I ask you to ask the minister to have similar respect and to bring her back to answering the questions about the actions that have happened under her government rather than continually attacking the opposition.

The PRESIDENT — Order! I am faced with the age-old dilemma: chicken or egg? The fact is that some of the interjections and the rowdiness today have put the minister in a position where she is going to be contesting with her remarks. Yes, I also want the minister to be apposite in her response to the questions, and I would ask her to address this specific question now, but it is very hard for me to request the minister to focus solely on those matters that are raised in the question, either today or in seeking written responses, if in fact she is being subjected to that sort of barrage. As I said, chicken or egg — which happened first? The minister, to continue and to please address the question.

Ms MIKAKOS — Thank you very much, President. You are absolutely right; these are very serious issues and our government does take them very seriously, which is why, as I have explained to the house, we are taking action in relation to these issues. It is appropriate that I do give context to the house to advise members about the action that we are taking and the context as to why we are taking that action, because these issues do not exist in a bubble. They did not start in November 2014, and it is important that we can have a discussion about these issues in an informed way. It is unfortunate that we have had to address a lot of issues that have been allowed to fester for a considerable period of time, because the issues that are being raised by the union and by current and former staff members now are issues that got raised under the previous government as well. We are addressing these issues through the pipeline of additional staff, through working with the union and with staff around addressing the behaviour management issues of the clients — —

The PRESIDENT — Order! Minister, the context you are providing on this answer I have heard today at least twice and probably three times already. The question is specific, and going over that same ground in the answer is not entirely helpful to the house. Whilst you may have concerns about providing some of this information — and I can understand some of that in the context of the jurisdiction and the operational work of those agencies involved in those correctional facilities — I would point out that the response to some of these questions is not just about gotcha moments; it is actually about everybody understanding the extent of the problem and perhaps bringing various solutions to that problem. It is perhaps about us all having an opportunity to contribute to improving and indeed supporting some of the work that you are doing. I do not necessarily see these responses as needing to be gotcha moments.

I understand that some of this information understandably would not be to hand, despite the remark made as Ms Crozier sat down following her question. I can understand that, and again I think sharing that information with the house in a genuine way keeps everybody on the same page and allows us to address some very serious issues in the community and perhaps to be more supportive of you, Minister.

Ms MIKAKOS — Thank you, President, for those comments. We as a government have subjected ourselves to a far greater degree of transparency and accountability in relation to youth justice issues than any previous government. Not only have we published incident report details, which might well go to the heart

of some of the detail that Ms Crozier is seeking, we have published that on a quarterly basis on the department's website for the first time. We have also legislated to ensure that for the first time the details of these serious incidents are sent to the Commission for Children and Young People. We are a government that does respond to these issues in an evidence-based way. That is the point I am making.

These are complex issues. These are complex young people who are in there because of serious offending. As I have explained to the house before, sometimes when they come in on remand they are drug affected, and that does present challenges for the staff working in there. We are working to address these issues. We will continue to work to address these issues, and I will have more to say about these issues shortly, but I will take the details of the question on notice and provide a written response if there is information that is at hand.

Supplementary question

Ms CROZIER (Southern Metropolitan) — I thank the minister for that reassurance. My supplementary question to the minister is: how many clients involved in the October and/or March Parkville riots have been involved in significant incidents over the past two months at Malmsbury?

Ms MIKAKOS (Minister for Families and Children) — I will take the specific details of Ms Crozier's question on notice, but I did make it very clear yesterday in relation to the events of Saturday at Malmsbury that some of the young people there had in fact been transferred from Parkville to the Malmsbury facility. The fact that we had a recent roof-climbing incident in Malmsbury was extremely concerning to me because taxpayers money was spent on what was meant to be a higher security facility. It was concerning to me that that was actually possible, which is why I asked Neil Comrie to look into these particular issues, and I am very grateful for the work that he has done in relation to these matters. I will take the specific details on notice, but I will never apologise for the fact that as a minister I ask my department to provide details of these matters and review these matters so we can make improvements to the system — something you should be welcoming.

Youth justice centres

Ms CROZIER (Southern Metropolitan) — My question is to the Minister for Families and Children. Transfers between facilities and justice systems are a way clients are managed. Minister, since 1 October 2015 how many transfers of young offenders from

Parkville to Malmsbury have occurred for behavioural issues such as riots and significant incidents?

Ms MIKAKOS (Minister for Families and Children) — I thank the member for her question. The population cohorts across the two facilities do differ. The Malmsbury facility has traditionally had an older group of young people, typically sentenced under the dual-track system, but the new wing that has opened has presented some opportunities to transfer some younger people from Parkville to this particular part of the Malmsbury facility. In relation to the specific question from Ms Crozier, I will take that question on notice and provide her with a written response.

Supplementary question

Ms CROZIER (Southern Metropolitan) — I thank the minister for that assurance. My supplementary question is further to the issue of transfers. Minister, since 1 October 2015 how many young offenders have transferred from either Parkville or Malmsbury youth justice centres to the adult prison system?

Ms MIKAKOS (Minister for Families and Children) — I point out to Ms Crozier that details around transfers from the youth justice system to the adult prison system are in fact published every year in the Youth Parole Board annual report.

Honourable members interjecting.

Ms MIKAKOS — You are too lazy to look up the annual report? If the member was to go and look at the annual reports, she would see that under section 476 in 2014–15 there were two transfers and in 2015–16 there was one transfer. I would need to provide Ms Crozier with a written response in relation to matters that are more recent than that, but I would anticipate that she would have that information at hand when the Youth Parole Board tables its next annual report.

Respectful relationships education

Dr CARLING-JENKINS (Western Metropolitan) — My question is for the minister representing the Minister for Education, Mr Herbert, and it concerns the respectful relationships education program. While I commend the government's initiative in tackling the issue of family violence, the respectful relationships program has been heavily criticised for alienating and shaming boys by portraying masculinity as a bad thing and women as always being victims. As a survivor of domestic violence myself, I find it particularly disturbing to be portrayed as a victim. Other criticisms include the program overlooking the experience of male victims and failing to consider

leading drivers of family violence such as drug and alcohol abuse, mental illness and poverty. Minister, will the program be adjusted to acknowledge all victims of family violence, including men, and to consider the multiple and complex drivers of family violence that I have just mentioned, or will it remain focused on misguided feminist and gender ideology?

Mr HERBERT (Minister for Training and Skills) — I thank Dr Carling-Jenkins for her question and for her ongoing passion about this area. It is fair to say that the issue of respectful relations has been around for a while. It used to be bipartisan; I think the former government funded respectful relations for years 7 and 8 students in Victorian government schools. It was recommendation 189 of the Royal Commission into Family Violence that recommended that the Victorian government mandate the introduction of respectful relationships education into every government school in Victoria from prep to year 12. It is also the case that last year an independent review conducted by PwC found that if respectful relationships education was rolled out in all government schools in Australia, between 7000 and 12 000 future incidents of violence against women could be prevented. So I think there is no doubt that respectful relationships education is important in our schools.

On the specific issues that Dr Carling-Jenkins wishes addressed by the Minister for Education, I shall take that on notice and ask for a response from him.

Supplementary question

Dr CARLING-JENKINS (Western Metropolitan) — I thank the minister for his answer and for the context regarding the implementation of the program. By way of supplementary I would just like to point out that on Monday, 17 October, the *Australian* reported that the Department of Education and Training is preparing to implement such teachings as I described in my substantive question in preschools and kindergartens. Minister, I wonder if you can provide some clarity as to whether in fact Victorian preschoolers will be taught to think of masculinity in a negative light and of women as victims.

Mr HERBERT (Minister for Training and Skills) — I thank Dr Carling-Jenkins for her supplementary question. I think it is fair to say that it is always difficult when we read newspaper reports to see what is taken in context and what is not, what is fact and what is fiction and how that relates to commonwealth programs and state programs. On the issue of preschool and prep, I will have to take that on notice and get a response to the member.

Hunting regulation

Mr BARBER (Northern Metropolitan) — My question is to the Minister for Agriculture. Minister, your department has belatedly sought input from environmental organisations into your draft sustainable hunting strategy. When they asked if they could see a copy of the strategy, the department said, ‘No, it’s a secret document’. Can you tell us whether any stakeholder groups have actually been shown a draft?

Ms PULFORD (Minister for Agriculture) — I thank Mr Barber for his question and his interest in sustainable hunting practices in Victoria. I will provide Mr Barber with a written response.

Supplementary question

Mr BARBER (Northern Metropolitan) — Taking the question on notice is a good way to go and check with what others might have done — that is, if others have provided this document to certain selected stakeholders — but could the minister give us a guarantee that she herself has not shared this document with particular stakeholders? Because there is concern out there that policy in relation to the control of pest animals has been designed by recreational hunters for recreational hunters, and given the rising cost to agriculture and to the environment of some of these pest animals, particularly deer, everybody wants to know that this is a policy that has been written not just for the interests of a lobby that happens to have a lot of votes but actually for broader objectives. So can the minister give a guarantee that she has not shared the document selectively?

Ms PULFORD (Minister for Agriculture) — I have not personally shared the document with stakeholders as part of the consultation. I can indicate to the house that members of my staff and members of my department have provided summary throughout the course of consultation. But it is a document that is still in the process of being finalised, and the full document has not been made available.

West Gate Bridge truck ban

Ms HARTLAND (Western Metropolitan) — My question is for Minister Pulford in her capacity of representing Minister Donnellan on issues related to roads and road safety. The announcement of the ban on larger B-doubles using the West Gate Bridge effective from 1 November will make an intolerable situation much worse for residents of the neighbourhoods of the inner west. Twenty-one thousand trucks move through this area a day as it is. Can the minister share with the

community evidence that was used to support this decision?

Ms PULFORD (Minister for Agriculture) — I thank Ms Hartland for her question through me to Minister Donnellan. I will seek a response to Ms Hartland's concerns and her question in writing from my colleague.

Supplementary question

Ms HARTLAND (Western Metropolitan) — Can the minister also explain when the decision was made to ban B-doubles from the West Gate Bridge?

Ms PULFORD (Minister for Agriculture) — I thank Ms Hartland for her further question for Mr Donnellan. I will also seek a response to Ms Hartland's supplementary question.

QUESTIONS ON NOTICE

Answers

Ms PULFORD (Minister for Agriculture) — I have answers to the following questions on notice: 5275–7, 5280, 5361, 6648–9, 7026, 7028–9, 7067–76, 7147–59, 7167, 7234, 7277–81, 7284, 7468–89, 7485, 7489, 7492, 7494, 7505, 7507–8, 7511–12, 7523, 7538–606.

QUESTIONS WITHOUT NOTICE

Written responses

The PRESIDENT — Order! in respect of today's questions, Ms Wooldridge's question, both substantive and supplementary, and Mr O'Donohue's question, both substantive and supplementary, both to Minister Herbert, I would seek written responses on those. I think Mr Herbert indicated he would be quite happy to provide those.

In respect of a series of questions to Ms Mikakos, I would ask for written responses in respect of the following questions: Ms Crozier's first question, both the substantive and the supplementary — but the supplementary only in respect of the Malmsbury facility, as I narrowed that question in the course of the process; Mr Morris's question, both substantive and supplementary; Ms Crozier's second question, both substantive and supplementary; and Ms Crozier's third question, both substantive and supplementary. Each of those is one day.

I would ask for a written responses in respect of Dr Carling-Jenkins's question to Minister Herbert, both substantive and supplementary, and that will be two

days because it involves a minister in another place, the Minister for Education.

I would ask for a written response in respect of Mr Barber's substantive question to Ms Pulford — just the substantive question — and that is one day. I think the supplementary question was dispatched. I would also ask for a written response to Ms Hartland's question to Ms Pulford, both the substantive and the supplementary, and that is two days.

Mr Bourman — President, we have a day for a question, and I believe I was on the yellow bit of paper. Could I ask you to check that?

The PRESIDENT — Order! On the information that I was given that is not the case. I think it is tomorrow.

CONSTITUENCY QUESTIONS

Northern Victoria Region

Ms LOVELL (Northern Victoria) — My constituency question is for the Minister for Water, and it is regarding the Goulburn-Murray Water Connections Project. The project has necessitated hundreds of public land titles being transferred to farmers due to the closure of channels and the introduction of private pipelines. Irrigators are frustrated about constant delays and have been told it might take up to four more years to get the paperwork completed by Department of Environment, Land, Water and Planning. Hundreds of these transfers are pending, with farmers operating private water supply systems on land they do not legally own while they wait for the transfers to be completed. This is particularly affecting landholders wishing to sell their land as buyers are wary of entering into a transaction when the initial transfer has not yet been completed.

The issue was raised with the minister at the public water forum in Rochester on 7 September, at which time the minister promised to follow up on the complaint. However, eight weeks later the affected landholders have still not been notified of any progress. My question is: what action has the minister taken to follow this up, what is the resolution and when will landholders be advised?

Western Victoria Region

Ms TIERNEY (Western Victoria) — My constituency question is for the Minister for Emergency Services in the other place, James Merlino. Last week I visited the flood areas of Dunkeld, Casterton and Coleraine and attended a discussion between members

of the local community and local emergency services. Flooding across western Victoria over the past months has impacted on a number of people. Eight municipalities in the south-west have been affected, including Moyne, Southern Grampians, Colac Otway, Glenelg, Surf Coast, Corangamite and Warrnambool.

My question for the minister is in relation to local community assets that have been damaged. It is my understanding that the federal funding stream does not include local community asset assistance. How will communities be able to build and rebuild community assets such as sporting facilities, sporting clubs, playgrounds, clubrooms and walking trails?

Northern Metropolitan Region

Ms PATTEN (Northern Metropolitan) — My question is to the Minister for Police. In September of this year respected drug law reform academic Associate Professor David Caldicott was invited to address the Australia New Zealand Policing Advisory Agency. He was to brief them on the science of pill testing. It seems that, however, on direct instruction from the Victorian police commissioner's office, our state's officers were specifically told not to attend. With the tragic death of Victorian footballer Riki Stephens and the hospitalisation of 16 young people recently on the Gold Coast from a bad batch of an MDMA variant, you would think that the police and the government would be looking at all options they can to ensure we keep young people safe.

I have recently had a series of correspondence with both professionals in the area and members of my electorate asking when the government is going consider a pilot program for substance testing regimes at events to ensure that these tragedies stop. My question is: why is the government failing our community and when will it introduce the life-saving proposal of pill testing?

Northern Metropolitan Region

Mr ONDARCHIE (Northern Metropolitan) — My constituency question this afternoon is to the Minister for Planning, Richard Wynne, and it concerns his approval on 12 October of a new suburb in Melbourne's north in the City of Whittlesea. It will comprise 285 hectares and is estimated to have 2358 dwellings in what is known as the Quarry Hills precinct structure plan. The expected revenue from each hectare is around \$244 000, meaning that there is about \$70 million worth of revenue for the government in this. Concerns that have been levelled by constituents in Melbourne's north, such as John Miles, are that the

traffic will be even worse and the schools and local area are already bulging. Vicki Wells Selvaggio says before you build this new suburb you need to put in the roads, the trams, the schools and other necessary infrastructure. My question to the minister is: when will the necessary infrastructure of roads, trains, schools and community centres be built for this new development?

Western Metropolitan Region

Mr MELHEM (Western Metropolitan) — My constituency question is addressed to the Minister for Health, Jill Hennessy, in the other place. The Andrews Labor government recently announced the second round of funding for the school shade grants program. Congratulations to the successful recipients in my electorate: St Albans East Primary School, Altona Green Primary School, Braybrook College and Ascot Vale Special School. These schools will share a total of \$51 936 to build new shade structures, repair existing shade structures, purchase portable shade structures and create natural shade by planting trees. I commend the minister on her fantastic \$10 million program, which is undoubtedly doing much to address skin cancer in our schools by protecting our kids. But for those schools in my electorate that unfortunately missed out on their bids for funding, I ask the minister to outline to me when applications for the third round of funding will open.

Western Victoria Region

Mr PURCELL (Western Victoria) — My constituency question is to the Minister for Agriculture. Parts of south-west Victoria are becoming overrun with rabbits. As well as affecting our farming community, we also see that many of our sporting activities are being affected. For example, near Warrnambool the Killarney Cricket Club is under siege, and part of their training program involves filling in the holes on the cricket pitch that the rabbits have dug for them. The department's advice to landowners is to work together to make sure that baiting, warren destruction and fumigation is undertaken. It is the responsibility of the landowners to do this, but it is becoming an impossible fight. Our farming community had hoped for a release of the new strain of the rabbit virus known as K5 this spring, but it has been delayed. This would work perfectly in south-west Victoria. I therefore ask the minister: will you support our farming communities and review the release recommendations and honour the commitment to release the K5 virus this year?

Western Victoria Region

Mr RAMSAY (Western Victoria) — My constituency question is for the Minister for Roads and Road Safety, and my question is: when will the roadworks for the duplication of the Barwon Heads Road between Breakwater Road and Lower Duneed Road commence? An allocation of \$3 million was made in the state budget for the planning work to be done, but due to the accelerated development of Armstrong Creek and the building of a supermarket right next to the current road it has been made into little more than a goat track. It is prone to flooding, it is potholed and it is narrow and dangerous for two-way traffic, but it has volumes of traffic that are increasing daily due to the development of Armstrong Creek and Warralily and also the growth on the Bellarine. The timing for road safety is not on the side of road users, and we need a definitive time frame from the minister for when works will start on the duplication of this important road network.

Northern Victoria Region

Ms SYMES (Northern Victoria) — My constituency question is to the Minister for Education, and it relates to the \$50 million Shared Facilities Fund, which helps to develop community facilities on Victorian school sites. The sharing of facilities between schools and community organisations such as sporting clubs, leisure groups and community organisations is a very sensible and economical use of buildings that would otherwise be locked up after 3.00 p.m. each day and has the added benefit of bringing the community together on the school site. We know the benefits of engaging in sport, exercise or social gatherings, and I am pleased this fund is particularly targeting growth areas where suitable space for these activities is tight and many areas are failing to meet demand. Mitchell shire do a fantastic job in identifying priority projects, and I know they have some exciting applications for this coming round. But as many constituents come into my office asking for assistance to obtain space or better facilities for their particular club or organisation, I would find it particularly useful for further information on how groups can best find out what opportunities may be available and how they may better connect with their schools to identify these opportunities.

Southern Metropolitan Region

Mr DAVIS (Southern Metropolitan) — My question today is for the attention of the Minister for Education in the other place. It concerns the Beaumaris Secondary College. I was part of a large number of people who were there yesterday morning early —

Murray Thompson, the member for Sandringham; and Margaret Fitzherbert, my colleague in Southern Metropolitan Region; but also hundreds of local supporters — determined to support the people at the secondary college. Let us be quite clear about this: the school authority is proceeding to knock over hundreds of trees — very valuable trees. Everybody supports the school's expansion, everybody supports the program and Murray Thompson was critical in achieving the money required. Despite the officers being prepared to take steps, what I want to ask is: why has the minister vindictively overruled his education officers, who appeared at last to listen, and why is he thereby engaging in this attempt to stop the trees being protected?

Western Metropolitan Region

Mr FINN (Western Metropolitan) — My constituency question is to the Minister for Roads and Road Safety. I refer the minister to the Premier's proposed western distributor road and the recent advice to the federal government that this project is unworthy of support and may even make traffic congestion in Melbourne's west worse. Given the fact that Labor's western distributor is at best a costly relocation of a traffic jam, how does the minister justify slugging motorists for tolls on the Tullamarine Freeway section of CityLink for a further 12 years after we had anticipated their ending?

CORRECTIONS LEGISLATION AMENDMENT BILL 2016

Second reading

Debate resumed.

Mr FINN (Western Metropolitan) — I was speaking before the break for question time on the Corrections Legislation Amendment Bill 2016, and I was raising some of the issues that the government had failed to raise during the course of this debate. I think one of the biggest ones that we really have to consider is the worst prison riot in Victoria's history at the Metropolitan Remand Centre last June. I am sure this will be well entrenched in the minds of everybody in this house and most people in the community. It occurred at a cost to the taxpayer of \$95 million and took hundreds of maximum security beds off-line.

This occurred in June last year. We are well over 12 months past that time, and we are still wanting answers from a government that does not want to come clean. We heard from Ms Mikakos, the Minister for

Pizza and Coke as they call her around here now, during question time that — —

Mr Davis — The Minister for Riots.

Mr FINN — She used to be the Minister for Riots, but she has discovered a way — —

Mr Herbert interjected.

Mr FINN — I hear the Minister for Corrections. His ears have pricked up and he is listening.

Honourable members interjecting.

Mr FINN — He is taking notice here because he thinks he might — —

An honourable member interjected.

Mr FINN — No. He thinks he might get some hints from Ms Mikakos. If you have got a problem in the prisons, if you have got riots, if you have got people burning things and trashing things and belting people, give Domino's a call or Pizza Hut or some such place. Order a truckload of pizzas and perhaps a shipload of Coke, and they will be there to solve your problem.

I can understand why Mr Herbert gets very excited when we talk about these things because this is possibly something that he has not thought of before, and it has taken somebody of the calibre of Ms Mikakos to come up with the pizza and Coke solution to prison riots. It is something that, I have to say, I do not think too many others would repeat.

I wonder if, when Mr O'Donohue was minister, anybody advised Mr O'Donohue that he should give Domino's or Pizza Hut a call and get all the pizzas and as much Coke as he could get to appease the rioting prisoners. It does surprise me a little, because I have always thought that sugar actually adds to the aggravation of people. So maybe that is something that — —

Ms Shing interjected.

Mr FINN — Well, it is certainly adding to the aggravation of Ms Shing over there, but I am concerned that I may have led Mr Herbert astray on this one.

We have also had an increased number of prisoners not being presented to court who are in contravention of a court order. This is a concern, and I know that Mr O'Donohue over there has expressed to me these views almost word for word in the past. His concern is that this is delaying justice for victims and increasing costs for taxpayers. But of course we know that justice

and costs for taxpayers are not things that this government is too concerned about. Certainly, given that they are going to spend \$5.5 billion on a road which is just going to be a relocation of a traffic jam, will solve absolutely no problems and will indeed make the problem worse, we know that that is another example of increasing costs for taxpayers that this government is just not interested in. As for justice, it does not enter into the equation at all. That is nothing new for the Labor Party and nothing new for this government, unfortunately.

Of course there have been a number of recent prison escapes, including the first escape from a walled medium or maximum security prison since 16 June 2001. It is a pretty good strike rate not to have an escape since 2001. But now under this Labor government it is business as usual, and out they come.

Then to make matters worse there is a prisoner recidivism rate of over 40 per cent. That tells me that the system is failing. It is failing. If you put 40 per cent of those that you have had in prison out on the streets again after they have served their time and they are back in before you know where you are, that is an indication that something is failing very, very badly in the system. Labor does not want to know about that. That is unfortunately what we have come to expect from this government. They do not want to discuss these particularly important issues.

We have had another issue which is ongoing under this government: an increase in the number of prisoners in police cells from less than 100 in November 2014, which was of course when the coalition government was in power, to at times in excess of 300 under this government. So things are going to hell in a handcart under the Andrews government, and unfortunately the so-called justice system is among them. Somebody needs a boot where it might attract some common sense. The minister may well deserve a boot.

Mr Dalidakis interjected.

Mr FINN — And I am not necessarily talking about the Minister for Corrections but indeed the minister sitting alongside him. And I understand that there are no shortage of people —

Mr Dalidakis — Who?

Mr FINN — in the Labor Party who would love to give Minister Dalidakis a boot where he may not fully appreciate it.

This is a very serious matter. This is very, very serious, and this is something that has to attract the attention of

the government. It is not good enough for them to get up here in question time and just floss away. It is not on, and we are keen to fix this matter.

Ms PATTEN (Northern Metropolitan) — I think I would like to take a novel approach in my contribution and actually speak to the bill.

Honourable members interjecting.

Ms PATTEN — I know, yes. Not often is that heard in this house at the moment. But in fact I am going to keep it brief, because I only want to speak to one particular section of the bill. I support most of the changes proposed in this bill, but I do have a number of significant concerns about the new powers given to our new SWAT parole team that is the security and emergency services group, particularly around their searching people on parole and searching their homes, and the use of certain weapons and restraints amongst other changes.

I appreciate that some of the people on parole are still a risk, and they are a perceived risk to our community and certainly to the officers that are overseeing that parole, so these powers can sound like quite sensible measures, but I am concerned that they may actually work against the intended purpose of parole. When we think that parole is intended to supervise and support the reintegration of offenders into the community, this is important because it actually does reduce the risk of reoffending.

We know that recidivism rates are up high, and Mr Finn provided us with some numbers in his contribution. The Australian Institute of Criminology found in 2014 that offenders who received parole supervision upon release from custody at least took longer to commit a new offence, were less likely to commit a new indictable offence and committed fewer offences than offenders who were released unconditionally into the community. My concern is that this bill may work against that important purpose of reintegrating people and ensuring that offenders do not reoffend and that they use that time of parole to integrate properly into the community.

On these police-like powers that we are now giving to corrections staff, I am concerned that this is actually sending the wrong message and is going to create a difficult position for corrections staff to now be acting like police rather than corrections officers. Certainly when you look at the power of weapons like capsicum spray and batons, instruments of restraints such as handcuffs, pat-down searches of parolees, searches of their homes and the power to seize items, these are

under the guise of safety powers, but some of these are actually just investigatory. People have the power to search a parolee or their home purely as an investigation. It does not need to be exercised with a safety concern; it can be in the absence of a safety concern under this bill.

The bill states that misuse of these safety powers is safeguarded against by a reasonable grounds test, where supervision of the parolee would pose a high risk of violence or other threat to safety. This does not apply to the exercise of the search powers provided under the bill, so you could still search someone without concern that they would pose a high risk of violence or a threat to society. I think this is possibly taking some of these powers a little bit too far. Again, I am concerned that when we are giving parole officers the role of police this is changing the nature of parole in the circumstances. It is changing the purpose of parole and how we use it, and I think in many ways it is against that purpose of parole.

Items may also be seized if the specified officer reasonably suspects the item relates to behaviour or conduct associated with an increased risk of the parolee reoffending by breaching the conditions of parole orders. This is actually a lower bar than police officers, so this is giving them in many cases more powers than police. As the Minister for Police stated in her second-reading speech, safety risks to community corrections staff are only posed from time to time in the supervision of prisoners, so this is just an occasional risk. I am not sure that it justifies these quite severe changes. Should a parolee pose a safety risk, then it is a matter for the police. If we need more police, then so be it, but giving police powers to non-police is something that concerns me.

If a parolee is suspected of committing a crime, of which a breach of parole is one, then this is again a matter for the police. Conducting searches is the role of police; reintegration is the role of community corrections. I think this is where I have a concern with this section of the bill in that there is a crossover, giving police powers to corrections officers. When we are looking at parole as having a reintegration role, then conducting searches and using capsicum spray, I think, blurs the line between police and corrections officers. I am not sure that there is sufficient cause or justification for this. I question whether this is proportional. I am not sure that it is actually going to help us in assisting the purposes of parole or in improving our parole, and I do wonder if it will undermine the proper role of Victoria Police. I think we could have amended this to make it more compatible with our hopes for the role of parole, for the role of police and for the role of our parole

officers, but I do not know if I would have the numbers in the house for that.

Mr HERBERT (Minister for Corrections) — I begin by thanking all who contributed to this debate, particularly those who contributed to the actual legislation we have before us. It was novel, I think you could say. I will speak on that, but I just think there are a few things that, particularly following Mr Finn's contribution and to a certain degree Mr O'Donohue's contribution, really need to be clarified in the debate.

I will just clarify the issue of drugs. Drugs are an issue in prison. They always have been. Drug users certainly got away with murder under the previous government, but under us, last year, 2015–16, more than 52 000 urine and breath tests were conducted in our prisons. That is 11 000 more than the last year of the previous government. We conducted 81 000 searches of prisons, prison areas and visitors. We conducted 22 000 breath tests, and that is 9000 more than in 2013–14.

We have increased resources substantially, with sniffer dogs and a whole range of other facilities. That is why we are picking up on the drugs in prison. They were always there. They were there even in larger numbers under the previous government, but because they did not have a decent regime in place they were kept there and they were not found. Under us, we are finding them and we are getting them out of the prison system. Then we are taking appropriate measures to punish those who either bring them in or have them.

On the issue of police cell numbers, we have heard a lot about this. The fact is very simple: police cell numbers hit their highest peak under the former government. They hit about 372 — I think that was the number — under the previous government, and they have not been anywhere near that with us.

When it comes to prison escapes, yes, it is correct that two prisoners escaped from Fulham, as Mr Finn said, but it is my understanding that the conditions which enabled those escapes had existed in that prison for a long time — certainly longer than we have been in government — and in fact since the escape we have ensured that the prison has been cleaned up. The private operators were fined substantial amounts of money, and they have a very strict cure plan to fix up the deficiencies that enabled those escapes and that had sat there for so many years under the previous government.

When it comes to recidivism it is true that it is far too high. It went up from about 33 per cent to a bit over 44 per cent, I understand, under the previous

government, and it is starting to go down because we are taking it seriously. It is all very well to spout bits of information, but perhaps the facts tell a different story. In fact the facts do tell a different story.

The bill has a number of elements to it. I will not go through them in any detail; I know the previous minister has his head down in shame after what happened and how he left the prison system. This bill addresses safety risks to the community, particularly to community corrections staff who are engaged in supervising prisoners on parole. I was asked a question by Mr Bourman on that issue which I will respond to in a little bit. The bill provides clear powers for the return of the very small number of unlawfully released prisoners, if and when that occurs, and I know that Mr O'Donohue asked a question on that, which I will respond to.

This bill clarifies the authorised disclosure of personal or confidential information about offenders to promote community protection in Victoria. It provides corrections staff with a consistent approach to immunity from liability arising from the use of reasonable force when performing official duties, and I think we would all expect that to be the case. It also makes minor and technical amendments to improve the operation of corrections legislation. I will not go into detail, although I could on all of those aspects.

Regarding Mr Bourman's question about the ability to use reasonable force and firearms, I am advised that there are general powers in this bill which outline when and how the use of force is reasonable, as there are in other pieces of legislation. They exclude the use of firearms against parolees. The powers in the Crimes Act 1986, mentioned by Mr Bourman, allow the use of force generally but only allow the use of firearms by individuals licensed to use them. While specified officers, such as prison and escort officers, can carry weapons, including firearms, this bill identifies 'use of force' provisions in relation to parolees only. They may need to use those firearms in other circumstances. Prison or escort officers can only use firearms in relation to prisoners in custody, not parolees. The two powers that Mr Bourman inquired about are not in contravention of each other. What the bill does is to help clarify the use of force in circumstances our officers might find themselves in.

Mr O'Donohue asked some specific questions: why the need for the extra powers to protect community corrections officers; and has there been a specific incident or incidents where community corrections staff have had their safety compromised? I think that was the question. I am advised that there has not been any event

or incident that has led to this change. Basically the department has identified a shortcoming in the current situation and wants to ensure a safe situation for its staff as much as it can in the workplace. This adds to the massive expansion we are doing in community corrections to ensure that staff have realistic workloads, that those on parole or on court orders are properly supervised and that community safety is ensured. But on the specifics, this is a preventative action tweak rather than a response to issues.

I was asked how many and in what circumstances prisoners have been unlawfully released by Corrections Victoria since the change of government in December 2014. It is never acceptable that someone be released outside of their time, but this is a complex area. There are often, and I am sure Mr O'Donohue knows this, multiple charges, multiple orders and often multiple courts involved, and they all cross over one another. It is quite a significant task making sure you have the exact date of when someone is eligible for parole or release. In fact I know, as Mr O'Donohue will know, that there is a large number of staff in Corrections Victoria who are tasked with this very job of cross-indexing, checking on what is happening in the prison system, what is happening about further charges, what is happening in relation to multiple orders and how they cross over.

On Mr O'Donohue's point I am advised that the numbers go up and down, and of course the numbers in our prison system have been rising substantially, but there were something like two unlawful releases, representing 0.03 per cent of total prisoner discharges in 2013. In 2014 there were four unlawful releases, representing 0.05 per cent of the total prisoners discharged, and in 2015 there were six unlawful releases, representing 0.06 per cent of the 9364 prisoners discharged. The numbers are there. They are relatively small, but I do say none of them is acceptable, and whenever this happens of course there is a massive amount of work to find out why it happened and where the glitch was.

I think you would find in many cases, although I cannot say that specifically to Mr O'Donohue, that there is sometimes human error in the coding of information, which should not happen but which has happened. However, it is fair to say this happens a very small number of times, given the size of the cohort. The fact that we have a dedicated team of 20 full-time staff responsible for recording and verifying sentence calculations and prisoner discharges shows how important it is and how seriously it is taken. Of course new IT systems and cross-checking systems with police et cetera are also part of this question.

I know Mr O'Donohue is interested in the 2016 numbers. I do not have that information on me at this point, and I am not sure how it is recorded, but if I can I am happy to get that information. I commend the bill to the house.

Motion agreed to.

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

Third reading

Motion agreed to.

Read third time.

ESTATE AGENTS AMENDMENT (UNDERQUOTING) BILL 2016

Second reading

Debate resumed from 11 October; motion of Mr DALIDAKIS (Minister for Small Business, Innovation and Trade).

Mr O'DONOHUE (Eastern Victoria) — I am pleased to speak on behalf of the opposition in the first instance in relation to the Estate Agents Amendment (Underquoting) Bill 2016 and to indicate at the outset that the opposition will not oppose this piece of legislation.

We all know of situations where there has been surprise at the market price for certain properties. We have heard stories from friends, relatives or others about issues associated with the perceived market price and the actual market price achieved. While the government should not be intervening in the marketplace, it can facilitate appropriate information to prospective purchasers so they can make informed decisions and also so vendors can have realistic expectations about the true value of their property when it comes to sale time.

Of course that does not change the fact that from time to time you might have two or three bidders who see a particular value in a property that others in the broader marketplace, against other general objective criteria, do not see. This is something that will always make regulation in this space challenging, because the value of a property can be dependent on one prospective buyer who can change the value of a property with the purchase price they are prepared to pay, for whatever reason, for it.

I say that by way of introduction because it is difficult to strike a balance between appropriate regulations so that the relevant information is available for purchasers and vendors whilst understanding that the marketplace is dynamic — it can change — and the particular characteristics of an individual property that may not be valued or appreciated in the broader marketplace may be valued differently by an individual or a couple of competing buyers. That can then change the value of that property, so it is an inherently challenging area.

The main purpose of the bill is to amend the Estate Agents Act 1980 to introduce measures to address underquoting in the sale of residential property and for other purposes. The bill seeks to provide for how estate agents are to determine estimated selling prices for residential property they are engaged or appointed to sell, to provide for the revision of those estimates and to require estate agents to produce statements of information for residential property that they have been engaged or appointed to sell.

This bill creates new offences, with a maximum penalty of up to \$31 000, in relation to stating selling prices in the marketing of residential property. The bill also enables Consumer Affairs Victoria, through its director, to give notices to estate agents requiring them to provide the director with information or documents. Finally, the bill enables courts to require estate agents to pay commission received as a result of the new offences to the Victorian Property Fund.

The bill requires agents to provide prospective buyers with a comprehensive analysis of the property for sale, including three recent comparable sales, an indicative selling price and the median price for the suburb in which the property is located.

In relation to the three comparable properties, if the property is in the Melbourne metropolitan area — and I think one question that is yet to be answered is the definition of ‘Melbourne metropolitan area’; perhaps government members can address that — one has to consider properties sold within the preceding six months and within a 2-kilometre radius of the property.

If the property in the marketplace is outside the Melbourne metropolitan area — an area yet to be defined — the sales in the preceding 18 months and a 5-kilometre radius apply. That obviously takes into account the lower sales volumes taking place in country Victoria. If the agent believes that there are less than three comparable properties to consider, then this is required to be noted on the statement of information.

The bill also bans advertising price ranges of more than 10 per cent and words or symbols in advertising such as ‘offers above’, ‘from’ or ‘plus’. The bill also states that advertising must be promptly updated if the seller rejects a written offer for purchase or the agent’s price estimate is altered.

They are the nuts and bolts of the bill. In many ways it is relatively straightforward in concept. I am sure that identifying that market price, as I said in my introduction, can be a bit more complex. One issue that has been raised, however, is in regard to the days leading up to an auction when late vendor instructions are provided a day or two out. It can be difficult at that late stage to change the buyer statement of information. Minister Dalidakis, perhaps your advisers may be able to provide you with a response to the issue of late vendor instructions and the challenge that that creates in changing the buyer statement of information for your summing up.

It is really a logistical issue. If it is 36 hours from the auction and the marketing material has all been prepared, the time for that marketing material to be withdrawn and replaced is too tight. The bill does not answer that specific question.

It has been suggested by some that there be three clear business days in advance of an auction or before a property is offered for sale where the selling price cannot be changed to provide that clarity in relation to this issue. As I said, Minister, I would appreciate it if you could address that issue in your summing up. With that observation, the opposition does not oppose the bill.

Ms SPRINGLE (South Eastern Metropolitan) — I will keep my contribution brief and just talk about the Greens’ approach to this bill so we can put our position on the record. The Greens will be supporting this bill. Underquoting is already unlawful. The Estate Agents Act 1980 as it prohibits agents from marketing a property at a price that is below a seller’s asking or reserve price or which is below the agent’s estimated selling price.

The problem this bill will address is that the current requirements around the agent’s ‘estimated selling price’, which agents must provide to sellers, are not very onerous. It is apparently not uncommon for some agents to provide sellers with a very low price, perhaps as an exercise in expectation management, while knowing that the likely sale price is going to be much higher.

Underquoting, of course, has the beneficial effect of bringing potential buyers to an auction. Well-attended auctions are in the interests of the agents and the sellers — and of course potential buyers are more likely to bid well over their limits as they are swept up in the excitement of participating in the auction. The bill appears to tighten the regulations for agents who provide residential properties for sale in a way that should make it more difficult for agents to underquote, and as such the Greens can support it.

In relation to housing policy, the Greens are concerned above all with the provision of public housing to people who cannot afford to enter the private housing market and also with ensuring that the private housing market is not artificially inflated. The reforms progressed in this bill are not inconsistent with the Greens' policies and are broadly in line with the Greens' philosophy, which generally aims to address instances of market and regulatory failure.

It is worth noting that these reforms have the support of the Real Estate Institute of Victoria, which is the agents' peak body. The Greens commend this bill and hope that it goes some substantial way towards eliminating the practice of underquoting, which is certainly not in the interests of people trying to break into the residential housing market or indeed of the Victorian community as a whole.

Mr SOMYUREK (South Eastern Metropolitan) — I rise to make a brief contribution to the debate on the Estate Agents Amendment (Underquoting) Bill 2016. The bill implements an important announcement made by the government in March this year. This commitment was to introduce legislation to address the problem of underquoting in the sale of residential property so that homebuyers do not waste their time and indeed waste their money on properties they simply cannot afford.

Here we have a bill that will amend the Estate Agents Act 1980 and implement a package of reforms that will address ongoing issues of transparency in the industry, improve the information currently available to consumers and create certainty about the way prices are quoted and advertised. In particular, the bill's overarching aim is to stamp out unethical behaviour by rogue agents by enhancing accountability, ensuring consistency in the pricing of property and improving the information provided to both vendors and prospective buyers.

The impetus for this legislation arose from concerns conveyed by key stakeholders and prospective homebuyers regarding real estate agents underquoting

and the misleading advertising of residential properties. Whilst there are multiple factors that contribute to the challenges homebuyers face when trying to enter the property market today, there have been increased concerns about the legal safeguards currently in place regarding the responsibility agents have to prospective buyers to provide accurate information about expected sale prices. In order to address these concerns, a Consumer Affairs Victoria task force called Vesta was established in mid-2015 which examined around 1400 sales files, with 13 investigations underway and one matter before the courts.

This package of reforms to the Estate Agents Act 1980 will apply to all agents engaged to sell residential property. The bill will require estate agents to provide prospective buyers with a comprehensive analysis including three recent comparable sales, an indicative selling price and the median price for the suburb. This information statement is to be displayed at any inspection and provided to prospective buyers on request within two business days. The bill will also create greater certainty about the way properties are advertised and quoted on by prohibiting advertising with symbols or qualifying words and by banning advertising with a range greater than 10 per cent. To enforce these new requirements, substantial penalties of up to 200 units, or more than \$31 000, will apply for agents caught doing the wrong thing — that is, underquoting.

As I mentioned previously, this bill delivers on the Victorian government's commitment announced in its Victorian Labor Platform 2014 to act on areas of poor practice and complaints against estate agents. With this bill the Victorian government has effectively identified an area in the property market where underquoting is most prevalent and where laws must be amended to improve the selling of residential property. The bill's reforms to the Estate Agents Act 1980 will align Victorian laws with the scope of underquoting in New South Wales, South Australia and Queensland and will reduce the compliance burden on the non-residential sectors of the market.

We are implementing well-balanced reforms that support both vendors and prospective buyers. This proposed legislation follows months of very extensive consultation with various stakeholders, including the Real Estate Institute of Victoria (REIV), which represents around 70 per cent of estate agents in Victoria. Having been consulted on the draft bill, the REIV have expressed their strong support for the proposed measures, with REIV CEO Enzo Raimondo stating that the changes would bring transparency and

consistency to price representation in the property sector. This is a quote by Mr Raimondo:

... the reforms would be effective in a variety of market conditions and for all stakeholders in property transactions.

In conclusion, I hope that if this bill is passed — and I do hope this bill does pass — these reforms will shine a light on those who have taken advantage of the industry and bring transparency and consistency to price representations in the property sector.

My electorate covers substantial growth areas, some of the largest in the country, particularly in the Cardinia and Casey regions. This rapid growth corridor presents ongoing challenges to individuals and families looking to access housing. Whilst these challenges are complex, by strengthening legislation and accountability in the real estate industry, homebuyers will have one less thing to worry about when it comes to the daunting task of looking for a home. For most people the act of buying a home is probably the single biggest investment they will ever make.

These changes are necessary in order to manage the substantial variations in median housing prices as well as agent-buyer transparency and accountability. I firmly believe this bill will give homebuyers in Melbourne's south-east — and not only Melbourne's south-east but also across the state — the opportunity to confidently participate in the property market within the framework of a fairer system by creating certainty about the way residential property prices are advertised and ensuring consumers are provided with the information they need. With that, I commend the bill to the house.

Ms TIERNEY (Western Victoria) — The bill before us today will amend the Estate Agents Act 1980 to introduce new measures to address the issues of underquoting in the sale of residential property in the state of Victoria. All of us know someone who is buying a house or wanting to buy a house. I know that personally, but I also know that as a local member, with a number of people talking to me about the state of the housing industry and the difficulties they go through in an attempt to purchase property. Considering the current state of the real estate market I can readily understand the despair people have and the sense of hopelessness that is difficult to shake when it comes to wanting to buy and failing to secure a residential property in this state.

For the vast majority of Victorians this is probably going to be the biggest financial decision they make in their lives. Whilst the end of the process is very satisfying when people are happy and excited and have a sense of relief — once they finally do secure a

house — the actual process of buying a home is excessively trying, I would argue; time consuming definitely; and often exhausting. It is this government that recognises that, and that is why this bill is before the house. It was an election commitment to make the lives of those who are trying to secure a home so much easier.

This was also triggered by the fact that apart from hearing about the difficulties that people were having in a very practical sense we became aware through Consumer Affairs Victoria that in 2015–16 consumer affairs received 339 complaints in relation to underquoting in the sector. That is up from just 20 complaints reported in 2011–12, so this is a significant issue in the state, and it absolutely needs to be shut down. Those stats also show, though, that consumers are becoming more and more aware of underquoting and indeed how it is an exceedingly unfair practice, and they also of course demonstrate that this type of legislation is needed in the real estate market here in Victoria. Again, that is why we are today delivering on an election commitment to eradicate poor practice and reduce complaints against real estate agents.

Previous speakers have outlined what this bill will do. It is essentially to target the practice of underquoting. It is a term that refers to when a real estate agent misleads prospective property buyers about the estimated selling price of a property. This occurs when a house is advertised at a lower price than the seller's asking price, the agent's estimation of the selling price or a genuine offer or expression of interest from a prospective buyer.

This bill will amend the Estate Agents Act 1980, as I said in my opening remarks, to introduce new measures to address the issue of underquoting in a variety of areas. Those measures include the requirement for real estate agents to determine a reasonable estimate of the selling price for properties they are engaged or appointed to sell, which includes consideration of three properties the agent reasonably believes to be most comparable; the requirement for agents to prepare an information statement for prospective buyers that will include critical and accurate information in relation to the sale of the property; thirdly, the requirement that the statement must be displayed at any inspection, included with any internet advertisements and provided to prospective buyers within two business days of request; fourthly, the prohibition of advertising with qualifying words such as 'offers above' and 'offers from' and advertising within a range greater than 10 per cent; and also the obligation of agents to update advertised prices to reflect any change in the agent's estimate or where an offer has been rejected by the seller. These new

requirements will be unique to Victoria. No other state or territory, as I understand it, requires agents to provide this level of information to potential homebuyers.

This can only be good, because it will provide for increased transparency, particularly when it comes to high levels of finances which need to be handled in the clearest and most fully processed manner. Having these measures in place will make it easier to identify underquoting in the industry. Agents found to be underquoting will face significant penalties of more than \$31 000. In certain cases this will be twice the penalty of the current regime. Where there is a significant increase in reported cases of underquoting, consumer affairs will be keeping a close eye on the situation.

This legislation is designed to ensure that real estate agents act properly and as fairly as possible when advertising a house for sale. The vast majority of real estate agents in our state do do a fantastic job, and I think it is important that we say that. However, as with many industries, unfortunately there are always some who push the envelope too far and make it difficult for other people. We do believe there are many real estate agents that go out of their way to try to find the right price for property sellers and homebuyers alike, but as I said, unfortunately there are some in the industry who just do not operate in a fair and transparent way. We want to see more Victorians who are looking to buy a house find the home that suits them without being misled or gamed by unscrupulous agents.

This bill has had widespread support from organisations including, I might say, the Real Estate Institute of Victoria. The Consumer Action Law Centre and the Law Institute of Victoria also have supported the policy proposals outlined in this bill.

This bill will make a difference. It will make a difference to those househunters who are dealing with a very difficult and volatile industry at the moment. It creates a range of new benchmarks and obligations that now must be adhered to. This is a bill that will engender greater confidence in the real estate industry and ensure that people do the right thing and that customers — that is, the buyers and the sellers — are provided with accurate information. Accurate information is so important when making the most major financial decision of your life, and it will be the biggest financial decision that the vast majority of Victorians will make.

On the basis of creating greater transparency, ensuring that real estate agents will do the right thing and creating an environment where Victorians will have a

fairer chance of getting the home that they want at a fair price, I commend this bill to the house.

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I rise to sum up the bill that is before us. Many eloquent speakers from my side have put a very strong argument for why the legislation before us should be adopted. Indeed I acknowledge that those on the crossbench and the other side that have spoken have supported the legislation also.

I come to just one brief request from Mr O'Donohue, who in his contribution raised the concern about vendors taking an action in relation to the pricing of their property within a relatively short period of time close to an auction and the impact that that would have on real estate agents. What I can say to that, and specifically for Mr O'Donohue's benefit, is that in relation to a vendor change close to the auction, the expectation is that online advertising should be updated within one business day, and of course print advertising updated as soon as possible. The reason that the words 'as soon as possible' are used in relation to print is because it is not always easy, depending upon the time of the week and the date of publication or printing, for that to occur. We will use the reasonable person's test in that respect in relation to the print publication. Online advertising is obviously a lot easier to alter and amend, as I have said, within one business day.

In providing that explanation to Mr O'Donohue, there is very little for me to add other than to commend this bill to the house.

Motion agreed to.

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

Third reading

Motion agreed to.

Read third time.

LEGAL PROFESSION UNIFORM LAW APPLICATION AMENDMENT BILL 2016

Second reading

Debate resumed from 15 September; motion of Ms PULFORD (Minister for Agriculture).

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I am pleased to rise this afternoon to speak on the Legal Profession Uniform Law Application Amendment Bill 2016. This is the latest in

a suite of legislation that has come before the house dealing with the issue of a uniform law for the legal profession, which spans New South Wales and Victoria and was work that was commenced by the previous Attorney-General in the last government, the Honourable Robert Clark.

As I understand it, it started as a proposal for a national uniform frame across the profession Australia wide. In practice that has not occurred; it is currently limited to New South Wales and Victoria, but it is nonetheless proceeding in New South Wales and Victoria, which is an important step in ensuring interoperability between the two largest jurisdictions in Australia. This bill is largely one of technical change. The bill itself only runs to some 12 clauses including the repeal clause.

I turn to the main provisions of the bill. Clause 5 of the bill amends the Legal Profession Uniform Law Application Act 2014 to require the Victorian Legal Services Board to maintain a register of disciplinary action taken against lawyers enrolled or practising in Victoria.

Clause 7 allows Australian-registered foreign lawyers to practise foreign law in Australia in partnerships solely comprising Australian-registered foreign lawyers. This is a change from the previous provision, which required there to be an Australian lawyer in an Australian-registered foreign partnership. This bill will change the requirement for there to be an Australian lawyer in that Australian-registered foreign partnership. It simplifies the administration for foreign firms so that if foreign partnerships seek to act in either of the two jurisdictions, they will be covered by the uniform law.

Clause 8 of the bill enables a local licensing authority to impose a condition on the practising certificate of a lawyer after a complaint handling authority has made a finding of unsatisfactory professional conduct against that lawyer or associate and has recommended that the condition be imposed. Clause 9 of the bill removes the obligation on staff members of regulatory bodies to report and provide documents to police or other relevant authorities about suspected serious offences. The provisions in clauses 10 and 11 provide for the Legal Services Council and the commissioner for uniform legal services regulation to submit a consolidated set of audited annual financial statements to meet their financial reporting obligations.

It can be seen from the brief summary of the provisions of this bill that they are all quite minor and technical in nature. Probably one of the most significant provisions in the bill is the one I referred to earlier in lifting the requirement for an Australian-registered foreign firm to

have an Australian lawyer in it. This is in recognition of the fact that legal practice has become an increasingly internationalised profession, particularly in Western countries that use a British common-law legal system.

It is interesting to reflect on the way in which the law has become more internationalised, particularly with the growth of jurisdictions such as India, which of course has a strong English language base, has a strong legal base in the English common law and is increasingly, as it is in areas such as IT, seeking to provide services in areas such as accounting and the provision of legal services. The fact that those sectors are growing in the Indian economy and becoming more relevant and more available to people seeking legal and accounting services in Australia is a challenge. It is a challenge for a regulatory environment, and it is a challenge for Australian-based providers in legal, accounting and other professional services.

It is interesting to reflect back a decade, two decades, on the changes in the Australian economy. There was a view that Australia was vulnerable to competition, if I can use the word 'vulnerable', in areas such as low-cost commodity manufacturing, and to challenge from places such as China, South-East Asia more generally, India et cetera. The reality of course is that that competition, that challenge, has moved beyond simply the provision of low-cost manufactured commodities into service provision, as we are seeing with ICT services, accounting services and legal services. It reflects a far more competitive world than perhaps our professional service providers have expected and experienced in the past. This element of the bill, clause 7, reflects that reality in the provision of legal services into Australia, both online and in this case in particular the legal services on the ground in the combined Victorian and New South Wales jurisdiction with foreign firms.

This bill is a technical one. It makes five or six minor changes to the operation of the uniform law for the legal profession across Victoria and New South Wales, and it is one that the coalition is happy to see pass the Parliament today.

Ms PENNICUIK (Southern Metropolitan) — The Legal Profession Uniform Law Application Amendment Bill 2016 makes changes to the Legal Profession Uniform Law Application Act 2014 and to the Legal Profession Uniform Law, which is a schedule to the application act. The Legal Profession Uniform Law Application Act 2014 was the result of a national process by the Council of Australian Governments and the Standing Committee of Attorneys-General in 2004 with the aim of creating a harmonised system for the

regulation of the legal profession. We have had a number of debates on this issue since then in the Parliament.

The act was amended last year in relation to cost disclosure by the legal profession, and I raised some concerns that stakeholders and consumer advocates had and emphasised the importance of legal practitioners providing ongoing and clear updates to their clients on the possible costs that they may face to avoid any confusion and disputes. I also outlined during the debate on the principal act in 2014 that some consumer advocates had argued that there had been a lack of consumer input into the development of the Legal Profession Uniform Law and its structures and about how the law may impact on consumers of the law over and above the legal profession itself. The same concerns have been raised again with us with the introduction of this bill.

The changes in this bill are as follows. The amendments require the Legal Services Board of Victoria to maintain a register of disciplinary action against lawyers enrolled or practising in Victoria who have a finding against them of unsatisfactory professional conduct or professional misconduct. This is an important measure to protect consumers and to ensure that they are fully informed when making decisions about the legal services they engage, since the register will include the lawyer's name and address for service and details of the disciplinary action taken.

Under clause 5 the register will record disciplinary action taken under the law, action corresponding to the disciplinary action and any disciplinary action within the meaning of the act as in force. Disciplinary action means actions taken in respect of a lawyer for or following a finding by a court, a tribunal or a local regulatory authority of unsatisfactory professional conduct or professional misconduct, being the suspension, variation or cancellation of the lawyer's practising certificate, or refusal to renew it, or the removal of the lawyer's name from the Supreme Court roll and the making of an order under part 5 of the Legal Profession Uniform Law other than an order cautioning the lawyer or an order that is a recommendation that action should be taken against the lawyer.

While all stakeholders appear to support the proposal to make a broader range of disciplinary findings through the register beyond a court or tribunal, there are some concerns about the delay in publishing this information under new section 150E — that disciplinary action not be recorded in the register pending a rehearing or appeal. Obviously this is to ensure natural justice, but

the Federation of Community Legal Centres, for example, state that it may also frustrate the purpose of the register, being to inform the public as to disciplinary findings made, because appeals and rehearings can drag out for a long time so there may be an incentive for some lawyers who have been found to have engaged in professional misconduct to do this because the disciplinary action of course may affect their livelihood.

Over and above the establishing of this register the bill also amends the uniform law to specify that Australian-registered foreign lawyers may practise foreign law in partnerships solely comprising Australian-registered foreign lawyers. This aims to facilitate the internationalisation of legal services in Victoria and around Australia. The bill also removes the obligations on individual staff members of regulatory bodies to report and to provide documents to police or other relevant authorities about suspected serious offences. This is because often staff will not be in the best place to reach a reliable view about whether an offence was committed. The obligation, however, will continue to apply to the Legal Services Council and other regulatory bodies.

Also, clauses 10 and 11 will ensure that a single audited financial statement can be prepared for the council and the commissioner in reference to their reporting requirements under the provisions, as the two entities are highly integrated at an organisational level.

An issue that has been raised with us in relation to this law but also more broadly is the issue of referrer conflict. According to the Consumer Action Law Centre and WEStjustice the extent of the risk of a conflict of interest and its associated harms that can arise in some arrangements where lawyers have a relationship with a party from which they receive regular client referrals is not fully appreciated by the profession, the literature or the regulators. In their article 'Lawyers and Referrer Conflict — an underrated risk' the Consumer Action Law Centre and WEStjustice discuss how formal and informal arrangements can compromise a solicitor's fiduciary duty to his or her client and in some cases can cause significant client detriment. Also these arrangements can be a core part of the lawyer's business rather than isolated incidents.

This type of problem was also recently highlighted by a Senate committee report entitled *Scrutiny of Financial Advice*. The committee highlighted losses suffered by investors as a result of land banking investments that were promoted. The committee noted:

A common thread running through the land banking schemes investigated by the committee was that the promoters of the schemes referred investors to lawyers, accountants and

lenders with whom they had a potential conflict of interest because of their pre-existing (and often intertwined) ... relationships.

The Consumer Action Law Centre and WEStjustice have also previously raised concerns about the relationship between repairers, replacement car hire firms, recovery agents and lawyers in the media and in formal submissions. We urge the government to liaise with the Consumer Action Law Centre, WEStjustice and other key stakeholders to consider any regulatory responses that are needed to deal with referrer conflict. Otherwise, the Greens are supportive of the provisions in the bill.

Mr MELHEM (Western Metropolitan) — I also rise to speak on the Legal Profession Uniform Law Application Amendment Bill 2016. The uniform law is the basis for an interjurisdictional scheme for the regulation of the Australian legal profession, designed and implemented in recognition of the fact that while each state has its own legal profession, many Australian lawyers and law firms practise nationally and internationally. The uniform law is intended to simplify regulation across state borders and protect legal consumers, particularly through new legal cost disclosure requirements et cetera.

The application act being amended by this bill is the Victorian act, which contains the uniform law as a schedule which can be applied in other jurisdictions. As we know, the uniform law scheme commenced on 1 July 2015 and currently operates in Victoria and New South Wales. Victoria is the host jurisdiction for the uniform law scheme in that the uniform law is a substantive law of Victoria and amendments made to the uniform law by the Victorian Parliament are automatically applied in other participating jurisdictions.

There has been a lot of consultation between the government and various stakeholders to make sure we address some of the concerns that have been raised. As previous speakers have said, this bill looks at a number of areas. One is the reduction of unnecessary red tape by expressly allowing Australian-registered foreign lawyers to practise foreign law in partnerships solely comprising Australian-registered foreign lawyers, as was the case under the former legal profession legislation in New South Wales and Victoria. The uniform law currently requires at least one Australian legal practitioner to be a member of a partnership of foreign lawyers. It also looks at improving consumer protection, clarifying reporting obligations for regulators and simplifying and strengthening accountability. The bill also improves consumer protection by providing a legislative basis for the register of disciplinary action taken against lawyers

enrolled or practising in Victoria, as was provided for in the former Legal Profession Act 2004.

Basically the bill provides some provisions to balance the rights of consumers and legal practitioners by providing that disciplinary action taken against a lawyer must not be recorded in the register until the time for lodging an appeal or review of the disciplinary action has passed — 90 days — or, if the action is subject to an appeal, after the appeal is determined. It also talks about a right to apply to the Victorian Civil and Administrative Tribunal for a review of the recording of disciplinary action in the register being available to lawyers who were ill or injured at the time of the disciplinary action.

Also the powers and actions of the board in relation to the register will be subject to non-disclosure orders made by courts and tribunals, and the general prohibition on disclosure of information in the uniform law — section 462 — is not limited by the provisions relating to the register. The information on the register is to be kept on the register for either five years after the disciplinary action is taken or, if the action has effect for a longer period, the period for which the action has effect. The safeguards are there to ensure the information about disciplinary action taken against a legal practitioner is not included inappropriately on the register.

It is a straightforward bill. With these brief comments, I hope the house endorses the bill. I commend the bill to the house.

Mr HERBERT (Minister for Training and Skills) — Firstly, I thank all who have spoken on this bill — the few people that have. It is an important bill, and their contributions were well made. In summary — and I will not speak long in summing up — the bill reduces unnecessary red tape, improves consumer protection, clarifies reporting obligations for regulators and simplifies and strengthens accountability. It also provides some better consumer protection in terms of legislation through the register of disciplinary action — and that is quite a balanced measure whereby it enables legal practitioners to have adequate time for a right of appeal before their names are published. In all, I think this is a very good bill, and I commend it to the house.

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

Third reading

Motion agreed to.

Read third time.

VICTORIAN FISHERIES AUTHORITY BILL 2016

Second reading

Debate resumed from 13 October; motion of Ms PULFORD (Minister for Agriculture).

Mr DAVIS (Southern Metropolitan) — I am pleased to rise and make a contribution to the Victorian Fisheries Authority Bill 2016. It is a bill that the opposition will not oppose. We do have a number of concerns, and I have a number of questions that I will put on record. We will seek to amend the bill to put in place a clear representation of the board of fishing industry operations and ensure that the board of the new authority is a board that is representative and is one which the industry and the broader community can have confidence in.

Opposition amendments circulated by Mr DAVIS (Southern Metropolitan) pursuant to standing orders.

Mr DAVIS — The purpose of the bill is to establish the Victorian Fisheries Authority (VFA). It is intended to be a statutory authority that will be responsible for recreational and commercial fishing regulation and management in Victoria.

The proposed statutory authority will replace Fisheries Victoria. Fisheries Victoria is currently a division within the super department, the Department of Economic Development, Jobs, Transport and Resources and many, many other things.

The proposed Victorian Fisheries Authority will take on regulatory functions including administration, licensing, compliance and enforcement functions that are currently performed by Fisheries Victoria. It will have the power to develop fisheries management plans and operational plans with respect to Victorian fisheries. It will also advise the minister and the secretary on fisheries management issues and strategic policy for fisheries in Victoria. That will include issues around quotas setting, the allocation of funding, the development of legislation and the setting of fees, royalties and levies.

The VFA will also facilitate, it is said, recreational fishing improvements, including the administration of the recreational fishing licence trust. It will also play a role in supporting and promoting recreational fishing. The board, or the authority's governing structure, will be a skills-based board with no less than five and no more than eight directors. I think it is important that it is

a skills-based board. It will include a chairperson and a deputy chairperson.

Mr Barber — So skills are required to be appointed to a board under this government?

Mr DAVIS — Well, you would hope so, although the evidence is mixed. Conditions for appointment and replacement of directors and other board governance matters are outlined in the bill. The bill provides that the VFA board employ a CEO in consultation with the minister, so the minister has a veto power in effect on who might be on the board. The CEO will be the employer of all VFA staff, who will be Victorian public service employees. Fisheries Victoria staff members will be transferred, it is said — and I would be interested in any commentary that the minister may want to make on that — with no associated job loss or reductions in entitlements.

The VFA will also produce an annual report, which is welcomed, to be tabled in Parliament. It is also going to be required, it is said, to produce an annual business plan setting out the objects and priorities over the next three years. I might say at the outset that the time frames for fisheries need to be considerably longer than three years. Sustainable fishing and sustainable industries are ones that have much longer time frames. The bill makes a number of consequential amendments to other acts, transferring legislative accountabilities and responsibilities to the VFA and the CEO. These relate to various matters of compliance and enforcement.

The opposition has a number of questions, and one to which I would seek some response from the minister is the cost of establishment. That is the first one. The minister may have some point to make about that. Is it \$100 000? Is it \$1 million? How much is going to be spent on the new badging and livery? How much will be spent on the marketing plan? Will it be a case where we are going to see advertisements for the new VFA? I am interested to know. I am always nervous and cautious about new bodies being established that feel they have got to stretch their wings, stretch their arms and make themselves be noticed.

We also need some indication, I believe, that the government will not see a cost-shifting arrangement occur where there will be money collected through regulations and that the management expenses of the organisation will not over time be defrayed onto the recreational and commercial sectors. How is this going to operate? Is this a cost shift that is going on here? I do not know the answer to that, but I will be interested in the government's response on that point.

The government has promoted this as part of its Target One Million recreational fishing policy; however, it is not actually clear how simply creating a statutory authority — a new bureaucracy, a new piece of infrastructure of this type — will translate into more people taking up recreational fishing and more people feeling an affinity in this way that would see an outcome in terms of the government's objectives. I seek from the government some indication about how it intends to join the dots there.

The seafood industry has indicated it has some concerns, and I think the government is aware of a number of those concerns. I know some of my colleagues who have interests in this area will also want to say something about that. There are a number of points here. As I understand it, VRFish has indicated it is largely satisfied with this proposal to create the statutory authority and with the legislation in its current form. Seafood Industry Victoria has flagged some issues and some concerns. Again I would be interested in the government's commentary on those. Perhaps the minister or one of the other government representatives will want to take those up during the process of debate.

As I understand it, there are also questions as to how the relationship with the minister will operate. Again, this is not something that we are opposed to but we seek some clarification. The minister or another government speaker may wish to make commentary. The alternative way we could discuss some of these points is in the committee stage, but I am very open about that. This, as I say, is not a bill that we are intending to oppose. But if the minister is minded, we could discuss some of those points that I have outlined in committee.

The amendment that I will propose in the committee stage will insert a requirement for fishing operations to be represented on the board of the new authority. I think that is reasonable. I think it is not an unfair step to take, and we will seek to take that step. I am happy to engage in a longer conversation at the time in committee on that point.

The seafood industry is important to Victoria. It is important obviously as a supplier of food, but it is also important as an employer for many, many thousands of Victorians. It is also important from a tourism perspective as well, where often the link between fishing and local communities and tourism is a significant one. For that reason, we wish the authority well. We have put on record some of the cautious concerns that we have, and we are proposing a way forward to improve the governance of the board to ensure that there is some representation for fishing

industry operations. In doing so, we believe that would improve the bill.

Mr EIDEH (Western Metropolitan) — I rise to speak briefly in support of the Victorian Fisheries Authority Bill 2016. Firstly, this bill fulfils the Andrews government's Target One Million election commitment. I know that this is a much-needed structural and organisational initiative. Consolidating all relevant fisheries and bodies into a single statutory authority will serve to provide improved management and organisation of Victorian fisheries. It will also, and more importantly, foster an environment where innovation and strategic planning will be more achievable, with the capacity for realistic long-term goals for all parties involved with Victorian fisheries. As a statutory authority, the Victorian Fisheries Authority (VFA) will be subject to the usual statutory authority governance provisions. This is a much-needed improvement and will provide clear, concise and definitive direction for all things fishing in Victoria.

The VFA will be governed by an independent board whose collaborative approach to liaising with, managing and integrating Victoria's fishing resources should please commercial and recreational anglers alike. It will also be an essential part of protecting and improving aquaculture in Victoria. The future VFA board will work closely with the commercial fishing industry to provide better sustainability and stock control. The VFA board will also work on providing an enhanced, safer and better regulated fishing experience for those who engage in recreational fishing.

All of the above will be achieved by streamlining and centralising the existing administrative, licensing, compliance and regulatory functions currently carried out by Fisheries Victoria. As my colleague the Minister for Agriculture has stated:

The new Victorian Fisheries Authority will give all Victorians the confidence we have well managed, sustainable fisheries that will be there for future generations.

As I previously stated, this bill fulfils an election commitment that this government made to the people of Victoria. I look forward to the creation and implementation of the Victorian Fisheries Authority, and I commend this bill to the house.

Mr BARBER (Northern Metropolitan) — Well, we all know what this one is. It is the Game Management Authority (GMA) all over again. It is taking a government department that already exists and already performs a number of functions and turning it into a statutory authority. Is that because it will make things more transparent and more accountable? No — quite

the opposite. You have now got a body, as we saw with the Game Management Authority and as we saw with the equivalent in New South Wales, that has to be the regulator and inevitably also becomes the promoter of its own interests and its own set of policies. That is why the government is setting it up: because the government has already decided what its policies are in this area.

We saw this incredibly unedifying exercise in the first part of this Parliament whereby Labor, Liberals, Nationals and a few friends got together and actually shut down a sustainable industry. Now I am all for shutting down unsustainable industries, but I have never seen a proposition in the Parliament that we should shut down a sustainable commercial netting operation as we had here in Victoria. Of course it was done without waiting to see the evidence. In this bill we are told it is all going to be about evidence-based decision-making, but the only evidence that the government wanted to see and that the Labor, Liberal and National parties wanted to see was the votes. With the science program that was in place in relation to the Port Phillip Bay and Corio Bay fisheries, commercial and recreational, they did not wait for that evidence. They just went ahead and made a political decision, and it is going to continue on in that way.

With this similar organisation, the Game Management Authority, which has not been in operation for very long, we decided to use the old Freedom of Information Act 1982 and have a bit of a dekko at their board minutes. Well, we saw exactly what we would have predicted at the time that we voted on that legislation — that is, what you have got is a bunch of board members there who are effectively acting as lobbyists. You have got a statutory agency — the Game Management Authority — that runs around lobbying, cajoling and even bashing up government departments, telling them they need to get in line with the policies and the directions of the Game Management Authority.

Mr Young — I wish they'd do that a bit more.

Mr BARBER — Mr Young says, 'I wish they'd do it a bit more'. It will not be long. Next time he has one of his fireside chats with the Premier that he is always boasting about, he should put it to him that he thinks the Game Management Authority is a bunch of slackers.

As I just found out today through my freedom of information request, it was the chair of the board who had received complaints from hunters who thought that the police were being a bit tough on them. The chair gave that advice to the CEO and said, 'Maybe we can write a little letter to Victoria Police', but we found out that none of it was actually in writing; it was just a

bunch of fireside chats, saying things like, 'Look, police, you know hunting is a big industry and we're trying to promote it. Maybe you could just go a bit easier on those shooters. They feel like they're being harassed all the time by the police. Could you go easy on them, you know — these law-abiding people who apparently have got nothing to worry about? They feel like they're being hassled by the man. They just want to get out there and have their bit of fun, and they don't want to be hassled'.

That was just one example. The same organisation, the Game Management Authority, are trying to get all the environmental water holders to put the water where they want it — that is, where their mates want to go shooting ducks. They want to attract the ducks with the water so that they can then kill the ducks. They are writing their own submission. This is a government department writing a submission to another government department in relation to the Alpine National Park management plans, saying they represent hunters. This is a regulator, the Game Management Authority, basically acting in a representative role for hunters and saying they want more access to more parts of the Alpine National Park.

You have to wonder how long it will be after this new fisheries authority is set up until they start lobbying for access to marine national parks, emboldened as they will be seeing what is happening over there with —

Mr Herbert interjected.

Mr BARBER — I am talking about the no-take zones in the marine national parks because the minister was around when they created the marine national parks. He knows it was quite a decision about having no-take areas, and we know — everybody knows — that the recreational fishing lobby is already trying to get access to those national parks. Why would it be any different once they have got their pet bureaucracy? They would start lobbying in the same way. It is not about carving this entity out so that it can be more accountable and more transparent; it is actually designed to do the opposite.

By the way, when we FOI-ed the Game Management Authority their reason for not responding to our request was that they did not have enough people and they were too busy. I have never in my life actually been told that the reason an agency cannot respond to an FOI is that they are too busy. It is actually one of their statutory roles. I know they are very, very busy down there doing all the things that they think are important, but every agency in Victoria has the statutory role of actually providing information under FOI. The behaviour of the

GMA, which I am talking about now, has been appalling in relation to FOI. They have stuffed us around. They have wasted time. We have done everything we could do to clarify our request, but then that just led to further delays. They took advantage of us.

It is going to be no different when this thing is in place. Its job is going to be to deliver Target One Million. Nobody can even tell me what that is. There are roughly 750 000 fishers now — fishing licensees, people participating — and they want it to be 1 million. Basically that seems to be the whole thing. They have got this thing — recreational fishing. It is a good thing, and everybody who is doing it is enjoying it. The Labor Party's plan is to make it bigger. That is about all it can come up with. If it is good, it will make it bigger, and then it will be even better.

Except there are all these references to sustainability in the bill, and it is not automatic that you can make something bigger and also make it sustainable. But given they are the objectives of the new body, we will spend some time in the committee stage of the bill just talking about exactly what sustainability is supposed to mean in this context. By the way, sustainability is just one of the things that they are balancing with all the other things and all the other objectives. I thought sustainability was the balancing act. I thought sustainability meant we are able to continue doing this thing off into the future and at the same time everybody gets a fair share of what we can do within those ecological limits that are set for us by nature. We do not get to choose them.

But, no, apparently sustainability is one of the things they would like to have. There is a whole bunch of other things that they would like to have as well, and there will be some kind of trade-off between these different things. That is the reason Labor will never be an environmental party. They cannot actually get their heads around the idea of sustainability. They just see it as another bargaining chip in a sort of industrial negotiation where nobody ever gets everything they want. There is a lot of bluster and bravado, and then we all walk away because we all got something. There are numerous references to sustainability in the act but no meaningful definition.

The only other thing that is missing from this bill is people who actually do not fish themselves, whether it be on a recreational basis or on a commercial basis. There are people who eat fish, there are restaurants that serve fish and there are of course environmental groups who just want to see a healthy ecosystem, but they are not in there. There is no actual place for a consumer of

fish, who has definitely got a stake in the management of the fishery.

Mr Ondarchie — Make it a steak.

Mr BARBER — You've got me there. What do you call it?

Mr Ondarchie — Maybe a fillet.

Mr BARBER — A fillet? Has it got a stake in it? It is that stakeholder thing again. Every time I hear that word 'stakeholder', I think of vampire movies.

If you are a person who just wants to see a healthy ecosystem — not just a healthy biomass of fish but actually a biodiverse ecosystem in all its many parts — you do not really get a look-in in this legislation. This body has been created for a particular group of people. They are making a run for it. They reckon they have got the advantage. It has been set up — predetermined, really — to deliver the outcomes that have been decided for it despite all the fancy language, so it makes you wonder, really, why a statutory authority is being created or why it is necessary.

I understand there is an amendment from the coalition that picks up one of the other questions we have been asking, which is about representation from the commercial fishing industry. That amendment has just been circulated, I think; we will have a bit of look at that during the committee stage and consider if that is a good way to help rebalance what is a rather unbalanced piece of legislation.

Mr YOUNG (Northern Victoria) — I would like to begin by expressing how excited I am for our fishing community. The establishment of the Victorian Fisheries Authority (VFA) has been a long time coming, and it will be an enviable asset to the sector. Many conversations I have had with people, from those heavily involved in advocacy groups right down to the occasional angler, have been consistent in the opinion that removing fisheries from its current set-up, ingrained in the department, is a step in the right direction. This is seen as a good move, and it will allow more freedom to grow the fishing sector and the recreational opportunities it provides.

While much of the focus on these bills is on good governance, strategic management and all of those bureaucracy-related terms that go straight over the heads of most people, I would like to focus more on what the bill is actually meant to do. Simply, this bill will set up a body whose job it is to make fishing better. It will increase opportunities for us to catch a fish, with stocking programs and population monitoring and

research. It will endeavour to create new opportunities in different areas. It will make it easier for us to get out and have a go, with a simple regulatory system that an average bloke can work out with not too much trouble. It will take into account the social, cultural and economic benefits of fishing and use that to grow the participation of Victorians and interstate and international visitors so that we can share the experience of going for a fish. All of this will be done whilst implementing a recreational fishing policy that, I am actually happy to say, is probably the best we have seen from a government.

However, all the best intentions and fancy speeches from ministers and members may not go far when the reality of running an authority such as this sinks in. I would like to address some parallels that have been alluded to in the minister's second-reading speech, where the Victorian Fisheries Authority is compared to and deemed to be consistent with other authorities, like the Game Management Authority (GMA). Mr Barber has done a wonderful job of drawing some of those parallels himself. You see, the Game Management Authority Act 2014 is set up slightly differently to the Victorian Fisheries Authority Bill 2016. This is very evident when we look at the objectives as stated in the act. The GMA act states in section 5, headed 'Objectives of the Authority':

- (a) to promote sustainability and responsibility in game hunting in Victoria —

which is very consistent with the Victorian Fisheries Authority Bill that we see before us today. Under its objectives it says:

- (a) to promote sustainability and responsibility in fishing and fishing-related activities in Victoria ...

It is almost exactly the same, and it is something we all want to promote and understand. But that is where the similarities sort of end. Whilst we have the regulatory stuff and the bureaucracy that no-one really pays attention to, the objectives of this authority are somewhat extended from the Game Management Authority. We have additional objectives here, which are:

- (b) to optimise the social, cultural and economic benefits of the fisheries sectors; and
- (c) to support the development of recreational fishing; and
- (d) to support the development of commercial fishing and aquaculture; and
- (e) to work cooperatively with fisheries management bodies in other States, in Territories and the Commonwealth ...

Those things are lacking from the Game Management Authority's own act, and that is what makes it vastly different in the way it operates. I completely agree with Mr Barber in that it is restricted somewhat, or should be restricted somewhat, by its legislation. That is what needs to change; that is what was done wrong in the first place with the GMA. These additional objectives that have been added to the Victorian Fisheries Authority are paramount to the authority's ability to deliver on the government's fishing policy, and if history is to be relied on, this sort of removal of those restrictions may enable it to be better than the GMA.

Again and again the GMA is unable to partake in all of those things that make this proposed Victorian Fisheries Authority great. It is restricted by legislation that makes it a very different authority to what we see proposed in this bill. There is limited ability to partake in research. There is limited ability to increase opportunities to hunt. There is no ability to access funds provided by game licences — and that is specifically different to this fisheries authority bill — and there is limited ability for the GMA to mirror the fishing policy of the government, which is centred on increasing participation. There are very few parallels indeed to what the Game Management Authority is and what the Minister for Agriculture wishes the Victorian Fisheries Authority to be, perhaps apart from the activity itself, which is simply the use of a tool to harvest a wild animal.

The Shooters, Fishers and Farmers Party may have missed the boat for involvement in the set-up of the GMA by the Leader of The Nationals in the last Parliament, but we will have a close eye on what develops here and the future of the fishing authority. In fact the Leader of The Nationals himself may have already changed his tune, as he also spoke about the Victorian Fisheries Authority continuing the current fisheries duties around the promotion and support of recreational fishing opportunities in Victoria. Promotion and support would have been really nice words to hear about hunting as well at the time, but I am so very glad we are talking about it now in the establishment of this authority. No doubt, though, the argument I will get from the government is that they were not the ones who set up the GMA and put that bill in place, and they will lay blame on The Nationals. I have to agree to some extent, but while this government is here, if it was to recognise the shortfalls of the previous government, it should have no problem with amendments to the GMA legislation to bring it into line with this well-framed bill that will be of great benefit to our fishing community.

To reinforce my opening statement, this is an exciting time for fishing in Victoria. The future looks bright, and hopefully it stays that way so that we can all go out and have a fish. In the meantime, though, I commend the bill to the house.

Mr ONDARCHIE (Northern Metropolitan) — The Victorian Fisheries Authority Bill 2016 is the bill I rise to speak on this afternoon, a bill to establish the Victorian Fisheries Authority (VFA), a statutory authority that will be responsible for recreational and commercial fishing regulation and management in Victoria. I note the house has already received Mr Davis's amendments to this bill, amendments which we will look to prosecute through the committee stage of this debate.

The proposed Victorian Fisheries Authority will be a statutory body that replaces Fisheries Victoria, which is currently a division within the super Department of Economic Development, Jobs, Transport and Resources. The proposed VFA will take on the regulatory functions, including administration, licensing, compliance and enforcement functions currently performed by Fisheries Victoria. The authority will have a skills-based board, with no less than five and no more than eight directors, including a chairperson and deputy chairperson. The conditions for appointments and replacements of directors and other board governance matters are outlined in the bill before us. The bill provides that the VFA board will employ a CEO in consultation with the minister. The CEO will be the employer of all VFA staff, who will be Victorian public service employees, and Fisheries Victoria staff members will be transferred to the VFA with no associated job losses or reduction to entitlements. The CEO will be appointed in consultation with the minister, and the new authority will take employees from the current Victorian public service.

What we do not know is how much this is going to cost to establish. Secondly, we have been given no assurances through this or the briefing stage that this is not going to simply translate into cost shifting of regulation and management expenses that will go to recreational and commercial fisherpeople. We do know that this is somehow tied to the government's Target One Million recreational fishing policy, but it remains unclear to us how the creation of this statutory authority will encourage more people to take up recreational fishing.

Let us just look at that for a moment, and I will take some data here from several meetings with the Boating Industry Association of Victoria (BIAV). This industry contributes over \$4.5 billion annually to the Victorian

economy and employs more than 17 500 Victorians. The economic and employment contribution of the boating industry and its associated lifestyle activities, such as fishing, waterskiing and destination boating, have been hidden to a great deal in the economic and social conversation in this state. And in terms of manufacturing, Victoria is well represented in boat manufacturing, with very prestigious brands including Bar Crusher, Bass Strait Boats, Caribbean, Edencraft, Evolution, Haines Hunter, Hart Marine, Malibu, Spy Boats, Streaker and Whittley, and also trailer manufacturers including Easytow, Dunbier and Mackay. These brands are major contributors to the \$4.5 billion that the boating economy contributes to Victoria, and those manufacturers contribute a lot to the 17 500 or more full-time employees in the boating industry.

What is not clear with the creation of the Victorian Fisheries Authority is how it is going to help this industry to prosper. Eighty-eight per cent of people who buy boats say they prefer to buy an Australian-made boat, according to a 2014 boating survey, and the Australian boating industry has significant local consumer support.

The economic opportunities for Victoria that are generated by the Victorian boating industry include boatbuilding, maintenance, repairs, storage, moorings and marina developments and boating destination tourism. A poll undertaken in 2014 by Roy Morgan Research showed that 86 per cent of Victorian boat owners plan on taking a significant trip in the next 12 months. The top five destinations for boating owners in Victoria include the region around the Mornington Peninsula; the Phillip Island region; the lakes region; the Geelong, Queenscliff and Barwon Heads region; and the Murray, Mildura and Swan Hill region.

I ask the government to turn its attention to the BIAV's blue infrastructure plan, that outlines a significant plan to both grow and provide further opportunities for Victorians to be part of the fishing and boating excitement and opportunities. This will lead to more jobs growth. This will also lead to sustainable jobs in Victoria and more opportunity for children and families to spend time on the water. What seems clear from this bill is that this is just another new authority with more public servants and additional costs that provides no significant demonstrable outcomes for the industry.

The opposition will not be opposing this bill, but we will seek to get our amendments approved in committee. I commend the bill in its current form, plus the amendments, to the house.

Ms BATH (Eastern Victoria) — Today as I come to speak on the Victorian Fisheries Authority Bill 2016, The Nationals will be taking a ‘not opposed’ position and, as has been flagged, will be proposing amendments to this bill. The bill amends the Fisheries Act 1995 and establishes a Victorian Fisheries Authority, also known as the VFA. The VFA is expected to begin its operations in 2017 in the middle of the year, in July. The bill also makes consequential amendments to the Conservation, Forests and Lands Act 1987, the Fisheries Act 1995 and other subsequent acts.

The key purpose of this bill is to enable the Victorian Fisheries Authority to be responsible for recreational and commercial fishing and regulation and management within that industry in the state of Victoria. The proposed Victorian Fisheries Authority will be a statutory body, as we have heard, and it will replace Fisheries Victoria. This was a division of the now very weighty Department of Economic Development, Jobs, Transport and Resources.

The proposed VFA will take on a regulatory function, including administration of licensing, compliance and reinforcement functions currently performed by Fisheries Victoria. The Game Management Authority legislation that was brought in by my colleague, my boss and former Minister for Agriculture the Honourable Peter Walsh is I believe a good working model for the VFA and the way it is established. I also want to pay my respects to the former chair, Roger Hallam, who was a member of The Nationals for many years and worked hard in his role.

Mr Davis — A very good minister and a very good member of this place.

Ms BATH — Correct. I entirely concur with Mr Davis. He had a very integral role in the Game Management Authority.

The VFA will have the power to develop fisheries management plans and operational plans. It will also advise the minister and the secretary on fisheries management issues and strategic policies moving forward for Victoria, including quota settings, allocation of funding, development of legislation, setting of fees and the setting of royalties and levies. The VFA will oversee the facilitation of recreational fishing improvements, including administering the recreational fishing licence trust. It would — and should — play an important role in promoting both recreational and commercial fishing.

It has been noted that the board will include between five and eight directors. The Liberal-Nationals coalition has proposed an amendment in terms of the make-up of the board so that it would include personnel who have commercial fishing experience and knowledge and who understand the fishing industry. As a statutory body the Victorian Fisheries Authority will be responsible for the regulation and management of both commercial and recreational fishing, so it makes sense to have someone with those skills on the board. This person, however, should not hold a current licence; they must be — and be seen to be — separate. I think this is a very sensible amendment.

The VFA board will employ a CEO in consultation with the minister. The CEO will employ all staff as public service employees. An annual report will be tabled in Parliament.

One of my concerns in terms of the bill before us is that it fails to comment as to how it would reach the target of 1 million recreational fishers. Target One Million is a catchy slogan. The website certainly has some nice words in relation to 1 million fishers, but it is a bit thin on detail in terms of time lines, benchmarks and outcomes as to how it will reach that target. I quote from the website:

As part of a state government’s Target One Million plan, Fisheries Victoria is developing a barramundi recreational fishery at the privately owned Hazelwood Pondage, near Morwell in the Latrobe Valley.

The pondage is unusually warm (between 20 and 30 degrees Celsius all year round) because it’s heated as a by-product of cooling the turbines of the Hazelwood power plant.

In the future, when the Hazelwood power plant is no longer functioning, these barramundi may well get rather chilly and may not survive to create the recreational experience. More serious than that, however, will be the 1000 jobs lost directly relating to the closing of the power station, as well as a number of complementary jobs in and around the Latrobe Valley. I urge the government to be leaders in this space and to get out there with a plan for the loss of the Hazelwood power station and the retraining of and support for those families who will no longer have a breadwinner based there. In short I think Target One Million is a great line. It is good spin, but where is the detailed plan that goes behind it?

Another concern I have in relation to the bill relates to the cost-shifting of regulation and management expenses onto the recreational and/or commercial sectors. Seafood Industry Victoria has also flagged some issues about representation. The coalition’s proposed amendment to this bill highlights the need for

experience and an appropriate skill set for personnel on that board.

The East Gippsland fishing industry is one of the largest employers in this sector. Lakes Entrance is home to one of Australia's largest fishing fleets. I should just say that the coalition has given great support to the East Gippsland fishing industry. When I was down at the Lakes Entrance Fishermen's Co-op 12 months ago I noted they had a fantastic machine called a filleting initiative that directed \$180 000 in value to the seafood industry, focusing on specific fish. It makes fish accessible as a great food source to people, particularly young children, who can eat their whiting bone-free, which is a tremendous thing. It was the coalition government that supported that industry.

From a recreational perspective fishing in Gippsland is limitless. Gippsland includes a long list of pristine waters, beautiful rivers and lakes — for example, at Metung, Paynesville, Lakes Entrance, Mallacoota, Blue Rock Lake, Lake Narracan, Lake Hyland, Lake Glenmaggie and Loch Sport. Fishing is also a recreational activity that brings families together. Many years ago I remember fishing off the Paynesville pier with my children, asking that they please catch one fish. After they caught about 30 fish I asked the good Lord, 'Could you please stop putting the fish onto their hooks?'. I had to clean the fish and gut them.

Fishing is certainly a wonderful experience that brings families together. I grew up near Waratah Bay, where we caught beautiful fish. Our family was involved in fly fishing as well as surf fishing. With those few comments, I think this is a sensible bill. With the amendments proposed by the coalition, I think it is a way forward.

Mr RAMSAY (Western Victoria) — I rise to speak on the Victorian Fisheries Authority Bill 2016. In doing so I particularly thank Mr Rex Hunt, who gave me advice by email — as I suggest he probably did for many others during the week — on his views of and positions on this bill and how we should be supporting and promoting it. Rex's email was like an alert the moment I got it. I then decided I really needed to have a look at the legislation.

Before I start I would like to confirm that we are not opposing this piece of legislation. However, the coalition has proposed some amendments to the composition of the skills-based board, making sure that all parts of the fishing sector are actually represented on that board, with the skills required.

I must say that when I saw the bill to establish a Victorian Fisheries Authority (VFA) I thought, 'Why?'. We have Fisheries Victoria as a departmental body that provides advice to the minister in relation to all things fish. Then I remembered the debate we had about commercial netting and how the Andrews government totally ignored the advice of Fisheries Victoria in relation to removing commercial netting from Corio Bay and Port Phillip Bay. I can only conclude that Fisheries Victoria are on the nose and that the government has decided to set up its own statutory authority to massage the target of 1 million fishers and also enable the circulation of money that will be raised through the recreational fishing licence trust. It is no different to what the coalition government had in relation to its return of licence funds back into recreational areas for fishing, such as boat ramps and other things.

To my mind we have had all those things in place before, but the government just wants to stamp its own credentials on a new statutory authority. Within the bill itself it does not have the funding mechanism for it to run. Its purpose, it seems to me, is just to have the achievable target of 1 million fishers. It does not really have any extensive responsibility over and above what Fisheries Victoria did previously, except that it is its own statutory authority.

As I said, the Victorian Fisheries Authority takes on the regulatory functions, including administration, licensing compliance and enforcement functions, which were all done previously by Fisheries Victoria. It will have the power to develop fisheries management plans — that is fantastic; that is what the department did before — and operational plans with respect to Victoria's fisheries.

VFA will advise the minister — that is what Fisheries Victoria did in a past life — in relation to the sustainability of fishing in Victoria. It will facilitate recreational fishing improvements. That is what happened before under the previous funding arrangements in relation to returns of funds collected by licences to go back into the industry. It will have a skills-based board. As I understand it, there is not broad representation on the industry board that has been proposed by the Andrews government, so I am pleased to see that the coalition has proposed an amendment that seeks to include at clause 22, line 12, the insertion of 'fishing industry operations', which provides a much broader and fairer representation on the skills-based board.

The bill goes on to say it will have five to eight directors — I assume they will get some stipend or directors fee in relation to the work they do. Conditions

for appointments and replacements for directors and other board members are outlined in the bill. That is true. The bill provides for the VFA board to employ CEOs. So that is more money. If we go on the sort of pay rates of CEOs in government departments now, we would probably expect half a million dollars to flow to be able to employ a CEO. And they will be an employer of all the VFA staff. I do not know how many of those there are likely to be — we can only guess — and they would include a Victorian public service employee and the staff employees. Fisheries Victoria staff members would be transferred to the VFA, so there is just a sort of subtle shift of workplace name from Fisheries Victoria to the authority, with no associated job losses or reductions to entitlements. We will watch that space.

As is the norm, the authority will be required to provide an annual report. Well, Fisheries Victoria provide ongoing reports to the minister in relation to their work, as required. And the bill has a few other little amendments. I hope this is not just an exercise in cost shifting of regulation and management expenses. It seems to me on the surface that is exactly all it is. I am not sure how this authority is going to promote the Target One Million recreational fishing policy over and above what Fisheries Victoria are already doing, and it remains unclear how the creation of the authority would actually get more people to take up recreational fishing.

I have to say, before the Minister for Agriculture gets the opportunity for a response, that I am not actually against recreational fishing and I strongly encourage more people to be engaged in this very fine sport of recreational fishing, but I am just concerned that really we seem to be just moving a department, Fisheries Victoria, into a statutory authority without any sort of detail around the costs associated with that shift of responsibility and its ongoing plan.

Seafood Industry Victoria — my old pals in the old commercial netting days — have finally got their act together and raised concerns, which we are trying to address through the committee stage with the amendment. VRFish, predictable as ever, have indicated they are largely satisfied with the proposal to create a statutory authority, and that certainly does not surprise me, given the vision mission statement of the authority to create this Target One Million fishers.

I am not sure what you are going to do about all the carp, Minister, in relation to those highly active fishing spots, and I am not sure how you are going to find the water if in fact we have very dry conditions again and you have decided to fill up areas which are under significant stress from lack of water allocation. But I

am sure you have in mind how to divert water into these recreational fishing areas, and I assume it is not environmental water or certainly irrigation water that is depended upon for food production.

On that basis my contribution is such that I am not opposing the bill but I perhaps raise some questions in relation to the need for the authority.

Ms PULFORD (Minister for Agriculture) — I thank members for their contribution to this debate, and I thank the staff in the department, who have worked really hard on what is a complex transfer of existing arrangements and responsibilities, and the many passionate recreational and commercial fishers who have been closely engaged in the development of what will be the Victorian Fisheries Authority.

Members invited me to provide a little more detail on Target One Million and to outline how Target One Million increases recreational fishing opportunities. Without labouring the point, I would encourage members to look at the Target One Million policy and, if they do go through that quite long list of initiatives, to imagine a map of Victoria and contemplate the additional recreational fishing opportunities that exist.

As members have spoken about, in both the other place and here, a key part of the Target One Million plan was to phase out commercial netting in Port Phillip and Corio bays, and members debated and considered this in some detail at the time that that legislation was debated in this place. Certainly I can confirm for members now that at the first opt-out year, earlier this year, 87 per cent of the species targeted by recreational fishers — if we want to pick a number to represent the proportion of fishing effort that has been removed from the bay — was removed in year one. There are a number of others who are remaining, with a view to transitioning their businesses to a longline fishery, and another couple of commercial netting licence-holders, who will again have the option to elect next year and the year after and the year after and so on.

The Target One Million policy includes a commitment to increasing fish stocking, and we recently broke the record for fish stocking that existed to date — the 3 million mark. We are providing fish stocking and greater fishing opportunities for people in communities right across the state.

I think the second most recent time that I was helping out with a bit of fish stocking was actually just up the road, not very far from home, in Lake Wendouree. It was just before the September school holidays, and the looks on the faces of the little kids helping with their

buckets with fish stocking was a truly beautiful thing. And if some of those kids then hassle their parents to take them fishing, we will be very happy. It is exactly the kind of exposure to fishing that Target One Million and the suite of initiatives that sits under that banner are about — improving fishing and boating facilities, and working with local clubs to develop new opportunities for membership and participation.

Our fishing clubs are eligible for grants, and the grants program has been being rolled out. Ms Bath spoke about the warm waters of the Hazelwood Pondage, and having had my toes in those waters I was pleasantly surprised at just what a great recreational water spot the local community enjoy. It was something that I had not previously experienced, and it is a very special spot indeed.

As indicated, there are initiatives in a number of locations across the state. There is the recreational trout cod fishery in Beechworth, another absolutely stunning location, and boat length restrictions are being modified at Blue Rock Lake in West Gippsland as well. I said I would not labour the point, but members should familiarise themselves with a range of initiatives in different locations right across the state.

A couple of weeks ago I was with Minister Neville at Lake Toolondo. It having been Australia's premier trout fishery, seeing the challenges that fishery faced as a result of drought was of course a very sad experience for passionate fishers and also for those who enjoy that area for other recreational purposes — a lovely spot to camp, no doubt. To be there and to see water in that lake again — that was my most recent fish stocking experience — and to see the fish population being boosted there was a terrific thing.

The people who committed so much time and knowledge to the committee, chaired by Joe Helper, a former Minister for Agriculture and a very, very keen fisherman, I think held us in good stead. It is a body of water that will potentially experience other challenges with its water supply over time, but it was certainly a very welcome development to see *Water for Victoria* released last week again by my colleague Minister Neville and the recognition there of the importance of recreational water for so many communities. Of course after the very, very dry couple of years we have had, members would be very familiar with the importance this has for so many communities across the state.

Mr Davis invited me to answer a couple of questions. I am happy to do it now perhaps — —

Mr Davis interjected.

Ms PULFORD — Or we can do it in committee, or we can do it at both times. But just briefly if I can respond, and then I will make a couple of comments about Mr Davis's amendment as well, in response to the question about how the new authority supports the objectives of Target One Million and having more people fishing, I note that what it does is that it separates the management and regulation of fishing from the larger structure that is the department and the agriculture portfolio to create a more direct relationship with stakeholders. This will ensure that the authority is able to meet its objectives to support both the development of recreational fishing and, importantly, the development of commercial fishing and aquaculture. I might add that our Fisheries Victoria team are doing some great work in the development of aquaculture in Victoria at present, and we certainly look forward to that yielding fine results for our commercial fishing industry as well.

The question was posed about the cost of establishing the authority, and I would indicate to Mr Davis in response to that question that the authority will be established by transferring existing staff, budget and resourcing. Mr Davis also asked about whether or not there would be cost shifting and what impact this would have, if any, on the recreational fishing licence trust. What I would indicate to Mr Davis in response to that question is that the government will continue the strong governance arrangements that are currently in place. The recreational fishing licence trust moneys are spent on the basis of advice from recreational fishing stakeholders.

As for cost recovery work, this will continue to be guided by collaborative work with industry, currently through the Fisheries Cost Recovery Standing Committee, which includes industry-nominated members. To those who are participants as members of the Fisheries Cost Recovery Standing Committee and indeed the recreational fishing licence trust committee, I thank those people for their commitment to fishing in Victoria and for providing their knowledge and expertise to government for the benefit of all Victorians.

If I could just respond also to the opposition amendment, I note the amendment seeks to add a further item under the heading of things the minister must ensure collectively that the board has skills, knowledge or experience in. There is actually quite a bit of a list there, and the proposed amendment from the coalition is to add 'fishing industry operations'. The government will not oppose this amendment, because it does not impact clause 22(2), but I do think that it could be improved with a more balanced set of words.

For people who do not have the bill open in front of them and sitting on their laps, clause 22(2) is the clause that indicates that the minister must not appoint a person to the board unless the minister is satisfied that the person is not a member of a number of bodies. I want to draw members' attention to paragraph (b) of subclause (2), which says the person:

is not, at the time of appointment —

- (i) the holder of a current commercial fishery licence or aquaculture licence; or
- (ii) associated with a person or entity who is the holder of a current commercial fishery licence or aquaculture licence; and —

importantly, as paragraph (c) says, the person —

is not, at the time of appointment, a senior or executive officer of a representative body ...

There is then a further reason for exclusion — if somebody has fallen foul of the rules in the previous two years.

What I would indicate is that the amendment does fall well short of some of the carry-on we had in the other place in the last sitting week, when coalition MPs were calling for the removal of clause 22(2), which as I indicated prohibits a commercial licence-holder from being appointed to the board. I believe that if the coalition had proceeded as perhaps was planned then, this would have created a conflict of interest that the government would very much prefer us to avoid.

So the amendment sought, I think, is largely symbolic and for the benefit of the commercial sector. I think that a more balanced approach would be advantageous, but I recognise that it does not engage the restrictions at clause 22(2). We certainly welcome a skills-based board that has breadth of knowledge and experience across all aspects of our fisheries management, something that the government is deeply committed to continuing in terms of having an excellent standard of management of our fisheries.

Again I take the opportunity to thank all of those people at Fisheries Victoria who do a terrific job in managing some difficult environs and difficult issues of resource management but who do a terrific job while they are at it. I commend the bill to the house.

Motion agreed to.

Read second time.

Committed.

Committee

The DEPUTY PRESIDENT — Order! Does Mr Young wish to circulate his amendments?

Mr YOUNG (Northern Victoria) — Yes. I would like to indicate that I do have amendments to this bill, and I ask to have them circulated now.

Clause 1

Mr DAVIS (Southern Metropolitan) — I want to ask a number of questions on the purposes clause of this bill. The purpose is to establish the Victorian Fisheries Authority and to make amendments and consequential amendments. My first question relates to the establishment and the cost. I wonder if the minister might give me a clear figure on the record as to the cost of establishing this new authority?

Ms PULFORD (Minister for Agriculture) — I thank the member for his question. As I indicated earlier, the costs of the authority will be a transfer of existing staff, budget and resources, and arrangements are in place in terms of the transfer of employees from the department to the new entity in a way that will not disrupt service in the usual manner.

Mr DAVIS (Southern Metropolitan) — So the answer is zero?

Ms PULFORD (Minister for Agriculture) — Yes, that is correct.

Mr DAVIS (Southern Metropolitan) — I find that hard to believe, given that there will inevitably be legal costs in establishing this entity. Will there be any costs also associated with the creation of badging, marketing and other costs that are associated with the establishment of a new body?

Ms PULFORD (Minister for Agriculture) — The work undertaken to establish the authority has not required any external legal advice. This work has been managed by internal department staff. Indeed, as Mr Walsh noted in his contribution to the second-reading debate in the other place, in many respects it takes from some of the elements of the Game Management Authority.

Mr DAVIS (Southern Metropolitan) — That is a separate point. The point is there are no legal costs, and with respect to the marketing and badging and logos, stationery — the works — is that zero?

Ms PULFORD (Minister for Agriculture) — I can confirm that Fisheries Victoria staff will not be

relocated from one building to another. As I am sure the member appreciates, they currently operate in many different locations. The Fisheries Victoria annual budget for existing functions will transfer. It is \$40 million a year. As functions transfer, so too will that funding, so there will be no impact to the budget as such.

Mr DAVIS (Southern Metropolitan) — I am pleased to hear that they are not moving out to some snappy new office somewhere, but I do not hear from the minister that there will not be any marketing effort or badging costs. I am just very keen to understand whether there will be. Will the new authority, for example — —

Ms Pulford interjected.

Mr DAVIS — Just say no; there you are.

Ms PULFORD (Minister for Agriculture) — No. There will be no additional resources going into marketing.

Mr DAVIS (Southern Metropolitan) — My next question, and I am pleased to hear that they are not moving — —

Mr Barber interjected.

Mr DAVIS — You could ask that, Mr Barber. Importantly the next question relates to the CEO. What band is it intended the CEO be paid on?

Ms PULFORD (Minister for Agriculture) — EO-2.

Mr DAVIS (Southern Metropolitan) — I might ask the minister also what annual payment that equates to currently.

Ms PULFORD (Minister for Agriculture) — I am just seeking some information about the current salary range that is EO-2. I will provide that answer very shortly — hopefully in only a matter of moments.

Mr DAVIS (Southern Metropolitan) — My other set of questions around clause 1 relates to the funding of this body. I am thankful that the minister has indicated that \$40 million would be the annual budget now and that that would transfer from the current arrangements. I want to understand whether there is any dedicated or hypothecated funding from fees or licences or anything of that nature and if the minister could indicate that that either is or is not the case.

Ms PULFORD (Minister for Agriculture) — No change to the current arrangements is proposed, so the recreational fishing licence trust is hypothecated. As I

indicated in my response to your question in summing up the second-reading debate, that will continue to be managed in the way it currently is.

Mr DAVIS (Southern Metropolitan) — So there is no proposal for any increase in those fees in line with the commitment of the then Leader of the Opposition, now Premier, prior to the election that levies, charges, fees — a long list of additional arrangements of that type — would not go up beyond indexation?

Ms PULFORD (Minister for Agriculture) — As I am sure the member is aware, an increase to recreational fishing fees was recently made. In fact it was something that was done in response to requests from the recreational fishing sector. The fee is fully hypothecated, so recreational fishers do see this as an investment in their preferred pastime. There is no proposed further adjustment to those fees, but I indicate to the member that, if my memory serves me correctly, that was the second increase in 15 to 20 years.

Mr DAVIS (Southern Metropolitan) — I put on the record that the reason for my concern is the establishment of a large new bureaucracy. Even with a transfer where it has a dedicated revenue stream, I am always sceptical that an early step will be, ‘Let’s jack up the fees and ensure that we have a revenue flow to expend on the growth of our bureaucracy’. That is why I am cautious about that, but I am heartened, Minister, by your indication that those points will not occur.

My other point is to just again — and you did in part address this in your earlier comments — understand exactly how the statutory authority would encourage more people to take up recreational fishing. How would the movement to this authority rather than the current structure be a distinction that would encourage people to take up recreational fishing?

Ms PULFORD (Minister for Agriculture) — If I could first respond to the suggestion that there is some large new bureaucracy being created and perhaps help Mr Davis sleep easier at night, insofar as scale and scope of the bureaucracy goes this is substantially a transfer of a group of people with their functions and responsibilities from the department to a new entity. Do not be staying up all night worrying about some big new bureaucratic blowout. I will resist the enormous temptation to get more into any of that.

What the Victorian Fisheries Authority will be is a dedicated and focused entity that can provide high-quality services and better support for stakeholders in general. A fully focused entity, the Victorian Fisheries Authority’s independence and resulting

autonomy to adapt and respond to changing circumstances will provide a renewed focus on the sustainable use of fisheries resources by all sectors — commercial, recreational and Aboriginal fishing and aquaculture.

The commitment to establish a dedicated entity is part of Target One Million; it is not all of Target One Million. In the same way that any one of these initiatives on their own would create additional recreational fishing opportunities for people, it is the sum of all the parts that really is what creates an environment conducive to promoting more recreational fishing opportunities.

I gave a number of examples before. From Blue Rock Lake, Hazelwood Pondage, which we talked about in the second-reading debate, and the trout cod fishery at Beechworth to the work that has been done at Lake Toolondo, there are lots of different initiatives that are all about encouraging people to take up recreational fishing where perhaps they have not before. The role that the authority will play in this is to support the development of recreational fishing opportunities and to support the development of our commercial fishing industry as well.

Mr DAVIS (Southern Metropolitan) — I thank the minister for her comments. I understand the assertions that she makes. In a sense all of those initiatives she has pointed to have occurred prior to the establishment, necessarily, of this authority. I understand that it is a more complex environment than simply the authority, but I am not sure that the exact connection between having the authority and getting these outcomes is established.

Ms Pulford — No, they are not completely related.

Mr DAVIS — No. Soon we will know, and time will tell.

Ms PULFORD (Minister for Agriculture) — If I could just quickly respond to that, the authority in and of itself is not about promoting additional recreational fishing opportunities; it is about ensuring that we have a dedicated and focused entity to ensure excellent management of our fisheries, the development of commercial fishing and, again, the support of recreational fishing. But when we talk about Target One Million I suppose it is the way the government describes the suite of measures that combine to create a Victoria that is a place that is better for recreational fishing.

Clause agreed to; clause 2 agreed to.

Ms PULFORD (Minister for Agriculture) — Can I quickly provide an answer to Mr Davis's earlier question that I said that I would seek some advice on? The current range for the EO-2 band is \$202 489 to \$324 100. It is the same band as the current equivalent position in Fisheries Victoria — that is, the position held by the executive director.

Mr DAVIS (Southern Metropolitan) — Thank you.

Clause 3

Mr BARBER (Northern Metropolitan) — Minister, there are numerous references to sustainability in the legislation but no definition of sustainability in the very important definitions section of the bill. Why is this?

Ms PULFORD (Minister for Agriculture) — I thank Mr Barber for his question. To the best of my knowledge, sustainability is not something that is typically defined in legislation. It is a word that has some contested use, but when we talk about sustainability in terms of our fisheries we approach this from a resource management perspective and seek to ensure that our fisheries will continue to exist for future generations.

Mr BARBER (Northern Metropolitan) — Thank you, Minister. It is just that the Fisheries Act 1995 at section 29 refers to 'ecological sustainability' in relation to a fisheries management plan; otherwise the bill and the act only use the term 'sustainable'. So it reads like in performing that particular function in relation to a fisheries management plan the authority will need to be ecologically sustainable, but in relation to all its other activities it just needs to be sustainable. What is the difference if I am a member of this authority — who knows, I might even get appointed to the board one day — in terms of my decision-making?

Ms PULFORD (Minister for Agriculture) — I thank Mr Barber for his question. I indicate to Mr Barber that the establishment of the Victorian Fisheries Authority will not change the current arrangements in relation to ecological sustainability vis-a-vis sustainability. In terms of fisheries management and the consideration of ecological sustainability, that describes a much more holistic process and the engagement that is undertaken through the development of fisheries management plans with other agencies, with the Department of Environment, Land, Water and Planning. When we refer to sustainability throughout the legislation, it is a reference more to a process of managing the fisheries and populations for future generations.

Mr BARBER (Northern Metropolitan) — Thank you, Minister. Indeed it does not change section 29 of the Fisheries Act 1995 in relation to a fisheries management plan, but it is not possible to say that nothing is changing. We are getting a new body with new decision-making criteria that do not currently exist under any statute, and they have a set of old functions to deliver under those new criteria. For instance, when the agency makes a decision to stock hundreds of thousands of hungry non-native predator baby fish into a river, that might be sustainable in the sense that there is now a sustainable trout fishery there, but there are other things living in that ecosystem — other fish and other forms of aquatic life — which will be food for all these little starving but growing baby fish that have just been thrown into the river. For those parts of the ecosystem it could be totally ecologically unsustainable to keep having this horde of hungry baby fish thrown at them every year. That is why I was asking the question about the difference between ecological sustainability as a criterion under one function versus sustainability, which is really all the other functions. But if the answer you have given is the answer you want to rest with, then I will move on to another question within the same clause.

Ms PULFORD (Minister for Agriculture) — That is fine.

Mr BARBER (Northern Metropolitan) — Under the definition of ‘fisheries sectors’, we have these four sectors which I presume are meant to be all inclusive. There is the recreational sector, the commercial fishing sector, the Aboriginal fishing sector and the aquaculture sector. My question is in relation to charter fishing. Is that a commercial operation or is it a recreational fishing exercise?

Ms PULFORD (Minister for Agriculture) — Recreational.

Mr BARBER (Northern Metropolitan) — Based on that answer, the definition behind these definitions is based on not whether there is money involved but basically what you do with the fish afterwards — that is, if you sell them, they must be commercial, whereas if I simply pay someone to take me fishing, that must be recreational even though it is obviously a highly commercial enterprise as opposed to just going fishing, which does not cost anything or did not cost much the last time I looked.

Mr Ramsay — Fishing is a simple exercise; now you have complicated it.

Mr BARBER — I am just asking a question, that is all.

Ms PULFORD (Minister for Agriculture) — What is the question?

Mr BARBER (Northern Metropolitan) — Charter fishing and anything else that might have slipped through the net is recreational because you do not sell the fish in the end. Is that the reason why this definition operates that way?

Ms PULFORD (Minister for Agriculture) — Yes, that is correct.

Mr BARBER (Northern Metropolitan) — Where else in this definition section does the community — that is, people who are not engaged in these activities but who do eat fish, restaurants that sell fish, environment groups that are concerned with ecological sustainability — fit under your all-inclusive sectors?

Ms PULFORD (Minister for Agriculture) — I think those groups and those individuals would probably not consider themselves to be part of the fisheries sectors.

Mr Ramsay — There is a certain skill in eating fish.

Mr BARBER (Northern Metropolitan) — That is the thing, Minister, they are not part of your bill and they are not part of your authority, so where is sustainability addressed without including environmental non-government organisations? How can the principle of equity be achieved without also including other people who are users of or interested in fish but who do not fit under your four definitions? How can the principle of stakeholder engagement and community participation, which is in a later clause, be achieved if these people do not count because they are not one of your four sectors?

Ms PULFORD (Minister for Agriculture) — Mr Barber is labouring the point about the four subsectors of fisheries. It is a definition of the fisheries sector. I might be the minister responsible for fisheries — I do a bit of fish stocking these days — but mostly my involvement, aside from my ministerial responsibilities, is probably at the consumer end of the game. I take up Mr Ramsay’s interjection about how it can be a very tricky business eating some seafood. This is a definition of fisheries sectors. It is not a definition of other stakeholders who may have a view about fisheries.

Mr BARBER (Northern Metropolitan) — It is just interesting because management plans under the act can be for a recreational fishery, but at the moment, as far

as I am aware, there are only management plans for commercial fisheries. At the rate you are going there will not be any commercial fisheries in Victoria soon. How will these functions, which are all through the bill in various disconnected ways — it is a sort of listicle approach to all the different things that this body is meant to consider — be done when the members have not been given the right definitions of the actual thing that they are managing when they sit down to be the fisheries management authority?

Ms PULFORD (Minister for Agriculture) — Mr Barber is asking a question about the definition of the fisheries sectors, and I stand by my earlier answer. Consumers who eat fish and restaurants that stock fish, I would be pretty sure, would not think of themselves as fisheries sectors. I am not really sure what Mr Barber is trying to do. But the definition is pretty clear, and if Mr Barber would like to have a go at reframing his question or asking his question in the context of a definition around fisheries sectors and wanting a whole bunch of other people or interests to suddenly be wrapped up as a fisheries sector, then I would welcome a further question.

Mr BARBER (Northern Metropolitan) — Well, not suddenly, Minister. These people have always been interested in all four of your new fisheries sectors. It is just that you are now legislating to give a fisheries management authority the responsibility of managing fisheries, and I want to make sure that they have got the right riding orders. But I think we have elicited as much as we are going to on this clause, so I am happy to move on to another clause.

Clause agreed to; clauses 4 to 6 agreed to.

Clause 7

Mr BARBER (Northern Metropolitan) — Minister, objective (a) is to promote sustainability, so does the government intend this to mean ecological sustainability? If so, why not say so?

Ms PULFORD (Minister for Agriculture) — Just sustainability.

Mr BARBER (Northern Metropolitan) — What is the difference between ecological sustainability and sustainability?

Ms PULFORD (Minister for Agriculture) — I refer Mr Barber to my earlier answer.

Mr BARBER (Northern Metropolitan) — We have also got this section that is about supporting the development of recreational and commercial fishing.

Part of the regulatory function is to be ecologically sustainable when you do your fisheries management plans — that is assuming you ever do do any, and when I say ‘you’ I mean the authority. Assuming the authority ever gets around to doing a fisheries management plan for a recreational fishery, which must be ecologically sustainable under the principal act, is that not in conflict with the duties to support the development of recreational and commercial fishing — that is, how do you stick with your strict regulatory role versus what I might call your promotional role?

Ms PULFORD (Minister for Agriculture) — If I could first indicate to Mr Barber that the abalone fisheries management plan and the rock lobster fisheries management plan take into account both commercial and recreational fishing management, just to give him an example of a recreational fisheries management plan. In response to Mr Barber’s question about promoting the development of fishing, this is an important objective for the new Victorian Fisheries Authority. It goes to opportunities that may present in the emergence of new fisheries, and we would not want to remove from the authority the ability to support the development and management of new fisheries and limit ourselves to the current scope.

Mr BARBER (Northern Metropolitan) — Thank you, Minister, for recognising this is a new function. In terms of how they go about doing this new function, what in practice it means is that it is their job is to deliver Target One Million; right?

Ms PULFORD (Minister for Agriculture) — It is not a new function, just to clarify — before we get too far down the track of interpreting a function as a new function that is not a new function.

Mr BARBER (Northern Metropolitan) — It is not a new function? Apologies; I must have misheard you. I thought you said it was a new function.

Ms PULFORD (Minister for Agriculture) — Sorry, in the spirit of being able to answer as many questions as Mr Barber would like answered, it is not a new function. The example I gave was of a new fishery — a theoretical, hypothetical new fishery — and not wanting to limit either commercial or recreational fishing opportunities.

Mr BARBER (Northern Metropolitan) — But their job right now is to deliver Target One Million; is that correct?

Ms PULFORD (Minister for Agriculture) — The primary function of Fisheries Victoria at the moment is to manage our fisheries, and they do that exceptionally

well. Much of Target One Million has already been delivered just in the ordinary course of events in the work that a department would undertake to support a government in delivering on its election commitments. But the overwhelming majority of items on the Target One Million list have been delivered in full. Some have been delivered in part.

Mr BARBER (Northern Metropolitan) — The 1 million part of Target One Million is 1 million anglers; right? If I understand it, there are about three-quarters of a million anglers now. So what you are looking for is one-third more people going fishing. That is the essence of what Target One Million is, and that is the job of this new body. Am I correct?

Ms PULFORD (Minister for Agriculture) — The Victorian Fisheries Authority will have many functions, so all of the functions that are currently performed by Fisheries Victoria.

Mr BARBER (Northern Metropolitan) — So what if they come back to you and say, ‘Minister, we can’t do it. We’ve got all of these sustainable fisheries. You want one-third more fishers out there chasing, hopefully, more fish, but we don’t believe we can create one-third more fish, so therefore we don’t think we can deliver Target One Million within our other statutory requirements, which is an ecologically sustainable fisheries management plan?’ How does the entity then balance its different objectives, including the one which is to promote and develop, which is here basically, as you said, to deliver Target One Million?

Ms PULFORD (Minister for Agriculture) — I am confident that the many initiatives that are not part of this legislation but that are part of the Target One Million plan to encourage more people to participate in recreational fishing will continue to drive strong interest in recreational fishing and new and better fishing opportunities for people to participate in fishing.

In terms of the relationship between this and the work of the authority, the functions that are currently undertaken by Fisheries Victoria do include things like providing advice and management around things like bag limits and size limits, and there are a number of other measures to support sustainable recreational fishing.

Progress reported.

Business interrupted pursuant to order of Council.

ADJOURNMENT

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

That the house do now adjourn.

Greater Bendigo disability services

Ms LOVELL (Northern Victoria) — My adjournment matter is for the Minister for Housing, Disability and Ageing, and it is regarding the impact of the closure of Radius Disability Services on clients in the Greater Bendigo area. My request of the minister is that the government adequately resource disability service providers in Bendigo to ensure they can provide additional services so that the service provision currently provided by Radius can be seamlessly continued for the clients who are dependent on them.

The recent announcement of the impending and unexpected closure of Radius Disability Services has caused significant worry and fear for the future support of the clients of the service. Radius is a 62-year-old service which has 78 general employees who will shortly be without work. This has caused great distress for the clients and their families, as the future of the 133 supported employees and 102 day service clients, whose lives have been crafted around the safety and security of the services provided by Radius, is now unknown.

Radius has advised it has made the decision to enter administration now so that there is some time for alternative arrangements to be made for clients. It is now up to the state government to work swiftly to make sure the clients continue to receive quality and uninterrupted support for both their short-term and long-term futures. Unfortunately it seems the government and its departments are off to a poor start in managing this situation.

I have been contacted by concerned friends and family of clients, including the Vejby family, whose severely autistic and intellectually handicapped daughter, Jacquie, is a day service client of Radius. The family’s first knowledge of the situation was when they read about it in the newspaper. When they contacted the service, they were told a meeting would be arranged with the Department of Health and Human Services. Following a couple of phone conversations — in one of which Jacquie’s mother, Melissa, was asked if her daughter could cope with being moved around, to which the answer was no because Jacquie does not cope with change — Melissa was then told that Jacquie would have to finish at Radius this Friday and may not receive a new placement until next year.

Melissa is distraught. This will be a major disruption to not only Jackie's life but also to the family. Jackie's father works night shift, and keeping Jackie quiet enough for him to sleep is almost impossible. Jackie's time at day service is also Melissa's only respite. It is simply not acceptable, and the government must do more to ensure clients like Jackie receive immediate support.

Of further concern for the disability sector in the Bendigo region are the local media reports which have stated that the sector leaders predict more providers will close down as other disability services work to fill the gaps in care left by the demise of Radius and also attempt to accommodate the national disability insurance scheme from May.

I am sure the minister and his department would agree that the focus of all involved should be, first and foremost, on the ongoing welfare of those who rely on disability support services and that action must be taken urgently to make sure that Radius clients are guaranteed ongoing support and care and that the transition between supports is made as smooth and as easy as possible.

Veterans oral history program

Mr ELASMAR (Northern Metropolitan) — My adjournment tonight is for the attention of the Acting Minister for Veterans. Investing in commemorative and educational activities that help acknowledge that our veterans have helped build and protect the free, democratic and open society we are blessed to live in is an important responsibility of any government.

In Northern Metropolitan Region there are a number of ex-service organisations, such as the Reservoir RSL, Darebin RSL, Coburg RSL, Glenroy RSL, Pascoe Vale RSL, Fawkner RSL and the north-west branch of the Vietnam Veterans Association of Victoria, among many other groups that play an important role in not only supporting local veterans in my region but also promoting their service to the community. In Northern Metropolitan Region there are also a number of important memorials, monuments and memorabilia dedicated to the memory of various conflicts, including the Long Tan cross at the Coburg RSL, the Brunswick Boer War memorial, the Preston cenotaph and others, at which local residents congregate annually to pay respects.

However, as time goes on, so do the ways we as a community stop to remember and reflect on the service of our veterans. Across Brunswick and Coburg recently reprints of original World War I anti-conscription

campaign posters have been appearing. We have seen new and innovative ways of digitising our war history and also seen the Anzac Centenary Committee, chaired by Ted Baillieu, conduct an Anzac plaque trial for local homes in select trial regions.

However, a new initiative has been announced by the acting veterans minister. The war heritage oral history training program is the latest activity aimed at helping communities tell the remarkable tales of our veterans so that future generations never forget their significant military contribution. The action I seek is that the acting veterans minister inform me how my Northern Metropolitan Region ex-service community can express interest and take advantage of this program and inform me about the potential for local schools to also become involved in potential local projects.

Bus route 792

Mrs PEULICH (South Eastern Metropolitan) — Just a very brief item that I would like to raise for the attention of the Minister for Public Transport is in relation to the recent announcement of proposed new bus route 792. The matter that concerns residents is that along the proposed bus route 792, which is scheduled to begin from Cranbourne railway station and go to the local estate, there is not a single bus stop. Apparently the proposed bus route does not service approximately 70 to 80 per cent of the estate. Everlasting Boulevard basically abuts the Ranfurly golf course. Atlas Drive is a better option for local residents, as it is a feeder road into the estate, but more importantly there is not a single bus stop. My question here for the minister is: can she provide information as to the time frame for the construction of bus stops and also signage of any bus stops that will be constructed within the estate to accompany the new route that has been announced?

Respectful relationships education

Mr EIDEH (Western Metropolitan) — My adjournment matter today is for the Minister for the Prevention of Family Violence. Last year the Andrews Labor government introduced the very important policy of respectful relationships education into the Victorian school curriculum. From 2017 the curriculum is compulsory for students from prep to year 12. The government has invested \$21.8 million into this initiative over two years to roll it out in a holistic manner.

This initiative is a significant step toward meeting our education state targets of reducing the impact of disadvantage on achievement and getting more students to stay in education. The Royal Commission into

Family Violence showed unacceptably high rates of family violence, in particular violence against women and their children. This signals the urgent and very necessary need for a culture change. The most effective way to ensure this is through education, and evidence shows that this needs to occur from a young age. A good education is about providing Victorian kids with the tools to become members of their community and to succeed in life. Integral to this is knowing how to build successful and respectful relationships.

The Royal Commission into Family Violence specifically recommended that the Victorian government mandate respectful relationships education in schools and to do this using a best practice whole-of-school approach tested in 2015 by the Our Watch respectful relationships education in schools pilot. That is exactly what we are doing. I ask the minister if she could advise what teaching and learning materials have been released to schools and how this program will benefit students and families within my electorate.

Great Ocean Road tourism

Mr RAMSAY (Western Victoria) — My adjournment matter tonight is for the Acting Minister for Tourism and Major Events and Minister for Small Business, Innovation and Trade, the Honourable Philip Dalidakis, and the action I seek is for the minister and his department to meet with traders along the Great Ocean Road from Apollo Bay to Anglesea to discuss the impacts they are feeling with road closures along that stretch of road due to the fires in December and now the landslips over the last few weeks due to the inclement weather and flooding.

I took the opportunity on Sunday to drive from Peterborough to Anglesea. It was about a 4½-hour trip due to road closures, landslips and the 40-kilometre-per-hour speed restriction signs. I visited traders along that route. They have been significantly impacted not only by the fires in December. The takings from the small businesses are down by at least 50 to 60 per cent, mainly due to the significant wear and tear on the Great Ocean Road due to the destabilisation not only of the road itself but of a lot of the landslips. About 30 are actually under the foundation of the road, and 120 are above the road, along the cliff face. There has been some work done with netting on the cliff face, but due to the fires and the bare cliff faces there have been significant landslips along that road.

What I need from the minister is for him to talk to these traders to gain an understanding of the financial impacts

that currently the Great Ocean Road repair work is having on their businesses and to offer a bit more than what was offered during the fires, and that was a financial consultant. Mr Dalidakis had his small business bus go down to talk to these traders, and they provided some sympathetic noise but really no substantial financial support. Can I identify Glenda at Kafe Koala in Kennett River along the Great Ocean Road, whose business takings are down by at least 50 to 60 per cent due to the impact of both fires and floods and the landslips along that road on the business that is normally generated through visitation, which is over 1 million people per year on the Great Ocean Road.

We have significant problems with the foundation of the road and the cliff face. My action tonight is to call on the acting minister for tourism to galvanise his department to get them down there to talk to the traders and to offer some real, substantial financial support to enable them to carry on their businesses till at least the significant repair work and stabilisation of the Great Ocean Road is complete and visitation can return to normal.

Wyndham roads

Mr MELHEM (Western Metropolitan) — My adjournment matter is addressed to the Minister for Roads and Road Safety and Minister for Ports, the Honourable Luke Donnellan. In my electorate of Western Metropolitan Region residents of Wyndham encounter traffic congestion on the road network. For a population that experienced the largest growth in Victoria between 2014 and 2015, traffic congestion is of particular concern.

From what I understand, however, action over this issue is being taken. The 2016–17 Victorian budget included \$50.1 million for the upgrade of Dohertys Road in Laverton North between Grieve Parade and Fitzgerald Road. Moreover, as part of the Andrews Labor government's \$72 million infrastructure improvements for the East Werribee employment precinct, VicRoads has recently upgraded the Princes Highway at the Old Geelong Road–Hoppers Lane–Old Sneydes Road intersection. The first stage of a new \$45 million full diamond interchange on the Princes Freeway at Sneydes Road, Werribee, has also been completed, with the Geelong Road-facing ramps due to be completed by the end of this year. VicRoads believes that this new interchange will reduce traffic pressure on other nearby routes such as Palmers Road, Forsyth Road and Point Cook Road. Such developments are good for the residents of Wyndham, but there is more work needed to be done.

The action I seek is for the minister to outline what other actions the Victorian government is taking or planning to ease traffic congestion in the City of Wyndham. In the interests of improving traffic flow and easing congestion, I ask the minister to closely work with local residents, Wyndham City Council and other key stakeholders.

Lakeside Pakenham community safety

Mr O'DONOHUE (Eastern Victoria) — I raise a matter for the attention of the Minister for Police. The action I seek is that the minister facilitate a meeting between the community crime prevention unit within the Department of Justice and Regulation (DJR) and Mr Giles Gibson and the Lakeside residents group. The reason for this request for action is that the community crime prevention unit within DJR is a significant repository of expertise in and understanding of the installation of CCTV systems as well as all the legislative framework that is required to ensure that CCTV systems work in compliance with privacy laws and other statutory requirements.

The Lakeside residents group and Mr Gibson are seeking to establish a private CCTV system throughout the Lakeside Pakenham estate in response to the increasing crime that Pakenham and the south-east has seen. Local police senior sergeant Graeme Stanley was reported in the *Pakenham Gazette* of 5 October this year as saying:

CCTV is a valuable investigative tool used in identifying offenders and deterring crime ...

I agree. That is why the coalition government established funding for CCTV camera systems through local government into the community. What Mr Gibson and the Lakeside residents group are seeking to do is not to establish a system or to necessarily seek funding from government through the local council; they are seeking advice about how best to go about installing a private CCTV system that is compliant with statutory and other obligations. I seek the minister's facilitation of such a meeting with the crime prevention unit, which is a repository of information and knowledge about such issues.

Better Apartments reference group

Mr DAVIS (Southern Metropolitan) — My adjournment matter tonight is for the attention of the Minister for Planning in the other place. It relates to the Better Apartments approach that the government is adopting. There has been some public discussion and there has been a discussion paper, but I note there has also been a Better Apartments reference group

established, which comprises a number of industry representatives. This is a very significant matter because it is about the future of Melbourne — what shape we want Melbourne to be — and there is obviously a legitimate need to have some reasonable and modest reform in this area. Equally, this needs to be done carefully because of the potential impacts on housing affordability and the impact on the outcomes that can be achieved in terms of providing housing for a wide range of people in our community.

A number of the industry associations that are part of the Better Apartments reference group, whilst welcoming that process, are increasingly concerned that the government will not test further a number of the points that have been raised at that forum. A number of the industry groups are concerned that the government will simply make an announcement. I know that a number of these organisations would prefer to see a further advisory approach — perhaps an independent process, a transparent process, maybe even under section 151 of the Planning and Environment Act 1987, which could see such an advisory committee appointed which could test more fully. What is important here is that it is a robust and transparent consultative process. What is also important is that it is not just consultants doing this but that there is a sharp focus on what the actual economic outcome will be, what the price impact of certain versions of the apartment code will be on families and what the ultimate outcome will be for the community.

A number of these organisations would seek, and I seek from the minister, a commitment to an independent, transparent process that would further test a number of the proposals that have been looked at by the Better Apartments reference group as a way of ensuring that the best outcome, long term, for the community is achieved.

It is important to note that already the government has introduced massive tax imposts, new taxes, new arrangements and planning fees — a whole series of significant imposts. The increase in state taxation is 20.7 per cent over two years and the increase in land tax is 28 per cent just this year. In that context it is important that there are not additional and unfair burdens applied.

Malmsbury Youth Justice Centre

Ms CROZIER (Southern Metropolitan) — My adjournment matter this evening is for the Premier. It relates to some comments he made in the Assembly at question time this afternoon. During the course of question time a series of questions were put to the

Premier by the member for Bayswater regarding the serious instances of rioting that occurred at the Malmsbury Youth Justice Centre over the weekend, which affected staff safety.

In his response to a question put by the member for Bayswater, the Premier, I believe, was extremely demeaning in his response and ridiculed her regarding the current situation — not possibly understanding that she shadows me there. It does not matter who asked the questions, quite frankly. Nevertheless, she does shadow me and I had been speaking to her about my concerns as well. The Premier, in a mocking tone I believe, suggested that he would be happy to arrange a full briefing for the member for Bayswater through the minister's office. I have wanted to do exactly that. I actually sent an email dated 9 September to the minister, which reads:

In light of today's media reports, I am requesting a visit to both Parkville and Malmsbury youth justice facilities and to be briefed on the issues and current situation with staff and employees.

That email was dated 9 September, which was after the serious riots that had occurred around that time. Of course since then we have had riots on almost a weekly basis. This weekend's riots were extremely concerning and of a very serious nature due to the damage and destruction that occurred. I got a response from the minister's office four days later, on 13 September, which says:

Thank you for writing to Jenny Mikakos, MP, Minister for Families and Children and Minister for Youth Affairs, regarding youth justice facilities.

Your correspondence has been noted and a response will be forthcoming.

I asked for that briefing. The point is that I believe the Premier derided the member for Bayswater and her serious question —

Mr Herbert — Rubbish!

Ms CROZIER — It is not rubbish, Mr Herbert; it is a serious issue. The Premier suggested that the member for Bayswater visit Malmsbury. The action I seek from the Premier is that perhaps he could communicate with his own minister and get her to actually respond to my request as shadow Minister for Families and Children to visit the Malmsbury and Parkville facilities. It is my responsibility as shadow minister to go through the minister to put that request forward. I ask that this happen as a matter of urgency in relation to what has happened in the last week as well as the weeks and weeks and weeks of riots and the absolute crisis that is occurring in youth justice.

The PRESIDENT — Order! Can Ms Crozier clarify who the adjournment item is directed to?

Ms CROZIER — The Premier.

The PRESIDENT — Order! And the action sought is for the Premier to tell the Minister to do what?

Ms CROZIER — The action I seek is for the Premier to ask his minister to respond to my request so that I can visit Malmsbury for a full briefing on the situation.

The PRESIDENT — Order! I ask Ms Crozier to rephrase her matter. I am going to give her an opportunity to redirect to the minister if she wishes to pursue the briefing angle. Otherwise the action to ask the Premier to tell the minister to do something is just not sufficient for the adjournment.

Ms CROZIER — I am happy to rephrase then, President. I was just trying to make the point that the Premier was asking the member for Bayswater to visit. I ask the minister to action my request from 9 September for a briefing and visit to those youth justice facilities.

The PRESIDENT — Order! Thank you. That is now directed to Minister Mikakos and not to the Premier.

Responses

Mr HERBERT (Minister for Training and Skills) — The following matters were raised. Ms Lovell raised an issue for the Minister for Housing, Disability and Ageing in relation to Radius Disability Services in Bendigo.

Mr Elasmara raised an issue affecting the Acting Minister for Veterans, seeking support and recognition for our veterans and their families.

Mrs Peulich raised an issue for the Minister for Public Transport regarding Hume bus route 792 and bus stops.

Mr Eideh raised an issue for the Minister for Families and Children regarding teaching and learning materials for respectful relationships education in schools.

Mr Ramsay raised an issue for the Minister for Small Business, Innovation and Trade and Acting Minister for Tourism and Major Events regarding support for traders on the Great Ocean Road.

Mr Melhem raised an issue for the Minister for Roads and Road Safety regarding the substantial current and future road upgrades in his electorate.

Mr O'Donohue raised an issue for the Minister for Police regarding the community crime prevention unit providing advice to the Lakeside residents group in regard to putting CCTV systems in place.

Mr Davis raised an issue for the Minister for Planning regarding the Better Apartments reference group.

Ms Crozier raised an issue for the Minister for Families and Children regarding visits to Malmsbury Youth Justice Centre.

I shall refer all those matters off to the relevant ministers.

I have a number of written responses to adjournment debate matters raised by various members.

The PRESIDENT — Order! I notice that Mr Finn is in the house at the moment. Earlier today it was raised with me that Mr Finn had reflected upon a member in another place, Ms Suleyman. I have looked at the *Hansard*, as I was invited to do by Mr Dalidakis, and I am satisfied that the reference was to the council in regard to the remarks made and not Ms Suleyman. It simply referred to a period when she happened to be mayor, but the actual reference that was of concern to some members of the government, including Minister Dalidakis, was actually about the council.

The house will now adjourn.

House adjourned 6.28 p.m.

Tuesday, 25 October 2016

JOINT SITTING OF PARLIAMENT

Senate vacancy

**Honourable members of both houses met in
Assembly chamber at 6.47 p.m.**

The CHAIR (Hon. B. N. Atkinson) — Order! The ringing of the bells was to convene a joint sitting to conduct an affirmation of the Labor Party's nomination for a Senate vacancy, a vacancy rendered by Senator the Honourable Stephen Conroy's resignation. I now invite, therefore, proposals from members for the appointment of a person to hold the place in the Senate rendered vacant by that resignation by Senator the Honourable Stephen Conroy.

Mr ANDREWS (Premier) — I propose:

That Ms Kimberley Kitching hold the place in the Senate rendered vacant by the resignation of Senator the Honourable Stephen Conroy.

Ms Kitching is willing to hold the vacant place if chosen; of that I am certain. In order to satisfy the joint sitting as to the requirements of section 15 of the commonwealth constitution, I can also advise and declare that I am in possession of advice from the ALP Victorian state secretary that the nominee, Ms Kitching, is the selection of the Australian Labor Party, the party previously represented in the Senate by Senator Stephen Conroy.

Mr GUY (Leader of the Opposition) — I second the proposal.

The CHAIR — Order! Are there any further proposals? There being no further proposals, and as only one person has in fact been nominated, I therefore declare that Ms Kimberley Kitching has been chosen to hold the place in the Senate rendered vacant by the resignation of Senator the Honourable Stephen Conroy. I will advise the Governor accordingly.

I now declare the joint sitting closed and congratulate Ms Kitching.

Proceedings terminated 6.51 p.m.

