PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT

FIRST SESSION

Friday, 8 September 2017

(Extract from book 15)

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By authority of the Victorian Government Printer

The Governor

The Honourable LINDA DESSAU, AC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC, QC

The ministry

(from 10 November 2016)

Premier	The Hon. D. M. Andrews, MP
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Treasurer	The Hon. T. H. Pallas, MP
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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
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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 (until 23 August 2017)	The Hon. F. Richardson, MP
Minister for Finance and Minister for Multicultural Affairs	The Hon. R. D. Scott, MP
Minister for Training and Skills, and Minister for Corrections	The Hon. G. A. Tierney, MLC
Minister for Planning	The Hon. R. W. Wynne, MP
Cabinet Secretary	Ms M. Thomas, MP

Legislative Council committees

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

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

Legislative Council standing committees

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

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

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

participating members

Legislative Council select committees

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

Fire Services Bill Select Committee — Ms Hartland, Ms Lovell, Mr Melhem, Mr Mulino, Mr O'Sullivan, Mr Rich Phillips, Ms Shing and Mr Young.

Joint committees

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

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

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

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

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

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

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

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

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

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

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

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Mr P. Lochert

MEMBERS OF THE LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT — FIRST SESSION

President:
The Hon. B. N. ATKINSON

Deputy President:
Mr K. EIDEH

Acting Presidents:
Ms Dunn, Mr Elasmar, Mr Melhem, Mr Morris, Ms Patten, Mr Purcell, Mr Ramsay

Leader of the Government:
The Hon. G. JENNINGS

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

Leader of the Opposition:
The Hon. M. WOOLDRIDGE

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

Leader of The Nationals:
Mr L. B. O'SULLIVAN

Leader of the Greens:
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[1]	Eastern Victoria	Nats	Mulino, Mr Daniel	Eastern Victoria	ALP
Bourman, Mr Jeffrey	Eastern Victoria	SFFP	O'Brien, Mr Daniel David[6]	Eastern Victoria	Nats
Carling-Jenkins, Dr Rachel[2]	Western Metropolitan	AC	O'Donohue, Mr Edward John	Eastern Victoria	LP
Crozier, Ms Georgina Mary	Southern Metropolitan	LP	Ondarchie, Mr Craig Philip	Northern Metropolitan	LP
Dalidakis, Mr Philip	Southern Metropolitan	ALP	O'Sullivan, Luke Bartholomew[7]	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	V1LJ
Elasmar, Mr Nazih	Northern Metropolitan	ALP	Ramsay, Mr Simon	Western Victoria	LP
Finn, Mr Bernard Thomas C.	Western Metropolitan	LP	Rich-Phillips, Mr Gordon Kenneth	South Eastern Metropolitan	LP
Fitzherbert, Ms Margaret	Southern Metropolitan	LP	Shing, Ms Harriet	Eastern Victoria	ALP
Gepp, Mr Mark[4]	Northern Victoria	ALP	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Hartland, Ms Colleen Mildred	Western Metropolitan	Greens	Springle, Ms Nina	South Eastern Metropolitan	Greens
Herbert, Mr Steven Ralph[5]	Northern Victoria	ALP	Symes, Ms Jaclyn	Northern Victoria	ALP
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Wooldridge, Ms Mary Louise Newling	Eastern Metropolitan	LP
Lovell, Ms Wendy Ann	Northern Victoria	LP	Young, Mr Daniel	Northern Victoria	SFFP
Melhem, Mr Cesar	Western Metropolitan	ALP			

[1] Appointed 16 April 2015
[2] DLP until 26 June 2017
[3] Resigned 27 May 2016
[4] Appointed 7 June 2017
[5] Resigned 6 April 2017
[6] Resigned 25 February 2015
[7] Appointed 13 October 2016

PARTY ABBREVIATIONS

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

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FRIDAY, 8 SEPTEMBER 2017

Friday, 8 September 2017

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

PAPERS

Laid on table by Clerk:

Duties Act 2000 — Treasurer's reports on —

Corporate consolidation exemptions and refunds for 2016–17.

Corporate reconstruction exemptions and refunds for 2016–17.

Foreign purchaser additional duty exemptions for the period 1 January 2017 to 30 June 2017.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 85.

NOTICES OF MOTION

Ms WOOLDRIDGE giving notice of motion:

Ms Mikakos interjected.

The PRESIDENT — Order! Ms Mikakos, you do not need to be here for the start of today — 15 minutes.

Ms Mikakos withdrew from chamber.

Ms WOOLDRIDGE continued giving notice of motion.

Further notices of motion given.

BUSINESS OF THE HOUSE

Adjournment

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

That the Council, at its rising, adjourn until 12.00 p.m. on Tuesday, 19 September 2017.

Motion agreed to.

ADMINISTRATION AND PROBATE AND OTHER ACTS AMENDMENT (SUCCESSION AND RELATED MATTERS) BILL 2016

Second reading

Debate resumed from 9 March; motion of Ms TIERNEY (Minister for Training and Skills).

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I am pleased to make some remarks this morning on the Administration and Probate and Other Acts Amendment (Succession and Related Matters) Bill 2016, which has been in the Parliament for some time, having been first introduced in the other place in November of last year. The bill itself is a relatively straightforward bill and is one that the coalition parties do not intend to oppose.

Obviously the area of administration and probate is an area of great importance to all Victorians. It is an area of law which determines the way in which a person's final wishes are extinguished and the way in which their estate and related matters are dealt with after their death, and for that reason it is a matter that this Parliament needs to take particularly seriously, because law administration and probate come into play of course in an environment where the person concerned — the deceased person, the testator — is not able to look after their own interests. By its very definition the field of law we are talking about, where administration and probate law is engaged, applies in circumstances where the person concerned is no longer able to administer their own affairs, and therefore the framework that this Parliament puts in place to provide for a person's wishes to be carried out is incredibly important, and it is incredibly important that we as legislators ensure that that framework serves the community well and indeed reflects the expectations of a contemporary society.

The bill before the house today is relatively short and relatively concise in the matters with which it deals. There are basically three key provisions in this bill, which I will run through in turn. The first relates to the issue of intestacy, which is circumstances where a person dies without leaving a valid will. This can be in circumstances where they have made a will which they believe is valid but turns out not to be or they have simply not made a will prior to their death. In circumstances where a person dies without a will a statute is engaged to determine the way in which the assets and other interests of the deceased party are dealt with.

What the bill before the house today seeks to do with respect to the issue of intestacy is to change the way in which assets are distributed in the event of a person dying without leaving a valid will, basically to reflect a more contemporary approach to the traditional structure of the distribution of assets under intestacy, to reduce the pool of descendants who would have a claim or would benefit from the settlement of an intestate estate and limit that pool to essentially family out to first cousins of the deceased.

The advice that we have received from State Trustees, which of course administers a large number of estates, is that limiting the pool of beneficiaries to relatives out to first cousins will basically cover around 95 per cent of estates that are administered by State Trustees and would not have an effect on the beneficiaries of 95 per cent of intestate estates, based on State Trustees' experience. That of course means that there is a small pool of people who are currently beneficiaries in the intestate framework who, with the passage of this legislation, would no longer be beneficiaries where a will has not been left.

The other element in respect of intestacy relates to circumstances where the deceased person has children with their surviving partner, or the children that the deceased person has are also the children of their surviving partner, and in those circumstances the surviving partner will receive the whole estate under an intestate settlement rather than their joint children, which again reflects a more common arrangement that you would expect to find where a person had left a will, provided their surviving partner is the beneficiary before any joint children. Obviously increasingly we see blended families with children from different relationships, and the provision in those circumstances would not be affected by that proposed change. The coalition does not object to any of the proposed changes in respect of the issue of intestacy.

The second issue the bill deals with is in relation to the law of ademption — basically circumstances where a bequest has been earmarked for a particular beneficiary but that particular asset or piece of property that had been identified in a will has been disposed of prior to the person's death and cannot be provided to the intended beneficiary. The provisions in the bill relating to ademption are also not contested by the coalition parties.

The third element of the bill relates to fees charged where a legal representative or a personal representative performs the function of an executor or administrator. I say up-front that the coalition is very much of the view that the role undertaken by administrators or executors is a role of great trust. As I said at the outset, in the administration of an estate it is by definition a necessity that that administration take place in the absence of the deceased party, and the responsibility that falls to an executor or administrator to carry out, in good faith, the wishes of the deceased party is a very heavy duty and one that needs to be undertaken with great diligence and great propriety.

Where that role of executor or administrator falls not on a friend or a relative but on a legal representative or personal representative, that duty is even stronger, and that responsibility, by virtue of it being a professional undertaking that role, is even stronger. It is appropriate therefore that there is a strong legal framework surrounding the role of legal practitioners acting as executors and/or administrators of individual estates. That is something that the coalition welcomes. We do believe that it is appropriate that there is a high level of accountability by the legal profession to its clients in respect of the administration of estates, as we indeed expect of legal practitioners for any clients, whether it is in administration or probate law or other areas of law. But as I indicated, with the unique circumstances surrounding the administration of probate, with the client being deceased, the expectations of probity and accountability are necessarily much higher. That is something the coalition welcomes.

With respect to this particular bill, the bill seeks to put in place a framework which provides the Supreme Court with the power to review and reduce fees which are charged by legal practitioners with respect to the administration of deceased estates. Part 3 of the bill puts in place this framework, particularly in clauses 16 and 17, with clause 17 inserting a requirement that a personal representative who is an executor will not be entitled to receive payment under a remuneration clause in a will unless that person has received informed written consent from the person who made the will. Clause 17 inserts proposed section 65C to provide that where there is no remuneration clause the executor will need the informed consent of interested beneficiaries.

The bill seeks to provide clarity around the circumstances in which a legal representative can charge fees, be they fixed fees or fees charged as a proportion of the value of an estate, to ensure that there is clarity for the person making the will and that in the absence of their informed consent it is with the agreement of the beneficiaries. The coalition believes that while such a mechanism is appropriate, there also needs to be a degree of flexibility provided to the Supreme Court in the way in which these provisions are implemented. For that reason I propose that in committee the Council consider a number of amendments with respect to the operation of clauses 16 and 17, and I ask that those amendments now be circulated.

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

Mr RICH-PHILLIPS — The amendments which are now in the hands of members seek to clarify the operation of part 3 of the bill with respect to the new framework provided for the Supreme Court to oversee the imposition of fees and charges for the administration of an estate, basically to streamline the provisions with respect to informed consent from the testator to the legal practitioner and to ensure that the court, in seeking to intervene under these provisions, has the capacity to exercise discretion in seeking to vary or reduce a fee or a charge which has been imposed for the administration of a will.

In particular what we are seeking to do with amendment 13 is to put in place a provision which provides that where the technical aspects of informed consent may not have been fully complied with, if the executor has acted honestly and in good faith on behalf of an estate, the court can take the fact that the executor has acted in good faith into consideration in determining whether the fees and charges imposed on the estate are reasonable in making an order accordingly. We believe that it is appropriate that there be some discretion for the court.

We note that this provision in the bill is one which has raised concerns among the legal profession, in particular the Law Institute of Victoria, as well as individual practitioners, who have raised concerns about the potential way in which this oversight mechanism for the Supreme Court could work. We believe that the amendments we are proposing to provide some flexibility to the court and also to simplify the proposed structure of informed consent will make this provision more effective and ensure that there are not perverse outcomes for practitioners in the same way as the overall purpose of the bill is to ensure that there are not perverse outcomes for testators or beneficiaries under the administration of estates.

The coalition believes on the whole that this bill is a step forward. There need to be strong, robust provisions on administration and probate law to protect the interests of testators and to protect the interests of beneficiaries. The provisions with respect to intestacy are not opposed by the coalition, the provisions in respect of ademption are not opposed by the coalition and we believe that with some minor amendments the provisions with respect to Supreme Court oversight of fees and charges imposed on the administration of estates are also worthy enhancements to the oversight of administration and probate law.

Ms PENNICUIK (Southern Metropolitan) — I am pleased to speak on the Administration and Probate and Other Acts Amendment (Succession and Related Matters) Bill 2016. This bill amends the Administration and Probate Act 1958, the Guardianship and Administration Act 1986 and the Powers of Attorney Act 2014 to implement some of the outstanding recommendations of the 2013 *Succession Laws* report of the Victorian Law Reform Commission relating in particular to intestacy, where a person dies without having made a will, and makes some amendments in regard to the distribution of property under those circumstances. It also makes some amendments with regard to executors fees and commissions and to the law relating to the issue of ademption.

In essence, the key proposed changes aim to ensure that when a person dies without a will their partner, if they have a partner, will gain a greater share of the estate so that they are adequately provided for and can continue to support their families. The bill also provides safeguards against estates being depleted by excessive executor fees, including the requirement that executors give the beneficiaries an estimate of their costs and that the Supreme Court will also have the power to review and reduce the fees or commission charged by an executor — usually an executor who is a lawyer in this case. The bill will also require the will-maker to provide a separate written consent to any clause in the will which gives the executor the right to charge fees or commission. If there is no such clause in the will, then the consent of the beneficiaries or the approval of the Supreme Court will be needed.

The Greens are supporting this bill. We note there have been some differences of opinion amongst certain parts of the legal profession about certain provisions, in particular the changes to the charging of executors fees and the oversight of the Supreme Court in that regard. But having considered the bill carefully and having considered the representations that have been made to us by certain solicitors and their representatives, we believe that overall the bill gives effect to the recommendations of the Victorian Law Reform Commission (VLRC) report in providing much of the further regulation that is needed in this area.

The Scrutiny of Acts and Regulations Committee (SARC) raised one concern about the bill, and that was in relation to clause 11. This clause inserts new section 70ZL, which in effect provides that if a person dies without a will and with no surviving partners, descendants, parents, grandparents, siblings, aunts, uncles, first cousin, or child of a deceased sibling — that is, a niece or nephew — then the intestate's

property would pass to the Crown. SARC questioned whether this engages the charter right not to be deprived of property other than in accordance with the law and in particular the charter right of Aboriginal persons who maintain their kinship ties. This is an important issue that has been raised by SARC.

The minister has responded by saying that in effect the Department of Justice and Regulation is looking into this issue to meet the needs of the Indigenous community in Victoria and to see if further legislative amendments are needed. I would have preferred that if those legislative amendments were needed they were actually in this bill rather than in a subsequent bill, because it is an important area. But I am pleased to see that the government has taken it on board and is looking into it. I am looking forward to seeing what happens with regard to that important issue.

This bill is based on the chapter relating to executors costs and commissions in the Victorian Law Reform Commission report, which is particularly important for this bill and is an issue raised by Mr Rich-Phillips. In fact it is the issue that the Liberal Party's amendments go to. The report recognised that almost all executors are trusted friends and relatives of the will-maker. The remainder provide executorial services in a professional capacity and could include legal practitioners, accountants, financial advisers and trustee companies. Trustee companies are already regulated by other provisions.

Executors cannot claim money from the estate for their time and trouble unless they are authorised to do so. Trustee companies are authorised by legislation to charge for these services. All other executors need the informed consent of the will-maker or beneficiaries, or otherwise can seek authorisation from the Supreme Court. Payments to executors, which it should be noted are quite rare in the general scheme of things, are commonly in the form of a commission expressed as a percentage of the capital and income of the estate. Some professional executors charge fees instead of claiming commission; others claim commission for their executorial responsibilities and charge fees for any other additional services they provide.

The Victorian Law Reform Commission reviewed whether special rules should exist for legal practitioners who act as executors and also carry out legal work on the estate, including rules for the charging of costs and commission in relation to all executors, and whether a court should have the power to review and vary the costs and commission charged by them. At the heart of these issues lies a conflict between duty and interest that can arise when an executor charges for their time and trouble. That is, there is a duty to act in the interests of the beneficiaries of the will, but there is also the issue of the executor claiming from the estate moneys for meeting their responsibilities whereby they are drawing from assets to which a beneficiary or beneficiaries might otherwise be entitled. Unless the conflicts of duty and interest are carefully managed, as the commission noted, assets could be at risk of being depleted by excessive or unnecessary charges.

The commission noted that while most legal practitioners act in the best interests of the will-maker and beneficiaries, some legal practitioner executors have taken unfair advantage of their position by charging the estate without the informed consent of the will-maker or beneficiaries, claiming excessive amounts, receiving both commission and professional fees for the same services.

The Administration and Probate and Other Acts Amendment (Succession and Related Matters) Bill 2016 implements a number of reforms. Wholly or in part they are recommended by the VLRC in its review of executors fees and commission and of the role of legal practitioners as executors. I have acted as an executor myself and been involved with the death of a person who died without a will, and looking theoretically at the changes made by this bill, looking at what the commission recommended, looking at the amendments in the bill and looking at my own personal experience of these issues, I think the bill strikes the right balance in this regard. Of course, if a person dies without a will, that immediately engages the Supreme Court, so there has to be a finding by the Supreme Court as to who may be the beneficiaries. They have to go through a process of working out whether there are any beneficiaries somewhere that may not be immediately obvious.

The Supreme Court is very experienced in and has a very long history of dealing with probate. I say this because there have been some representations made to us about this bill and about the involvement of the Supreme Court in terms of where a beneficiary may make an application to the court about the commission claimed or the fees charged by a professional executor, which would be the situation in most cases, rather than by a family member or trusted friend. Some concerns have been raised about the involvement of the Supreme Court.

I do not really see any concern there given the very longstanding role of the Supreme Court in this area and their experience in dealing with these issues, some of

which can be very complex. I would also say that my personal experience in acting in these regards is that the vast majority of people by far who act as executors are family members or trusted friends of the testator, and they do not get any remuneration, nor do they seek it; they act on behalf of their deceased relative or friend with no expectation to receive any remuneration for doing that. It is done out of the goodness of their hearts or the respect or duty they feel they owe their former relative or friend.

While I understand that the Victorian Law Reform Commission recommended that executors who are solicitors, accountants et cetera appointed by the will-maker can still be able to claim some remuneration or commission from the estate, this bill makes sure that that is not excessive. It also leaves in place the ability for legal practitioners to charge for their professional services, which is a separate issue.

An executor in any case, whether they be a family member or friend, may have to engage — and probably very often have to engage — some sort of legal professional advice to assist them in carrying out their duty, which is to make sure the wishes of the testator are carried out and that the beneficiaries as named in the will actually receive the benefits as desired by the testator. That is a separate issue from acting as an executor, and I think that needs to be seen as a separate issue. I am concerned that it has not necessarily always been seen that way. In fact Mr Pesutto, I think, in his contribution in the Assembly referred to professional executors being entitled to some commission. I do not know that it is an entitlement given that the vast majority of executors do not receive any remuneration or commission. I think that is a bit of a strong word. Certainly for rendering professional services they should be remunerated.

The other comment that was made was that the skills of an executor should be taken into account when deciding on a commission. I am really not convinced of that at all because, as I have said, most executors are family members or friends of the deceased person and may have no skills whatsoever in terms of legal skills, but they still carry out their role as best they can, and of course where they need legal advice or legal skills they would go to a legal professional.

There is quite a lot of detail in the bill with regard to how an estate will be attributed or divided where someone has died without a will. I will not go through all that detail except to say that it looks quite sensible to me. I was concerned that in the broader sense the issue of nieces and nephews did not come up, because there were aunts, uncles, grandparents, parents and first cousins but there was not a mention of nieces and nephews. But I did look at the particular provision and noted that in the case of a deceased sibling, the children of the deceased sibling would be entitled to be beneficiaries under the guidance of the Supreme Court looking at the estate of someone who has died without a will. So I am happy to see that.

As I say, I think there is an awful lot of detail with regard to that that does not necessarily have to be spelt out here. Suffice it to say I think this bill actually makes things a lot clearer. Having been through the process of a dear friend who died without a will, the long time it took to get through it and the amount of confusion and uncertainty that entailed for some beneficiaries, I am pleased to say it did work out well in the end. But it is good to see it now included in this bill to make very clear what will happen in that unfortunate circumstance.

The Greens are not able to support the amendments put forward by the Liberal Party for the reasons I have outlined in regard to the activities of executors and legal practitioners. I understand there is a contrary view amongst some of the legal profession. I have taken that into consideration, and I have thought a lot about it. I have asked the Attorney-General questions about it. His office has responded to those questions, and on balance I think the bill strikes the right balance in that regard.

Mr ELASMAR (Northern Metropolitan) — I rise to make my contribution to the bill before the house, the Administration and Probate and Other Acts Amendment (Succession and Related Matters) Bill 2016. The bill proposes several changes to the Administration and Probate Act 1958, the Guardianship and Administration Act 1986 and the Powers of Attorney Act 2014, specifically in regard to intestacy, where a person has died without leaving a will, executors fees, commissions and other matters. Wills are probably the last legal document to receive proper attention and one that many of us ignore. It is reprehensible to ignore the inevitable, because everyone wants their loved ones to be taken care of after they have passed on. But because many people feel that wills are a morbid subject, they shy away from putting in place a proper mechanism specifying their wishes.

In 2013 the Victorian Law Reform Commission's *Succession Laws* report found that Victoria's intestacy regime needed to be modernised to better reflect the way families operate in the 21st century. In particular the report identified a need to improve the position of the deceased partner and their intestacy. The report also

identified real concerns relating to professional executors who have taken unfair advantage of their position to excessively charge an estate without the informed consent of the will-maker or beneficiaries. Finally the report dealt with the law of ademption, where gifts in a will are non-existent when they have been disposed of prior to death or even broken.

The bill also recognises that times have changed and that many people live in de facto relationships. The bill will improve the position of the deceased partner on an intestacy, allow personal representatives to more easily distribute an intestate estate, including where there are multiple partners, and protect beneficiaries under a will both in relation to executors charging and where gifts have been disposed of before death by an administrator or under an enduring power of attorney.

The bill also simplifies the record-keeping requirements of administrators and attorneys under an enduring power of attorney in relation to gifted property. I am pleased that all levels of the judiciary have been consulted and are supportive of this bill. I commend the bill to the house.

Motion agreed to.

Read second time.

Committed.

Committee

Clauses 1 to 15 agreed to.

Clause 16

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

1. Clause 16, line 27, omit "If" and insert "Subject to subsection (3), if".

I move amendment 1 standing in my name as a test of amendment 4, which is a substantive amendment. Clause 16 creates the capacity for the Supreme Court to reduce excessive commissions or fees imposed by — I will use the term 'professional' — executors on the administration of estates. Clause 16, as drafted, provides to insert new section 65A, titled 'Reduction of excessive commission or fees', and sets out that the court may require a commission to be reduced or not paid. New section 65A(2) provides that the court may make an order in respect of commissions and fees which have been imposed on an estate.

What my amendment 4 seeks to do is insert a new section 65A(3), which provides that if written informed consent is given by the testator or subsequently all interested beneficiaries give informed consent, then the court can only make an order under that provision if it is satisfied that there are exceptional circumstances justifying making an order.

So basically we are saying with respect to the provision as set down in the bill, which allows the court to reduce or reject a fee or payment, that the purpose of this amendment would be to say that, where it had been agreed to by the testator in making the will or where it has been agreed to by the beneficiaries, the court can only reject that fee or cost if there are exceptional circumstances. We believe that the benefit of this amendment is that it reflects and gives weight to decisions made by the testator in making a will or subsequently gives weight to the views of the beneficiaries in an estate. Frankly, if they are satisfied with the level of fees charged by an executor or an administrator, or if the testator is satisfied with the level of fees imposed by an executor or an administrator, we believe it is only in exceptional circumstances that the court should seek to intervene.

Ms PENNICUIK (Southern Metropolitan) — The Greens will not be supporting this amendment. As I mentioned in my contribution with the regard to executors charging fees, the vast majority of executors do not charge fees or commission, but where that is provided for in a will the Victorian Law Reform Commission found that beneficiaries can sometimes feel coerced into agreeing to the payment of an executor. The amendment proposed by the Liberal Party could be used by an executor to dissuade beneficiaries from disputing a payment on the basis that although the payment to the executor is excessive, there are no exceptional circumstances that will permit a court to disallow it. I would also repeat what I said in my contribution — that the Supreme Court is very experienced in dealing with probate matters and in reviewing executor charges and commissions, and it is experienced in weighing up all the relevant facts before it in determining whether a commission or fee charged by an executor is excessive. So we do not believe this amendment is necessary.

Ms TIERNEY (Minister for Training and Skills) — The bill inserts a new section 65A into the act to provide the Supreme Court with the power to reduce an excessive commission or an amount charged by an executor, even if the payment was authorised by provision in the will. As the law reform commission observed, under current arrangements the commission

clause might specify a rate that is higher than a court would be likely to allow or might result in a windfall gain to the executor. Now, the opposition has proposed an amendment to new section 65A to provide that if an executor is being paid pursuant to a clause in a will or if the beneficiaries have given their informed consent to the payment, then the Supreme Court may only reduce the payment if there are 'exceptional circumstances justifying' the order, and 'exceptional circumstances' are not defined. The proposed amendment also removes the power of the Supreme Court to make an order under section 65A on the application of a creditor.

The government's position is that the proposed amendment would make estates more vulnerable to unduly high payments to executors by limiting the opportunity for the Supreme Court to reduce such payments. Further, the proposed amendment is unnecessary because the Supreme Court is highly experienced in dealing with probate matters, as was indicated by Ms Pennicuik, and in reviewing executors charges and commissions and will have regard to all relevant factors in determining whether a commission or fee charged by an executor is excessive. The Victorian Law Reform Commission found that beneficiaries can sometimes feel coerced into agreeing to the payment of an executor. The proposed amendment could be used by an executor to dissuade beneficiaries from disputing a payment on the basis that although the payment to the executor is excessive, there are no exceptional circumstances that would permit a court to disallow it.

Can I say in a general sense that the opposition claims their amendments provide the Supreme Court with more flexibility, but the government knows that the effect of these amendments is exactly the opposite. We believe that the amendments proposed by the opposition limit the Supreme Court's review powers and disadvantage beneficiaries in favour of paid executors. The government will be opposing the amendments.

Committee divided on amendment:

Ayes, 17

Atkinson, Mr
Bath, Ms
Carling-Jenkins, Dr
Crozier, Ms
Dalla-Riva, Mr
Davis, Mr
Finn, Mr (*Teller*)
Fitzherbert, Ms
Lovell, Ms
Morris, Mr
O'Donohue, Mr
Ondarchie, Mr
O'Sullivan, Mr (*Teller*)
Peulich, Mrs
Ramsay, Mr
Rich-Phillips, Mr
Wooldridge, Ms

Noes, 23

Barber, Mr
Bourman, Mr
Dalidakis, Mr
Dunn, Ms
Eideh, Mr
Elasmar, Mr
Gepp, Mr
Hartland, Ms
Jennings, Mr
Leane, Mr
Melhem, Mr (*Teller*)
Mikakos, Ms
Mulino, Mr
Patten, Ms
Pennicuik, Ms
Pulford, Ms
Purcell, Mr
Shing, Ms
Somyurek, Mr
Springle, Ms (*Teller*)
Symes, Ms
Tierney, Ms
Young, Mr

Amendment negatived.

Mr RICH-PHILLIPS — I move:

2. Clause 16, page 34, line 11, omit "of— " and insert "of any person interested under the will or the estate, including any interested beneficiary; or".

3. Clause 16, page 34, lines 12 to 15, omit all words and expressions on these lines.

Amendments 2 and 3 also relate to the provisions of clause 16 that the Council is considering. This is the basis on which somebody can apply to the court for an order reviewing or changing the fees that have been charged in respect of the administration of an estate. The bill as drafted provides that the court may make an order on the application of any person interested under the will of the estate, including any interested beneficiary, on its own motion or on the application of any creditor.

The coalition's view is that providing a capacity for any creditor to make an application is too broad. Creditors associated with any estate can be vast in number, with very small interest in the settlement of an estate, and we believe providing them with the opportunity to seek an order contesting charges and fees is too broad. So the intent of amendments 2 and 3 is to omit subclause (2)(a)(ii) to remove the capacity for any creditor to make an application for a review of fees and charges.

Ms PENNICUIK — The Greens will not be supporting these amendments, because we believe that there could be a case where a creditor may make an application to the court, but that does not necessarily mean that the court will agree with the application by the creditor. As I said before, the court has extensive experience in dealing with these issues and would be able to ascertain whether it was a bona fide application or not.

Ms TIERNEY — The government will be opposing these amendments based on many of the arguments and points of principles that I outlined when I addressed the first amendment proposed by Mr Rich-Phillips.

Amendments negatived; clause agreed to.

Clause 17

Mr RICH-PHILLIPS — I move:

6. Clause 17, line 24, after "an executor" insert "or administrator".

I regard amendment 6 as also a test for subsequent amendments 9 and 15, which are also in relation to clause 17. This is simply to provide that the relevant provisions also relate to administrators as well as executors, so it expands the definition beyond executor as used in the bill to be clear that it applies to both executors and administrators.

Ms PENNICUIK — I am interested to hear the government's position on this amendment.

Ms TIERNEY — The opposition's amendments to sections 65C, 65B and 65D include amendments which would make administrators as well as executors subject to those sections. However, the bill follows the Victorian Law Reform Commission report recommendations by including 'executor or administrator' in new section 65A, 'Reduction of excessive commission or fees', and using the word 'executor' in the new section inserted by clause 17. The bill inserts a new section 65D into the act to require a paid executor to provide information to each interested beneficiary about the basis on which the executor will charge the estate. If an executor fails to provide this information, the executor will not be entitled to payment. The new section 65D responds to the law reform commission's recommendation that information about executorial payments be provided to beneficiaries in order to minimise disputes.

The opposition has proposed an amendment to insert a new provision in section 65D providing that an executor who has acted honestly and in good faith is entitled to the fees, commission or percentage of the assets of the estate as the court considers fair and reasonable. But in terms of the government's position, we believe that 'honestly and in good faith' is not defined —

Mr Rich-Phillips — That's a different amendment.

Ms TIERNEY — Sorry? I am running off the different —

Mr Rich-Phillips interjected.

Ms TIERNEY — Yes, there was a change in the lower house versus the upper house running sheet. Sorry. The opposition's proposed amendment would remove the stipulation that the informed consent must be provided before the will is executed. Is that the passage?

Mr RICH-PHILLIPS — If I may, just to clarify for the minister, this amendment is amendment 6, which simply seeks to extend the reference to executor to include executor and administrator, so it expands the reference so that it covers both executors and administrators.

Ms TIERNEY — I was giving a composite response in my initial response, but I did deal with the issue right at the beginning of my contribution in terms of administrator and executor.

Ms PENNICUIK — I wonder if the minister could obtain a little bit more clarification on this point, because I am not entirely clear why 'or administrator' would not be included. It may be because we are talking about a personal representative. New section 65B says 'A personal representative who is an executor of a will', and I am wondering whether that is what it turns on in terms of whether or not the term 'administrator' is put into this section, whereas it is put into new section 65A, which refers to an administrator and an executor.

Ms TIERNEY — The bill follows the VLRC report recommendations, including executor or administrator in new section 65A and using the word 'executor' in the other new sections inserted by clause 17. An executor is appointed in a will; the court does not choose the executor. A lawyer or other professional who is unrelated to the deceased and not known to the beneficiaries may be appointed in the will as the executor. Clause 17 is directed towards the regulation of executors given this context.

Unlike executors, administrators are appointed by the court and are almost always close family members or the main beneficiaries. It is unlikely that an administrator would seek payment for acting as such. If an administrator wishes to be paid, they must apply for the court's approval under section 65 of the Administration and Probate Act 1958, unlike an executor, who may be paid under a clause in a will without court approval. If an administrator incurs excessive disbursements, then those payments can be reduced by new section 65A.

Ms PENNICUIK — Thank you, Minister. I thought it referred to that. It was also that in reality in relation to a personal representative who is the executor of a will, under the new subsection put in by clause 15, the testator could not have given informed consent to an administrator because this would have occurred after the death of the testator. Is that correct?

Ms TIERNEY — Yes.

Amendment negatived.

Mr RICH-PHILLIPS — I move:

7. Clause 17, line 27, omit "unless— " and insert "unless the testator gave written informed consent to the inclusion of the remuneration clause.".

8. Clause 17, lines 28 to 33, omit all words and expressions on these lines.

The purpose of these amendments to clause 17 is to simplify the way in which the provisions relating to informed consent will work. We believe that this construction as proposed in amendment 7 — and of course amendment 8 is a consequential amendment — is a clearer way to obtain the same outcome of requiring informed consent from the testator. However, without necessitating the individual elements as set down in the drafting of the bill, we believe this is just a simpler way to achieve the same outcome without the risk of an inadvertent breach of the provisions as drafted.

Ms PENNICUIK — Again I would like to hear the government's position on these amendments.

Ms TIERNEY — As I said before, the bill inserts a new section 65B into the act to provide that, in order for a clause in a will authorising the executor to be valid, the will-maker must have given their written informed consent before the will was executed. The opposition's amendments would remove the stipulation that the informed consent must be provided before the will was executed. The opposition's proposed amendments are silent as to when the will-maker's consent must be given. As a result, the amendments are likely to be ineffective, because where the legislation is silent a court will look to common law or, where a lawyer has drafted the will, to the Legal Profession Uniform Law Australian Solicitors' Conduct Rules 2015 — or what are commonly referred to as the conduct rules — to ascertain when consent should have been given. Both the common law and the conduct rules provide that the will-maker must understand and approve the clause or that a lawyer who benefits must inform the client in writing of its effect before the will-maker signs the will. The bill is consistent with the common law and with the conduct rules. It should also be noted that the bill the government has before the house will not apply to a will that has already been executed but only to wills that are executed after the commencement of the bill. Thus section 65B will not affect any existing will in respect of which the informed consent of the will-maker was not obtained before the will was executed. Also the bill does not require that the will-maker's informed consent be given to the executor, as the executor might not be aware of their appointment until after the will-maker's death. In practice the will-maker's consent will be given to the lawyer who drafts the will.

Amendments negatived.

Mr RICH-PHILLIPS — I move:

12. Clause 17, page 37, line 5, omit "An" and insert "Subject to subsection (6), an".

13. Clause 17, page 37, after line 9 insert—

    "(6) An executor who has acted honestly and in good faith on behalf of an estate is entitled to the fees, commission or percentage of the assets of the estate as the Court considers fair and reasonable.".

14. Clause 17, page 37, line 10, omit "(6)" and insert "(7)".

The operative amendment in this set of amendments is amendment 13, which seeks to amend, on page 37 of the bill, the provision with respect to information being provided by an executor to interested beneficiaries. The provision we are seeking to insert is a provision that:

> An executor who has acted honestly and in good faith on behalf of an estate is entitled to the fees, commission or percentage of the assets of the estate as the Court considers fair and reasonable.

The reason for this amendment is that new section 65D, as drafted, at subsection (5) provides that, where an executor contravenes the provisions of this section, they are not entitled to payment from the estate of commission or fees, as defined. We believe this provision, as drafted, is onerous in circumstances where there may be an inadvertent oversight in relation to the provisions of new section 65D. Where an executor has nonetheless acted in honesty and in good faith on behalf of the estate or the client, we believe that there should be discretion for the court to allow for the payment of fees under the administration of the will.

So our proposed amendment would insert some discretion for the court so that, where the executor has inadvertently offended against the provision but nonetheless has acted honestly and in good faith, the

court may still allow for the payment of fees. We believe that this is a fairer provision. It provides the court with discretion to deal with what no doubt would be exceptional circumstances.

Ms PENNICUIK — With regard to this amendment, I talked about it a little bit in my contribution to the second-reading debate. The assertion by the opposition is that an executor who has acted honestly and in good faith is entitled to fees, commissions and percentages, when in fact the vast majority of people who act as executors do not receive any fees, commissions or percentages of the assets of the estate unless in fact they are a beneficiary as well as an executor. The vast majority of them are family members and friends who act with no expectation of or seeking any remuneration whatsoever. Many people in that position, including, as I mentioned, in my own experience, do have to, because of the complexities of an estate, engage the professional services of a lawyer or a legal professional, and those costs can be legitimately charged to the estate. That is a different thing from acting as an executor.

Acting as an executor is just making sure the wishes of the testator are carried out in the full interests of the beneficiaries. Any legal services that need to be provided in terms of such things as bank accounts, the selling of property and that sort of thing, where you need legal professionals, including conveyancers or whomever, are different things from acting as an executor. I really do not like to see them conflated, because they are different. I am not convinced at all that this amendment is needed. I have looked at it very carefully. I have looked at the representations that have been put to me, but again I feel that this amendment conflates the two issues, which it should not. Again I would say that where there is some dispute over the issue, the Supreme Court is well placed to deal with that.

Mr RICH-PHILLIPS — Just to respond to a couple of points Ms Pennicuik made, I fully agree with Ms Pennicuik that there is a difference between the engagement by an executor of legal professionals for legal advice et cetera, as opposed to a legal professional acting as an executor in the first instance. I have absolutely no disagreement on that point or on the consequential issue around professional fees being charged for the provision of advice to an executor as distinct from fees for the administration of an estate. But of course this piece of legislation does relate to where executors are professional parties being paid for their services in administering an estate. I take Ms Pennicuik's point about the use of the language 'entitlement' and 'entitled', and I would simply make the point that the use of that language in this amendment simply reflects the use of 'entitlement' in the bill. So the amendment picks up the language that is used through the bill to refer to fees and charges for administration. That is the language parliamentary counsel has chosen to use in respect of the availability of fees and charges to executors. They have chosen to use the word 'entitled' and that is why the amendment reflects the use of the word 'entitled'.

Ms PENNICUIK — Thank you, Mr Rich-Phillips, for that explanation. But I would say that I still have concerns about use of that term anyway, because the vast majority of people who act as executors are not entitled to anything. To say that just because you are a legal professional and acting as an executor that somehow that means you should be entitled is a debatable point — let us put it that way — and we are debating that. In any case I do not believe the amendment as put forward by the Liberal Party and Mr Rich-Phillips adds anything that is not already in the bill to provide for the court in making its decisions.

Ms TIERNEY — The government opposes this amendment. One of the reasons is that 'honestly and in good faith' is not defined. It is therefore unclear how the proposed amendment would affect the disclosure obligations in new section 65D and in particular whether it is intended to override the disclosure obligation. This ambiguity would provide an opportunity for an executor to avoid disclosure, would make the provision difficult for the court to interpret and would increase the likelihood of dispute in our view.

We also believe that any qualification, however worded, would disadvantage beneficiaries. The practical effect of such a qualification would be that paid executors would assert to beneficiaries that they are entitled to take money from the estate as they had acted honestly and in good faith, without adhering to any of the disclosure requirements under new section 65D. It would be left to the beneficiaries, almost always non-lawyers, who are often not terribly sophisticated financially and without substantial financial resources, to take the executor to court to determine whether the executor had acted honestly and in good faith or not. We believe that the bill overall places the onus where it should be — not on the beneficiaries but on the executor, who unlike the overwhelming majority of executors, seeks to be paid for acting as an executor.

Amendments negatived.

Mr RICH-PHILLIPS — I move:

16. Clause 17, page 37, lines 21 to 23, omit all words and expressions on these lines.

17. Clause 17, page 37, line 24, omit "(c)" and insert "(b)".

I move amendments 16 and 17, which relate to proposed section 65E, titled 'Executor may elect to charge fees instead of commission'. These amendments seek to omit the third element of that provision, which requires that fees — or a charge rather — be distinguished from any fees charged for professional services. Indeed this goes to the issue Ms Pennicuik was speaking about before of the provision of professional services by legal representatives as distinct from fees for the administration of an estate.

The key provision we are talking about in this bill with respect to fees for the administration of an estate essentially goes to the aggregate that will be charged against an estate by a professional executor for the services they provide. It is the view of the coalition that requiring a distinction within those fees is a provision which does not add value to the overall proposition of assessing the cost against the administration of an estate. What is of relevance to presumably the testator in reaching an agreement and to the beneficiaries in the settlement of an estate is the total cost of professional fees for the settlement of that estate. To require a distinction between fees which were for professional services as distinct from for the administration of the estate we believe is redundant, and we therefore propose to omit proposed section 65E(c) by virtue of these two amendments.

Ms PENNICUIK — Could I just get clarification from Mr Rich-Phillips as to whether that is to omit paragraph (c) or paragraph (b) of new section 65E?

Mr RICH-PHILLIPS — You are in fact correct. It is lines 21 to 23, omitting paragraph (b) and then subsequently renumbering.

Ms PENNICUIK — Thank you, Mr Rich-Phillips. I just wanted to clarify that because that is how I had it marked on my copy. The Greens will not be able to support this amendment either. In fact it goes to a point I have made many times, which is that the vast majority of executors do not have any professional skills with regard to the administration of an estate, so an executor who is a family member or a friend of the deceased may be, for example, a teacher; they may be a nurse; they may be a police officer; or they may be in fact a member of Parliament and not have any particular skills but have just been appointed by the testator because they are a trusted person, and so they have to actually engage people with professional skills. The Greens are of the view that this clause is needed because the vast majority of executors do not have any professional skills. In terms of remuneration by commission or fees for an executor who does have professional skills, that is not what they should be getting their remuneration for, for acting as an executor, apart from their professional skills in another capacity which is not their capacity as an executor. I hope I have made that clear. For those reasons, we will not be supporting the amendments.

Ms TIERNEY — The bill actually inserts a new section 65E into the act to allow an executor to charge fees rather than commission, where there is a clause in the will authorising the executor to charge commission. The Victorian Law Reform Commission recommended that this provision be inserted into the act to allow fees to be charged where fees are more cost-effective and to resolve the problem of lawyer executors having to distinguish between their professional costs and executorial commissions. The bill adopts the recommendation, including a stipulation that fees elected under new section 65E must not take into account any professional skills of the executor.

The opposition now has proposed amendments to new section 65E which would allow the professional skills of an executor to be taken into account in calculating the fees. The proposed amendments would make estates more vulnerable to the charging of legal fees and would not properly distinguish between the charges for services and charges for legal services. Executorial work is work that a layperson can undertake and be paid for. Lawyers in Victoria may only charge for executorial work at a rate allowed for work which does not require the exercise of legal skill, as set out in the Practitioner Remuneration Order 2017 and the amount allowed for obtaining a grant of representation pursuant to the Supreme Court (Administration and Probate) Rules 2014.

However, the Victorian Law Reform Commission observed that many lawyers do not understand the difference between charging for executorial work under a commission clause and charging for legal work. As a result, estate assets are at risk of being depleted by excessive or unnecessary charges. The opposition's proposed amendments directly contradict the Victorian Law Reform Commission's recommendation that charges for this work should not include any component for professional skill.

Amendments negatived; clause agreed to; clauses 18 and 19 agreed to.

Clause 20

Ms PENNICUIK — Clause 20 deals with amendments relating to ademption, which occurs when a property which may be gifted under a will is longer in the possession of the will-maker. Under clause 20, which inserts new section 50 and 51, the bill extends the exception whereby a beneficiary under a will may apply to the court if any beneficiary gains an unjust advantage or suffers an unjust disadvantage by the application of section 53 of the Guardianship and Administration Act 1986 or section 83A of the Powers of Attorney Act 2014 (POA act) that is of a kind not contemplated by the testator in the will. If a court is satisfied that either situation has occurred, the court may make an order that it thinks fit to remedy the unjust advantage or disadvantage, as the case may be.

Under this clause the beneficiary can apply to the court, but I wonder why the executor is not able to apply to the court. For example, in a situation where a beneficiary may be a person with a disability or mental health issue or something, this clause seems to rule out the executor applying on behalf of the beneficiary.

Ms TIERNEY — Essentially the role of the executor is to distribute the assets in accordance with the will, not to be an advocate. Clause 20 inserts new sections so that if a beneficiary under the will gains an unjust advantage or suffers an unjust disadvantage because ademption-saving provisions under the guardianship act or the POA act have been applied, they can apply to the Supreme Court to remedy the injustice. This means that the court can ensure that the new provisions operate justly. If the beneficiary under the will themselves has a disability, then their guardian or administrator can apply for them and a court will take into account their position.

Ms PENNICUIK — I thank the minister for her answer. But if a person is in a position of being disabled or having a mental health issue or other incapacity, they may not in fact realise they are suffering an unjust disadvantage and therefore they or their guardian may not apply to the court. What happens in that situation?

Ms TIERNEY — Indeed the example that Ms Pennicuik has outlined does not directly pertain to this part of the legislation. It can apply to many situations, as she well knows. Of course it is always an issue, but that is the justice system that we have, and if people believe that they are potentially able to exercise an application, then they need to seek legal advice. I do not know what other way you can remedy that, Ms Pennicuik.

Ms PENNICUIK — Thank you, Minister. I am not feeling that reassured. We all know that beneficiaries can be rivals, and they could be family members who are estranged et cetera, so if one is obtaining an advantage over the other and the other is already in a disadvantaged position, I think that is a concern. I still remain concerned about this provision. Given that the government has suggested that it is looking into the provisions under clause 11 with regard to Aboriginal kinship, for example, and how the bill applies there, I wonder whether the government will give some extra consideration to the issues I have raised under this clause.

Ms TIERNEY — The advice I have received is that what would be an appropriate way through this is for you to write to the Attorney-General outlining your concerns in terms of the operational aspects of this part of the bill, and the Attorney-General or his office will respond to you on those matters.

Clause 20 agreed to; clauses 21 to 31 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

Motion agreed to.

Read third time.

LAND LEGISLATION AMENDMENT BILL 2017

Second reading

Debate resumed from 23 June; motion of Ms PULFORD (Minister for Agriculture).

Mr DAVIS (Southern Metropolitan) — I am pleased to rise and make a contribution to the Land Legislation Amendment Bill 2017. This is a bill that the opposition does not oppose. It is a bill that we have consulted extensively upon with major groups — the Master Builders Association of Victoria, the Urban Development Institute of Australia, the Housing Industry Association, the Property Council of Australia and many others. I think this is not a bill that offends people in any systemic way, but there are some aspects that are linked with this bill that I will make comment about because I think they are relevant.

The main purposes of the bill are to amend the Transfer of Land Act 1958 in relation to the conversion of general law land and the recordings in the register, to

amend the Subdivision Act 1988 in relation to unlimited and limited owners corporations and the registration of plans and to amend the Valuation of Land Act 1960 in relation to provision of releasable information from the valuation record.

As I say, the bill amends the Transfer of Land Act, and a principal aspect of this bill in relation to the earlier general law land — and this mainly applies to land prior to 1862 — is a set of changes which give greater determinative power to the land authorities and the registrar of titles. It amends provisions, as I said, of the Transfer of Land Act and the Subdivision Act. It amends section 28 of the Transfer of Land Act to reflect current practices in relation to the processing of crown grants, and some of these small tidy-ups in the bill are not in any way opposed. There are a series of changes to vesting orders. There is amendment of section 52 so the court can order against land. There is amendment to section 59 to simplify the process for persons who have land vested in them. These are all supported changes clarifying the provisions to ensure consistency with the model participation rules for electronic conveyancing. By way of side comment, the electronic conveyancing, whilst important, is still a work in progress. I think that is the kindest way I can phrase this.

The bill amends section 89 to include proceedings in the Victorian Civil and Administrative Tribunal. It removes a requirement for a caveator's consent to be lodged with the registrar of titles. It permits priority notices to be extended for a period of 30 days and inserts a standardised section permitting the recording of notices of a statutory charge and the removal of these notices. As I say, there is a long list of minor changes that are made.

Of course the general law land is, as I say, largely the period prior to 1862 that predates the Torrens system of title by the registration of estates and interests in land. In this system title to land is shown through demonstrating a chain of dealings in land from the current owner back to the original grant from the Crown. Compulsory conversion of general law land is potentially a source of disputes over land boundaries where no dispute may exist at the moment. While conversion can currently take place on a voluntary basis if required — for example, by lenders — there are around 10 000 currently undisputed titles that will be affected by this change.

The rationale for ending general law land title is purportedly to promote greater efficiency in the conveyancing process and enable the registrar of titles to more effectively maintain the register of land. I think it would be nice if all our land were on one title system, and you can see the attraction for bureaucrats and for processing. However, we do need to be careful in the process of transferring these titles that people's rights are not diminished, that people's rights are not in any way weakened in this process and that disputes are not created where they do not currently exist.

This is one of those changes where governments have seen this mirage out in the distance for a long period, but they have hastened very cautiously because people do not want to start disputes on titles. People do not want to have difficulties in resolving those disputes where none now exist. Obviously moving to an electronic basis for land processing and ultimately title changes is something that is an advantage long-term to the community, but my point here is the government needs to hasten very cautiously in this area. As I say, compulsory conversion of general law land may lead to disputes over land boundaries, and while conversion can currently take place on a voluntary basis if required — for example, by lenders — around 10 000 currently undisputed titles will be affected by this change.

It would appear, though, that this is also driven by another set of parallel changes, and why the sudden haste — 1862 was a long time ago. We have had a Torrens system for a very long time, and now suddenly the government feels in a flurry that they have got to bring forward a set of minor changes, undisputed changes and entirely sensible bureaucratic changes, which this bill is replete with, but the principal thing is this change to clean up, as it were, the pre-Torrens titles. Why the sudden urgency, the sudden need to bring this bill now? The truth of the matter of course is that there is a reason, and it is that the government wants to sell the titles office. They are trying to clean up valuations on one side; they are trying to clean up the titles on the other. They are going to clean up surveying processes. All of this is preparatory to flogging off the titles office and creaming off as much money as is possible.

We know that other states have proceeded in this way, and I have no deep philosophical objection to greater pilot —

Mr Mulino interjected.

Mr DAVIS — We do not know what you are planning to do. You have not been honest about what you are planning to do. I asked the Secretary of the Department of Treasury and Finance how much he has booked in the budget for it. We know it is booked, because he has admitted that it is booked already. It is

deep in your budget, and you do not even know the amount, Mr Mulino. I can tell you you do not know the amount that has been booked by the Treasury now. So what do I support? Let us see what the government proposes. The government has not been honest and has not been transparent about this.

We know that New South Wales has gone in one direction. We know that South Australia has gone in one direction. We know that states in Canada and elsewhere around the world have headed down this route of greater private involvement and in some cases full privatisation of land titles offices and functions. But I say here: hasten carefully. I say here: be very cautious about how this is implemented. We have a very good system in Victoria. We have a very secure title system. We have a dispute system where the state carries the burden. We have a system that does not require insurance on titles. We know that in some jurisdictions in Canada there have been massive increases in costs to the whole system of titles, the whole system of processing, where no longer is a guarantee provided by the state as to the quality of a title and where title insurance has become an additional burden for every borrower, for every lender and for every part of the system. We do not know what you are proposing to do, Mr Mulino, and nor do you, frankly. You do not actually know.

The ACTING PRESIDENT (**Mr Elasmar**) — Order! Through the Chair, Mr Davis.

Mr DAVIS — Indeed, Acting President. It is always unfortunate when spruikers on the government side go in to flog something and they do not know what they are flogging. It is a product, but no-one knows what the actual product is yet. Let us have a good look at the product and see what the government is actually proposing. We know they have said they are going to do it. We know they have gone further. The secretary of Treasury has admitted that the money is booked. We know that that is not transparently booked in the budget, so it is hidden deep in the budget papers somewhere. But we do not know actually what they are going to do. They do not even know what they are going to do yet, because the thing has not been scoped properly or fully. So let us wait. Let us see what the government brings forward, but I am putting on the record today our concern about the way this process has been undertaken, our concern about the secrecy of the process and our concern about the outcomes for the Victorian community.

Let us be quite clear here. Let us be absolutely clear here. What we have in Victoria now is a very secure land titles system, and we do not want to do anything that is going to weaken or damage the security of the Torrens system here or the reliability of it. We do not want to see a system where people are forced to take out title insurance about the quality and the reliability of title, and there is a whole list of privacy issues that have got to be put on the record here. Mr Mulino, you should be concerned about the model that is yet to be released that even you have not seen. How will this operate? Who will control the information in the titles office, the names on those titles and the histories of those titles? So there are important heritage aspects. What is going to happen with the sale of some of that information? Will the fees be capped? Will they be held at a low level? Will they be used to cream off an amount?

I think we have got to watch the government very carefully in this process, because let me give you some tips about what I think they are about to do ahead of this privatisation process of the titles office. What they are going to do is very shortly jack up some of the fees, because fees coming in are going to be the basis of what a tenderer will pay for the titles office.

Mr Dalidakis — Are you supporting the bill?

Mr DAVIS — We are actually not opposing the bill, but I am putting on record some concerns about related points here. We are putting on record some very significant concerns here.

I have already indicated our position on the bill. I have indicated that much of the bill is unexceptionable. But I have asked the question, 'Why the scatter, why the hurry, to clean up the pre-1862 titles?'. It has been a while since 1862 — somebody can do the arithmetic for me — and suddenly there is an urgency to clean up the pre-1862 titles. Well, of course we know the reason is that the government are going to flog the titles office. They are going to flog the titles office, so they want to do all of this. They want to clear the decks over there. They are going to clear the decks on valuation and clear the decks on surveying so they can get all these professions under control. It has been 155 years, and now suddenly there is a massive scatter.

Ms Shing — I raise a point of order, Acting President, and it goes to tedious repetition. I have in fact heard Mr Davis take a position which appears to be, 'Yeah but no, yeah but no, yeah but no'. On that basis perhaps he could come back to new subject matter, given that we have heard his position explored at least a dozen times now.

The ACTING PRESIDENT (**Mr Elasmar**) — There is no point of order. I know Mr Davis is the lead speaker, and I ask Mr Davis —

Honourable members interjecting.

The ACTING PRESIDENT (**Mr Elasmar**) — I am talking. I do not know if any of you heard me. I ask Mr Davis to come back to the point.

Mr DAVIS — Acting President, of course I have been provoked and have responded to the unruly interjections. What I suggest that government members may wish to do in their second-reading debate contributions is lay out the details of the interaction between this bill and the model that they propose for the land titles office sale. On the sale of the land titles office, let us hear exactly what they are selling, exactly what the parameters are and exactly what the protections are. Let us hear exactly what those protections are and what model is proposed. We have not heard it as yet, and they will not release it because they know it will be controversial. We know exactly what they are up to on this, and we have some serious questions.

Let me be clear also on the valuation side of this matter. It is clear that the government is trying to centralise the whole valuation system in the state. It is doing this for two principal reasons: one, to clear the decks before the sale of the titles office — that is the first reason; and two, to ratchet out more tax by annual valuations. The figure I heard in a public committee the other night was $40 million; there will be $40 million in extra land tax by the annual valuation. So they want to squeeze out the councils that have been doing a very good job of valuation around the state. They want to centralise valuation over here under the total control of the valuer-general, who is a very fine individual, but let me be quite clear —

Mr Dalidakis interjected.

Mr DAVIS — No, I am not; on the contrary. I am going to say: who knows who the next valuer-general will be, and the one after that and the one after that? We are actually setting up a system here through the government's proposals on the valuer-general that will go into the future. So what we need is a very secure system, and the decentralised nature of the valuation system in Victoria has been a strength. Councils do valuations; they have no interest in getting the figures jacked up. But now with centralisation the state government through the valuer-general's office, if their proposal goes forward, will have an annual interest in jacking up land values because they will get more land tax. Let us be clear. We had an independent valuation system that was relied on for land tax valuations, and now that system is intended to be dismantled by the current government. That is their model.

We know that provisions in part 9 of the State Taxation Acts Amendment Bill 2017 were removed because they would have been defeated in this place, but now we know that a version of that bill is winging its way towards the Parliament again. There will be valuers who lose their jobs in councils.

Ms Shing — On a point of order, Acting President, again I raise a point of relevance here. Mr Davis has indicated that the opposition in fact supports the bill and is now off on what appears to be a frolic of his own. I would ask that you draw him back to the subject matter.

Mr DAVIS — On the point of order, Acting President, the Valuation of Land Act 1960 will be amended by this bill, so my comments on the activities controlling the valuation system in Victoria are quite relevant. It is very clear that this bill is linked with the future of the titles office, and that is the point I am making.

The ACTING PRESIDENT (**Mr Elasmar**) — Mr Davis is the lead speaker, so he is entitled to generate more issues. I do not uphold the point of order, but I ask Mr Davis to come back to the subject matter.

Mr DAVIS — Let me also be clear on this. As I have said, the cadastral system in Victoria is a very strong system. It is world renowned. Our surveying profession, under the leadership of the surveyor-general, which is an ancient and critical office, is one of the best in the world. I also make the point that this Labor Party back in the early 2000s sought, through a systemic campaign, to undermine and weaken the office of the surveyor-general. This was a very unfortunate campaign. In the end it was headed off by a significant public campaign to stop it.

The surveyor-general, one of the first public officers that we had in Victoria, played a hugely important role in the development of the state and continues to play a hugely important role. The capacity of the surveyor-general to intervene and to settle disputes to make sure that the cadastral system is reflected properly in survey markers and survey points and to oversight the standards and capacities of the surveying profession should not be in any way underestimated. Having a strong cadastral system is part of our land system; it is part of the strength of our economy. Having a good valuation system, a good cadastral system, a good land titles system actually underpins much of the economic activity of this state. If you weaken any one of those pillars in a way that means there is insecurity or uncertainty about title, uncertainty about surveying or uncertainty about valuations, you weaken the capacity of people to borrow against land and you will add

additional cost. We have got a good system, and my point here is we need to be very, very careful in general to ensure that that system is maintained in a strong and unimpeachable way. As I say, the economy is reliant on the quality of our land system.

As I have said before, we do not oppose this bill. There are many smaller and minor and perfectly sensible technical changes that ought to be made. The scatter on the pre-1862 titles and the sudden urgency after 155 years to clean up those small title matters is something that I sound a note of caution about in this chamber. This has got to be done in a way that does not diminish the rights of people, does not tamper with the legal land rights of people and does not build additional costs or additional uncertainty into title, and indeed elicit or spark disputes. That caution I want on the record, and I want it very clear, because I can see things that can occur here if this is applied in a ham-fisted or thoughtless way.

I also put on record that we will be watching very, very closely the government's plans for private involvement in the land title system. We want the government to come forward with the model. We want the government to come forward with the amount of money it believes it can achieve. All of the information I have is that it is at least $2 billion that is likely to be involved here, so it is a very significant amount of money. But that is small compared to the revenue flows that come into government over the longer haul from the titles office on one hand and the security that is given to our economy on the other hand by our strong title and land system. Anything that hampers that security is a significant risk to the Victorian economy.

I conclude with that point; we will be watching very closely. We know the government is determined to, in a sneaky and underhand way, cream as much as it can from this sale, but we want to make sure that the strength of the Victorian economy and the strength of the Victorian title and cadastral system are not in any way weakened.

Ms DUNN (Eastern Metropolitan) — I rise to speak on the Land Legislation Amendment Bill 2017. The changes proposed in the bill are satisfactory improvements to the way land titling and related issues are managed in the state of Victoria. The Greens are happy to support changes that allow for efficiency improvements in the conveyancing process, enable better maintenance of the register of land, allow a more efficient process for registering plans of subdivision and enable the provision of valuation information to be brought into a similar process as the provision of sales information.

Yet the timing of this bill is peculiar. I have been assured in briefings by public servants that provided guidance to the Minister for Planning on this bill that the need for this bill and the amendments detailed in it predate chatter about the privatisation of the Victorian land titles office, yet there has been a gentle crescendo in the volume of this chatter. It is clear the Andrews Labor government has the intent of putting the Victorian land titles office on the auction block. This is a very concerning development. This bill before us today must not be the start of the process of fattening up the land titles office for eventual sale.

The land titles office is a government-owned statutory agency with a natural monopoly in the provision of titles for land. It holds all records of ownership within the state of Victoria. Proper and reliable land titling has been an important if unexciting activity of government since the establishment of the state. The main purpose has been to instil confidence in private purchasers and lot owners that they have a legally enforceable, verifiable tenure of a lot. Confidence in Victoria on land tenure is exceptionally strong as a result. In some overseas jurisdictions, such as the United States, property owners routinely take out insurance to guard against fraud and mistakes in property title management. No such insurance is required in Victoria, because our land titling system is rock solid.

The land titles office provides a significant public service. As a protector of private property rights to land it is the monopoly provider of this public service. The land titles office charges fees for these services. The fees cover costs and then some, providing a healthy but not obscene dividend to government. The staff at the land titles office are the stewards of that confidence in our land titling system. I am sure it is thankless work, much like running the water treatment plant or maintaining ambulance engines. It is the sort of work whereby if you do not hear about it everything is going perfectly smoothly. If you do hear about it, something terribly wrong has happened and it will have dire consequences. Fortunately for the people of the state of Victoria, there is rarely a complaint about the operations of the land titles office, and it is very, very seldom in the news, until of course this nonsensical talk of privatisation.

Privatisation of land titles offices is a very recent fad that has been conducted in New South Wales, South Australia and a few jurisdictions overseas. It is an importation of discredited Thatcherite thinking that all government is bad and everything functions better in the hands of the private sector. Nothing is protected from the purview of those that are rabidly obsessed with privatisation. Privatisation has brought us high

electricity prices, due to gold plating of electricity grids built by the state using taxpayer funds. Private owners have irresponsibly increased asset value of distribution grids to get higher regulated returns.

Melbourne's deteriorating public transport system is proudly brought to you by privatisation. The Premier and the Minister for Public Transport could end the debacle that has been privatisation by bringing public transport into public hands, yet they are instead conducting highly secret negotiations with sole suppliers for the running of our trams and trains — no competition, no transparency. Train and tram passengers will continue to be the losers in this privatisation debacle.

The Premier, Treasurer and Minister for Ports rammed through the privatisation of the port of Melbourne. The people of Victoria will forgo the healthy dividends that the ports corporation paid every year into the public purse. For a generation we have lost the opportunity for urban renewal of these inner-city docks.

There is also a bizarre penchant in the Andrews government and the Liberal opposition for toll roads. Unthinkingly the Andrews government refuses to learn from extensive experience in Australia and overseas that building toll roads does not reduce congestion. It is foisting upon the people of Victoria two massive new toll roads: the West Gate tunnel and the north-east link. Both, if built, would irreversibly entrench traffic congestion in Melbourne. These roads do nothing to benefit the public; instead the public has to fork out hand over fist to pay not just tolls but also the taxes to subsidise the construction of the roads in the first place.

Minister Donnellan and the Treasurer may as well be executives of Transurban. They unthinkingly do Transurban's bidding, public interest be damned. Transurban says, 'We want to extend our CityLink toll concession by 20 years by building this dodgy tunnel'. Minister Donnellan and the Treasurer say, 'Yes, sir; whatever you want, sir; right away, sir'. They are trying to ram through the West Gate tunnel with no electoral mandate, minimal community consultation and a complete lack of transparency when it comes to traffic modelling.

Transurban is the only toll company in the world that has state law enforcement and the judiciary to collect unpaid tolls for it. This is a public subsidy of a private debt collection. It overloads our court system and it puts a black mark against the names of thousands of low-income people who cannot afford Transurban's steep tolls but have no other options in life but to drive where they need to go. Frankly it is a disgrace. Roads, like rail, are a natural monopoly; they should not be in private hands. They are a public service that should be controlled and maintained by the state. They should not be the domain of private profiteering toll companies like Transurban. When the Premier and the Treasurer search through the assets of the state looking for whatever loot they can flog off now, few options remain. That is why they now have their mitts on the land titles office in the great fire sale of public assets.

I will turn now to privacy. Anyone in the state of Victoria that owns a house, a farm or a business should be gravely concerned that the Premier and the Treasurer are thinking of selling their data, because that is what the sale of the land titles office is about — it is about cashing in on everyday Victorians' personal information. To date the state government has kept a close hold on what can be done with land titling data, reflecting the limited central purpose of the land titling process. While any entity can request a copy of a land title certificate, that comes at a per title cost. Batch requests are therefore expensive, which has the benefit of preventing dubious uses of the information. Customised search — for example, the purchase dates of all land parcels in Ararat for residential land parcels greater than a hectare — is not possible. A private operator would be given free rein to provide new products such as search and agglomeration functions and customised comprehensive databases to anyone willing to pay for them. It is a privacy nightmare, and it is a nightmare that property owners interstate are now waking up to.

The Liberal government in New South Wales privatised its land titling office in April this year. They received $2.6 billion for a 35-year lease, which was way too low considering the land titles office makes profits averaging $70 million per year. In the unlikely event those profits were to flatline, that would be $2.45 billion in revenue over 35 years. It was a bargain, and the purchasers must have been licking their lips at the profits they will make and then offshore, with minimal tax paid by investment vehicles registered in tax havens such as the Cayman Islands, as was revealed by the *Sydney Morning Herald* back in April. There was only one party in Parliament that stood resolutely against privatisation from day one — the New South Wales Greens. I quote my colleague New South Wales Greens spokesperson David Shoebridge, who said:

> Privatising the registration and recording of land titles in NSW is an unprecedented and reckless experiment in privatising a core part of government.
>
> The land titling system underpins our entire economy, it is a core responsibility of the state and must be undertaken by public servants.

> To have this extremely sensitive data which includes land title but crucially the mortgage obligations of millions of landowners controlled, regulated and accessed by a private entity is completely unacceptable.

He continued:

> Let's be clear, if the land title system is compromised as a result of this privatisation experiment, the NSW economy will fall over.

Who else stood with the New South Wales Greens against the privatisation? The real estate industry supported the Greens, saying the land titles office was a highly professional outfit that did an excellent job and that they held grave concerns that this level of service would deteriorate under privatisation. The former president of the Law Society of New South Wales, Margaret Hole, said privatisation would harm the registry's impartiality, whether real or perceived. Historians opposed the privatisation, with Carol Liston, president of the Royal Australian Historical Society, stating:

> Our fear is if these records are removed from the custody of the bureaucrats who understand them and have been their guardians for centuries, the records would no longer be kept as a complete chain of verifiable information.

The New South Wales police opposed the privatisation. They have had to pay an extra $100 000 per year to access land title records due to inflated fees used to fatten up the land registry prior to sale. That is correct: privatising the New South Wales land registry has made it harder to catch crooks. The Media, Entertainment and Arts Alliance, which represents journalists, said the privatisation would impact on press freedom by making it more expensive to access data relevant to investigative journalism. Everyone who knew anything about land titling in New South Wales said, 'Do not privatise the land titles office', yet the New South Wales government went ahead and did it.

The Labor Party found itself, unsurprisingly, in a conflicted position. While Labor finally came to its senses and opposed privatisation in New South Wales, the Labor government of South Australia went ahead and privatised its land titles office in August, and now we have a Labor Treasurer pushing this dangerous idea in Victoria. You cannot trust Labor or Liberal governments to keep the land titles office in public hands.

In this age of big data, narrowcasting and highly targeted marketing, the potential application of property title data is changing rapidly. The data associated with who owns which piece of land, how much they paid for it and how long they have held it is of high value to industries associated with property ownership, brokering and development. As is the case in the rapidly evolving sector of big data and machine learning, the future value of Victoria's property title data is unknown as novel ways of using the data we cannot presently conceive will be created in the future. The utility of titling data when cross-referenced with other datasets may further increase its value. The Andrews government is therefore correct to believe that it is sitting on a goldmine. The problem is that they have no idea how to quantify the value of the goldmine. Indeed no-one knows how valuable it could be.

The bill before us helps to modernise the land titles office. We can go further and equip the land titles office with more modern digital systems to steward the land titling system for generations into the future. We can even develop data analysis capacities to assist the greater good, such as addressing housing affordability and informing urban planning.

The Greens will support the bill before us; however, we will not support the privatisation of the land titles office, because we will always steadfastly protect the privacy of citizens against the prying eyes of commercial interests, and we hold that natural monopolies should be the singular domain of the state.

Mr MULINO (Eastern Victoria) — I rise to speak today on a bill that I think has very strong support throughout this chamber but which has been the unfortunate source of what can only be described as a significant amount of tangential discussion. Can I start with Mr Davis's entertaining and hyperbolic contribution. I must say that 'hasten cautiously' would be a generous way of interpreting what occurred in the four years of the previous government. I might say that what was plastered over the door of their cabinet was something more along the lines of 'hasten without any movement whatsoever', given what we saw coming out of that period of government.

Mr Ramsay interjected.

Mr MULINO — I can see Mr Ramsay already stirring out of his slumber to yell something across the chamber, but I will not take up that interjection. I always consider a comment to be a success when Mr Ramsay stirs and yells something, so I consider this speech, if nothing else occurs, to have been a great success, and I will leave here this afternoon feeling that I have contributed something to today's proceedings.

I must say that Mr Davis speaking on secrecy, after his term as health minister in the previous government, is one of the great events that I like to see in this chamber — to see Mr Davis speak on documents

motions or to speak in this chamber about this government's lack of transparency. It really does say to me that it is possible to have more front than Myer every day of the week in this place. For him to come in here with a straight face and say that we should be more transparent and that we should disclose more documents is quite remarkable.

In relation to the previous contribution, it was a manifesto. I will not describe it as the Communist manifesto, but it was a manifesto. I think Ms Dunn raised a number of serious policy issues. What I would say in relation to Ms Dunn is that I would certainly agree with her that privatisation is not always a sensible policy, and to Ms Dunn that it is very much horses for courses. I do support privatisation in some circumstances. We support asset recycling and have successfully undertaken asset recycling already in this term.

Honourable members interjecting.

Mr MULINO — Those opposite are yelling because people like Mr Davis like to support asset recycling in principle but in every single instance when it comes up they like to obstruct it in practice because they are a completely irresponsible and obstructionist opposition. Mr Davis likes to paint himself as being economically responsible. He likes to paint himself as being supportive in principle. We all know the tawdry truth there.

In relation to Ms Dunn's contribution, I agree that privatisation is sometimes inappropriate. But what I would say is this: we should not conflate the issues of regulation and privatisation, because it is often appropriate to have strong economic regulation of market power even where industries are operated by the private sector. There are many instances of natural monopolies that arise in the private sector and there are many instances of oligopolies that arise in the private sector. I think we are often subjected to the conflation of issues when we talk about market power and we talk about privatisation. The fact is that some but not all government entities operate with a high degree of market power, and where that exists, whether it is private or public, regulation is appropriate.

Similarly not all instances of market power arise in the case of publicly operated entities. There are some instances of market power which arise in the case of privately operated entities, where some or all of a market is privately operated. One of my first jobs was working for an economic regulator, and some but not all of the entities that were regulated were privately operated; some were publicly operated. I will say that when it comes to gold plating much of the gold plating that occurred in the electricity industry in Australia decades ago occurred in the case of publicly owned entities. So again I think we often are subjected to the conflation of issues in this debate, and I think we need to separate the issues of ownership and regulation.

As much as it might seem strange in this debate, I might at some point actually get to the bill under consideration, but I did feel that it was appropriate to open my remarks with a slight reflection on those contributions that preceded me.

This bill amends three acts: the Transfer of Land Act 1958, the Subdivision Act 1988 and the Valuation of Land Act 1960. I will start by saying — and I think this is something that both of the preceding speakers would agree with — that this bill relates to an asset of great importance to our community. Housing is of great importance to households. For many households it is the greatest asset they will own. Indeed it is an asset that provides incredibly important services to households and to the community. Housing provides, obviously, a roof over our heads, but it also provides great community amenity.

The transactions associated with land and housing are also of great importance of course. Housing is an asset class that reached something in the order of $6 trillion in value in 2015, according to CoreLogic. It was $4 trillion in 2009. That of course is significant in that it is far greater in value than superannuation. So the value of the housing stock is of critical importance to the economy, but it is also of critical importance to households as a store of value.

The other thing I think is worth mentioning in relation to housing is the intergenerational aspect of housing as a store of value. It is a very important component of one generation passing on value to another. Then of course there is the importance of housing in the macro-economic business cycle. We saw this in the global financial crisis. We have seen the importance of housing and the way in which housing transactions are conducted in relation to housing affordability. If we do not have efficient and reliable housing transactions, that can potentially have a significant impact on housing affordability.

Business interrupted pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

Electorate office budgets

Mr FINN (Western Metropolitan) — My question is to the Leader of the Government. Minister, is Mr Eideh, a member for Western Metropolitan Region, being investigated for employing a staff member, paid from his electorate office budget, who was one of the election red-shirted Community Action Network members and never actually worked in his electorate office?

Mr JENNINGS (Special Minister of State) — There is no investigation specifically scoped in the terms that Mr Finn has described, to my knowledge.

Supplementary question

Mr FINN (Western Metropolitan) — I thank you, Minister, for that answer. Minister, given that Mr Eideh was required to sign the Parliament's employment and time sheet forms for his staff member who was paid as an electorate officer, and given that Mr Eideh was required to sign off on all printing invoices from his electorate office, does the government accept that in both these cases the buck stops and responsibility lies with Mr Eideh, who authorised the forms?

The PRESIDENT — The problem that I have with the supplementary question is that we have not established that in fact a staff member was participating in that election campaign under that guise. The first part of the question did refer basically to whether or not there was an investigation of a staff member. Could you reword it, please?

Mr FINN — Minister, given that Mr Eideh was required to sign the Parliament's employment and time sheet forms for any staff member who was paid as an electorate officer, and given that Mr Eideh was required to sign off on all printing invoices for his electorate office, does the government accept that in any of these cases the buck stops and responsibility lies with Mr Eideh, who authorised the forms?

Mr JENNINGS (Special Minister of State) — I think Mr Finn's conjunction of a number of issues there probably means that he and other members of this chamber would be well advised to make themselves aware of procedures in relation to acquitting our electoral expenditure, because in fact some of the matters in Mr Finn's question that apply to any member of the Parliament relate to either invoices or time sheets or to the circumstances of the employment of their staff. All of us have obligations, and they may vary across the issues which he has described in his question. So I would encourage Mr Finn to apprise himself of those arrangements for himself, and therefore he might be able to cast a better question in future that relates to Mr Eideh or could actually relate to any member of the Parliament.

The PRESIDENT — Mr Finn, I did not want to cause a song and dance, because I think that is actually what you wanted, but could I suggest that T-shirts are not appropriate, even as undergarments, in the Parliament, so at the earliest opportunity I would ask that you return to a collar and tie.

Honourable members interjecting.

The PRESIDENT — I know, but it is covered by a T-shirt, and that is —

Mr Finn — No, it's not; it's a footy jumper.

The PRESIDENT — Well, it is unacceptable, as you well know.

Electorate office budgets

Ms FITZHERBERT (Southern Metropolitan) — My question is also to the Leader of the Government. In regard to the spending of a member's electorate office budget for party-political purposes, Minister, with Khalil Eideh's office ordering 7000 flyers for a festival, apparently outside his electorate, at the spectacularly pricey cost of $4015, around seven times the regular printing rate, has Mr Eideh spoken with you or the Premier regarding his authorisation of the spending of electorate office funds outside of his electorate?

The PRESIDENT — I am not sure that Mr Jennings can actually vouch for any conversation with the Premier or knowledge of the Premier, but at any rate Mr Jennings has been asked the question.

Mr JENNINGS (Special Minister of State) — I thank Ms Fitzherbert for her question, but I do not thank Mr Finn for his distraction during the course of that question being asked, being next to Ms Fitzherbert as she asked the question. Nonetheless, I think I can actually retain the gist of the question.

In relation to the conversations that I have actually had with Mr Eideh in the last two days, they have been mutually cordial in the notion that Mr Eideh has actually invited the Parliament to undertake a full audit of the invoices that relate to the expenditure of his electorate allowance and his communication budget. Quite willingly, he has invited the Parliament to undertake that full account of those matters.

I actually think that is an appropriate action given the level of allegation and the reputational damage that he and others who work with him could actually be subjected to unless these matters are assessed and evaluated on the basis of the evidence rather than the allegations that are bandied about in the Parliament, in this chamber or the other chamber, or bandied about in the media, which may or may not relate to fact. I am not going ahead in my analysis beyond what is actually determined through that audit under consideration.

Ms Wooldridge interjected.

Mr JENNINGS — I can answer without your intervention, thanks. I am quite capable of acquitting my responsibility to the Parliament without you carrying on like a two-bob watch to try to distract me. Mr Finn has done enough distraction; I do not need you to continue in his shadow of distraction.

I think it is very important for the Parliament to understand that there has been a request from the member in question to undertake an audit to make sure of these events and to actually do it within the auspices of the Parliament. I think that is an appropriate thing to occur. I am fully supportive of that occurring. That is the nature of the conversation that I have had with the member. I think that is an appropriate conversation. I thank him for actually taking that initiative. I thank the President for creating the auspices of the Parliament to undertake that investigation. Until some results come through, I am not going to speculate in the way that the member or her colleagues or other people may speculate in relation to the evidence that they assert to be true.

Supplementary question

Ms FITZHERBERT (Southern Metropolitan) — Further to the spending of a member's electorate office budget for party-political purposes, it is well-known that Khalil Eideh's electorate officer Mr Mammarella is seeking to have his son replace the rorting member for Melton, Don Nardella, as Labor's candidate for Melton. Can you guarantee that no electorate office funds channelled through F & M Printing have been used to fund the Labor Party branch memberships to influence the upcoming Melton preselection?

Honourable members interjecting.

The PRESIDENT — Order! Members would be aware that I do have concerns about any questions that relate to internal party affairs. However, this question was couched in terms of whether or not any parliamentary resources have been directed to 'party matters'. In that context I will allow the supplementary question.

Mr JENNINGS (Special Minister of State) — Thank you, President, because in fact the fundamental interest of the Parliament in this matter is the appropriate use of electorate budget matters. That is the issue that is being tested by the audit that I referred to in my substantive answer to Ms Fitzherbert. That is what I think all of us should rely on. Any other speculation, any other assertion, should actually be backed up by any evidence rather than by the speculation that may suit the opposition and may suit others. In fact let us stick to the facts and let us actually see what the facts tell us about the acquittance of that electorate budget. As Mr Eideh has already indicated, he is open to that scrutiny.

Electorate office budgets

Ms LOVELL (Northern Victoria) — My question is for the Leader of the Government. Given revelations today from Labor printing firms that the practice of paying for Labor Party memberships from taxpayer funds via electorate office budgets has been around since at least 2003, are you aware of this practice being used by Labor MPs in the past?

Mr JENNINGS (Special Minister of State) — In fact, President, I could just ask Ms Lovell to outline what the revelations are.

Honourable members interjecting.

The PRESIDENT — Order! I must say my concern with the question was that the Labor Party was formed a very long time ago, and that question was very —

Honourable members interjecting.

The PRESIDENT — Order! It would certainly have tested the minister's knowledge of history if it were taken to the nth degree.

Supplementary question

Ms LOVELL (Northern Victoria) — He has not given an answer. The minister has been a member for a very long time, and he is obviously avoiding answering the question.

My supplementary is: Minister, given the Premier said anyone with evidence of this practice should refer the matters to Victoria Police, and given at least one printing firm is being investigated by the Parliament and another has come forward with allegations, at what point will the Andrews government concede that

electorate office printing budgets of Labor MPs should be investigated by Victoria Police?

The PRESIDENT — Can I first of all just state that the Parliament has no power to investigate an external body, including a printer. Our investigation or inquiry is related to the electorate office —

Ms Lovell — The invoices.

The PRESIDENT — Yes, the invoices are certainly part of that inquiry. Indeed, as I have indicated previously, the Audit Committee will not be conducting any inquiry in its own right, because it is not an investigative body and it does not have the powers to do that, as I have previously indicated in a statement to the Parliament. But the audit is proceeding, indeed as the minister has indicated.

I will let the supplementary question stand, but I do wonder also, given the level of interjection, whether the minister actually caught the question.

Mr Jennings — Let her ask it again.

The PRESIDENT — Yes. Could you read it again, please?

Ms LOVELL — Minister, given the Premier has said anyone with evidence of this practice should refer the matters to Victoria Police, and given that the invoices of at least one printing firm are being investigated by the Parliament and another has come forward with allegations, at what point will the Andrews government concede that electorate office printing budgets of Labor MPs should be investigated by Victoria Police?

Mr JENNINGS (Special Minister of State) — The beauty of Ms Lovell's question and the way that it has been so carefully drafted for her is that the Premier has indicated that anybody who has evidence on this matter should furnish it to the police and do so as soon as possible. That is the position of the government.

500 Startups Melbourne

Mr ONDARCHIE (Northern Metropolitan) — My question is to the Minister for Small Business, Innovation and Trade. Minister, on 10 August Rachael Neumann announced her resignation as the head of 500 Startups. Why did the fate of LaunchVic's $2.9 million grant to 500 Startups rest on one person — being your former LaunchVic board member Rachael Neumann?

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I thank the member for his question and his ongoing interest in innovation — a portfolio that he does not hold but for which he obviously represents the shadow minister in the other place. This continued interest in Ms Neumann is one that I believe I have answered before, but there was a contract in place. There was a variation of contract. Part of the variation of that contract included a recognition that Ms Neumann had a set of skills, including, might I say, publicly being a member of the LGBT community. As a result of the many issues that 500 Startups faced, we felt that having —

Honourable members interjecting.

Mr DALIDAKIS — Would you like me to finish before you start interjecting? So because of Ms Neumann's skill set and because of the significant issues that had come about by the actions of Mr McClure at 500 Startups, and because of her experience and her understanding of issues of diversity and inclusiveness, coming from the LGBT community, we felt that the variation of the contract — a decision, I might add, taken by LaunchVic itself — was one that needed her to be at the helm to be able to gain the confidence and the trust of the local ecosystem. And if she was not able to fulfil that role, then there were direct question marks about whether or not 500 Melbourne would be able to retain the trust and also the support of the ecosystem. So this was not about Ms Neumann herself personally; this was about her professionally and what she brought to the role given the set of circumstances — the sad and unique set of circumstances — that had obviously seen 500 Startups put into a fair degree of turmoil globally as a result of the outrageous conduct of Mr McClure.

Supplementary question

Mr ONDARCHIE (Northern Metropolitan) — Minister, since the resignation of Ms Neumann, what reviews and process changes have your office, your department and LaunchVic made to ensure there are substantial due diligence checks in place for all LaunchVic grants that will ensure a $2.9 million grant will not be determined by one person's resignation ever again?

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I thank the member for the question. I do not acknowledge or accept the premise of that question. The grant was not in itself predicated upon one person being given the role.

Mr Ondarchie — That was the variation; you just told us that.

Mr DALIDAKIS — Please do not interrupt when I am trying to give you the answer. As I was trying to indicate, the grant was not predicated on Ms Neumann being given the role. The variation of the contract had a number of requirements, one of which was at that point in time that Ms Neumann, with her skill set, be retained to be able to develop the program should LaunchVic at that stage resume with the program. I think that is very clear, and it is an answer that has not changed over time despite what you would like to try and imply.

500 Startups Melbourne

Mr ONDARCHIE (Northern Metropolitan) — My question is to the Minister for Small Business, Innovation and Trade. Minister, on Tuesday of last sitting week and today you detailed a little known fact that the rectification that LaunchVic required for 500 Startups to continue with this $2.9 million grant, and I quote:

> … included Ms Neumann being the head of the organisation, amongst a range of other attributes —

which today you said included being a member of the LGBT community. What other attributes were in the revised contract?

Mr Dalidakis — No, sorry.

Mr ONDARCHIE — That is what you said.

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I will take the question, and it is an offensive question. The question is offensive because it did not require Ms Neumann to identify as LGBTI. What it required was that Ms Neumann had a distinct set of skills, including diversity and inclusiveness as a result of her experience as a member of the LGBTI community. So LaunchVic, when they did a variation of contract, decided to undertake a number of requirements, of which Ms Neumann continuing on in that role was one. When Ms Neumann decided to withdraw her services from 500 Melbourne, that meant that LaunchVic held a board meeting and decided to then terminate the contract. It is very simple, and I am happy to provide you with some further advice if you ask my office. Or if the shadow minister for innovation dares to come out from the shadows himself, then I would be happy to provide a briefing, and I will have LaunchVic provide a briefing. I can do no more than that.

Supplementary question

Mr ONDARCHIE (Northern Metropolitan) — I think this might be the first time in the history of this chamber that a minister has answered a question with, 'Ask me at another time or get somebody else to ask me'. Minister, it is very unusual that specific attributes were added to a government contract, especially who is to dictate who is the chief executive of the organisation. So I ask: how many of the other LaunchVic grants recommended to and approved by you over the three funding rounds had specific clauses in the contracts that in order to receive funding there was a demand that a former LaunchVic board member be in charge of the organisation?

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I thank you for the question. Again, we have had the very best of Parliament this week. We had the very best of Parliament on Tuesday, and we had the very best of Parliament yesterday morning. Now we have the very worst of Parliament. Right now we have the very worst of Parliament. You should crawl back under the rock that you came from. Scuttle back under the rock, because your behaviour is absolutely atrocious.

The PRESIDENT — Order! To start with, you know I do not like gesturing; you know I do not like pointing. The questions and the answers are to go through me to reduce that and to take some temperature out of some matters that might be controversial or otherwise provoke responses that would not be in keeping with Parliament's proper conduct. Please do not point at other members of the Parliament, and please do not point at me. I ask members on the other side who tried to give back the pointing to draw attention to it to please also desist.

Mr DALIDAKIS — Through you, President. We have had the very best and now the very worst of Parliament in the one week. The member should scurry back under a rock because his behaviour is atrocious. We have a woman who identifies as a lesbian, and this man is attempting to attack her for self-identifying as a member of the LGBT community. That the member is scared of inclusiveness and diversity and requiring that in the shadow of the tragic circumstances at 500 Startups globally is outrageous.

Mr Ondarchie interjected.

The PRESIDENT — Order! Mr Ondarchie, it is just as well you have concluded — 15 minutes, thank you. That is not on.

Mr Ondarchie withdrew from chamber.

Hazelwood Pondage

Ms BATH (Eastern Victoria) — My question is the Minister for Agriculture. Minister, the closure of the Hazelwood power station has seen a drop in the water temperature in the cooling ponds and resulted in dead and dying barramundi, which the Andrews Labor government and you as minister introduced to the ponds. How many dead and dying barramundi have been removed from the chilled waters of the Hazelwood Pondage as a result of the Hazelwood power station closure, and what has been the cost of doing so?

Ms PULFORD (Minister for Agriculture) — I thank Ms Bath for her question and her interest in Victoria's only barramundi fishery. This has been and continues to be a really exciting opportunity for recreational fishers. It has been a modest investment by the state relative to the economic benefits over the period the fishery has been open of just under $1 million in terms of all of the activity in the local community and visitors from as far away as the Northern Territory and Queensland who have come to check out the amazing Victorian barramundi fishery.

Ms Shing — No lobsters there?

Ms PULFORD — No, there are no lobsters. This fishery was conceived —

Honourable members interjecting.

Ms PULFORD — When you are all ready.

Mr Jennings interjected.

Ms PULFORD — Yes, the lobsters would —

Honourable members interjecting.

The PRESIDENT — Does anyone else have a clever comment they would like to share just before I call the member? Apparently not.

Ms Shing — On a point of order, President, it may appear that I am floundering in my attempt to hear the minister make her contribution, but I am in fact struggling to hear the minister give her answer. To this end it would seem to undermine the credibility of asking with any bona fides in the first place if those opposite do not want to hear the answer. I just want a bit of quiet.

The PRESIDENT — I understand that, and it sort of gets close to a point of order. Can I indicate that I am fed up to the gills with the noise as well.

Ms PULFORD — Really, all of you, the President included, enough with the fish jokes. The barramundi fishery, as I was saying, was conceived, and great credit to Dave Kramer in particular from Future Fish Foundation, who had sought support from a government for this idea for a very, very long time. We had a really, really successful summer with the barramundi fishery.

Honourable members interjecting.

Ms PULFORD — It is your question. Sorry, it is Ms Bath's question. As members are certainly well aware, the water at the Hazelwood Pondage is warmed by a couple of different sources. One was that it was the water that was used for the cooling towers, so when Engie announced that they were closing Hazelwood we knew that this would present some challenges for the fishery.

Mr Finn interjected.

Ms PULFORD — You do know that is not true. You do not actually believe that, do you, Mr Finn? You do know that that decision was made in a boardroom in Paris, Mr Finn.

Mr Finn interjected.

The PRESIDENT — Mr Finn, thank you. Please allow the minister to complete her answer.

Ms PULFORD — It is wonderful to see such enthusiasm for the barramundi fishery. When the Hazelwood mine closed, that constant cycling through of water which warms the pondage ceased. There is still some degree of natural heating that occurs, but as I have said I think in answers to questions from Mr Bourman, we have been very closely monitoring the health of the barramundi population and the tilapia and other species that are there in this unusually warm spot here in southern Australia, where it does get a bit cold at this time of the year. There are a number of fish that have not fared well as a result of —

Honourable members interjecting.

Ms PULFORD — I would have thought that was a pretty self-evident fact. Some of the barramundi population and some of the tilapia population have been removed from the fishery.

In relation to Ms Bath's question, there are still thousands in there and we are looking forward to that fishery being open again in the warmer months. I know that there are people here who hate the idea that there would be a successful tourist attraction like this in the

Latrobe Valley, but we are certainly very hopeful of a good barramundi fishery being reopened again in Morwell in the warmer months.

The PRESIDENT — I must say I do look forward on my demise to somebody saying 'He has not fared well'. I shall not be here to hear it!

Supplementary question

Ms BATH (Eastern Victoria) — There is a *Monty Python* quote in there somewhere! I thank the minister for her response. Minister, these fish died after the Andrews government failed to stop the closure of the Hazelwood power station. Given these barramundi were stocked into the pondage at your direction and they died on your watch, I ask: will you fully cooperate with an RSPCA investigation into the cruelty and suffering these fish have experienced as a result of the Andrews government's policy failure?

Ms PULFORD (Minister for Agriculture) — It is wonderful to be hearing from The Nationals about the confidence that they have in the RSPCA as a really, really important and respected organisation promoting better animal welfare outcomes across the state. To the best of my knowledge, and Ms Bath might be better informed about this than I am, the RSPCA have not initiated an investigation into the barramundi fishery at Hazelwood. But I can certainly assure Ms Bath that the fishery has a future and that the RSPCA is a much loved and respected Victorian organisation. Perhaps Ms Bath can forward me some further information about that investigation. If I have not yet caught up with the announcement of such an investigation, I look forward to hearing about it. I am sure our people at Fisheries Victoria, who very carefully manage the situation in the barramundi fishery, would be more than happy to cooperate.

Victoria Police sex industry coordination unit

Dr CARLING-JENKINS (Western Metropolitan) — My question is for Ms Tierney as the minister representing the Minister for Police. It is my understanding that the future of Victoria Police's sex industry coordination unit, or SICU, is currently under review. Senior Sergeant Marilyn Ross has recently moved on from leading this unit, and her role has not been permanently replaced. SICU have been around since 2012, and their work is invaluable. We hear very little about their work except for high-profile cases such as discovering the woman in the wall in the Melbourne brothel in 2014. For some trafficked women in the sex industry, contact with SICU is the only contact they have with the outside world. This small unit holds the huge responsibility of policing the 100 legal brothels in Victoria, not to mention the hundreds of illegal brothels. It is vital that they continue to exist and to receive sufficient resources to effectively carry out their duties. My question is: will the minister move immediately to permanently replace the senior sergeant's position in SICU?

Ms TIERNEY (Minister for Training and Skills) — I thank the member for her question, and thank her for her concern and advocacy in this area. I think many people in this chamber would concur with the member about the absolute abhorrence of trafficking and exploitation of women and young children here and around the world. I will seek clarification from the Minister for Police in respect of what is happening in relation to the unit.

Supplementary question

Dr CARLING-JENKINS (Western Metropolitan) — I thank the minister for her response and for her obvious empathy and understanding of this area. As a supplementary question, I wonder if the minister could indicate what considerations are being made to address the overall under-resourcing of this unit.

Ms TIERNEY (Minister for Training and Skills) — Thank you, Dr Carling-Jenkins. Again, I will seek information from the police minister with respect to that question.

Prison capacity

Ms PENNICUIK (Southern Metropolitan) — My question today is for the Minister for Corrections. In the July parliamentary break my colleague Ms Springle and I visited Tarrengower and Loddon prisons, and I would like to thank the corrections commissioner and the staff of those prisons for facilitating those visits and indeed some of the prisoners we were able to speak to. While we were very impressed by some of the good work going on in those prisons, we were concerned about the double bunks that are still being used at Loddon prison. My question is: how many double bunks are in place across the male prison system, particularly at Loddon Prison and at the Melbourne Remand Centre?

Ms TIERNEY (Minister for Corrections) — I thank the member for her question. The issue of the capacity in the prison system is not new to this chamber; it has been raised on numerous occasions. Indeed the reduction in double bunking has occurred under this government. There has been a significant reduction

compared to when those opposite were in power before 2014.

The fact of the matter is, in terms of with dealing with the growth and the capacity issues, we do have a system within Corrections Victoria where every prisoner is assessed and then allocated to the most appropriate prison. Indeed we do have the opportunity to decant various prisoners from their respective prisons to the new facility, Ravenhall, in the foreseeable future. That will be done before the end of the year. Obviously there will be new plans afoot to relocate and house prisoners as a result of that new facility coming on board. In terms of the specifics that you ask about, I do not have those details on me.

Supplementary question

Ms PENNICUIK (Southern Metropolitan) — Thank you for your answer, Minister, and hopefully you can follow up perhaps with those details. In 2012 the Auditor-General raised this issue, and as you say, this issue is not a new issue. The Auditor-General found that up to 34 per cent of the total prison population at that stage were housed in accommodation that did not comply with Corrections Victoria standards, which recommend single-cell accommodation. The particular cells that Ms Springle and I saw at Loddon Prison were not only very small, and too small for two people to be in, but also certainly in need of a lot of repairs. Cells like that have a lack of privacy and personal space. I wonder how far along the road of reducing double bunking the government has gone and whether there is a time line for eliminating it.

Ms TIERNEY (Minister for Corrections) — I thank the member for her question. Obviously it is a preference not to have double bunking. We do have an unfortunate situation at the moment where we have massive growth in the prison population and it has required this to occur. Again, as I said in my answer to the substantive question, there has been a reduction in double bunking because, as we know, it was a major contributor to the riot at the Metropolitan Remand Centre. We are well aware of the accommodation pressures within the system, and there is a lot of work that is being done within the department and in coordination with a number of agencies to do forecast planning in terms of what we can do about the housing of prisoners in this state.

Forest Industry Taskforce

Ms DUNN (Eastern Metropolitan) — My question is for the Special Minister of State representing the Premier. Minister, tomorrow marks exactly 12 months since the Premier's Forest Industry Taskforce released its statement of intent and provided it to the Premier. The statement of intent identified agreed opportunities for change relating to parks and reserves, wood and fibre supply security, and jobs and regional employment. This was the last public release by the Forest Industry Taskforce. Could you please advise the status of the Forest Industry Taskforce and its current operations?

Mr JENNINGS (Special Minister of State) — I thank Ms Dunn for her question, and I thank her for the variety of interests she has shown in ministerial responsibilities and those for whom she asks questions in relation to forestry matters. I appreciate the fact that I have been given a rare moment in the sun as a result of her questioning. What you would note from the statement of intent by the Forest Industry Taskforce was, yes, pretty much a 360-degree aspiration for what could be achieved and should be achieved in relation to forest management, sustainable timber production into the future and greater conservation outcomes in the reserve system. It was very much a statement of intent to work through those issues that the task force had agreed on — lofty and laudable aspirations that were very difficult to reconcile as the task force acquitted its meeting structure, its consultation and its engagement with industry stakeholders and with the conservation movement more broadly.

At the same time that it issued that statement of intent it made it very clear to the government that it believed it was unable to reach a timely resolution of those matters. Indeed over the next two months, in terms of trying to provide concrete advice to the government about the way that it could proceed on those matters in terms of matters of process, policy or reconciliation, it concentrated pretty much from that time to the end of the last calendar year on discussing timber release plans and individual coupes that were on the summer harvesting schedule. This meant it became more and more deeply entrenched in the consideration of the micromanagement of forestry activity rather than necessarily the broader policy objectives. That is what happened.

In light of that the Premier asked me to work with the Forest Industry Taskforce on the most likely and successful pathway forward to achieve the policy outcomes that they issued in their statement of intent. I met with the Forest Industry Taskforce up until early this year — probably January and February, and perhaps not further than February — to discuss the way in which those matters could be brought together.

In the last conversations we had with them the Forest Industry Taskforce said, 'Yes, we haven't given up on those aspirations. We'd still like to achieve those'. In light of what was a very provocative act by the Heyfield mill in relation to announcing its premature closure even though there had been an ongoing timber supply promise made to it — that it intended to close its doors from September — the government spent a lengthy period of time discussing with the owners of that mill the circumstances in which it could stay open. That has actually been able to be secured, even with a reduced timber allocation going forward. The government has worked in the name of protecting jobs and providing for our broader timber supply obligations to be able to acquit those.

The government is still actively considering the policy matters more broadly that are embedded in Ms Dunn's question. The government will be making decisions in due course about the way in which we would think the statement of intent could be realised in its most fulsome fashion, given that we all understand how complex and sometimes competing those issues may be.

Supplementary question

Ms DUNN (Eastern Metropolitan) — Minister, considering the Andrews Labor government was elected on a campaign platform that promised to achieve consensus on forestry and forest conservation, will you admit that the Premier's Forest Industry Taskforce has failed and the Andrews government has given up when it comes to forestry and forest conservation?

Mr JENNINGS (Special Minister of State) — No, I do not say that the government has given up on that matter at all. Consensus relies on people agreeing. The government is not in a position to be able to force anyone to agree. They can work very assiduously to try to drive agreement, to support agreement and to facilitate outcomes that people can mobilise around. The government in trying to reach consensus with you —

Mr Barber interjected.

Mr JENNINGS — For whatever reason your leader is currently trying to distract me from what I am saying; I have got no idea why. I cannot hear his intervention; I have not heard one syllable he has uttered. What I am saying is the government is happy to seek consensus with you and consensus with the National Party on this matter. We are happy to seek consensus with the Liberal Party and we are happy for community consensus, but we cannot predetermine it. You cannot guarantee it. You can work determinedly to try to achieve it, and that is what the government will do, but you can never guarantee consensus.

QUESTIONS ON NOTICE

Answers

Mr JENNINGS (Special Minister of State) — There are 30 written responses to questions on notice: 11 252, 11 264, 11 429–38, 11 441–51, 11 457–8, 11 492, 11 515, 11 537, 11 559, 11 581.

QUESTIONS WITHOUT NOTICE

Written responses

The PRESIDENT — In respect of today's questions can I indicate that on Ms Lovell's substantive question to Mr Jennings I will allow him to consider a written response, and that is one day; on Mr Ondarchie's supplementary question to Mr Dalidakis, which relates to processes — both the first and second questions and in both cases only the supplementary questions — I ask for written responses; Dr Carling-Jenkins's question to Ms Tierney involving a minister in another place, substantive and supplementary questions, two days; and Ms Pennicuik's question to Ms Tierney, both the substantive and supplementary questions, one day.

Can I also indicate that I have had a request from Ms Hartland to reinstate a question that she asked on 6 September. It was a question to Ms Pulford representing Mr Donnellan, the Minister for Roads and Road Safety. The answer from the government provides quite a range of information, which I think was consistent to some extent with Ms Pulford's response, in the house at any rate. But what I am focused on and what I think Ms Hartland was keen to receive the response on was the release of a particular report — the Allard report. Her query is about having that information available so that the community has got all the information for it to consider. To the extent that I do not believe that the Allard report issue has been addressed, I will reinstate the question for a further written response.

Mr Ondarchie — On a point of order, President, in relation to my second question to Minister Dalidakis, which related to the attributes of the revised contract, where the minister dispatched the question by offering a briefing to the shadow minister for innovation who resides in the other place, I put to you that satisfying the needs of the Legislative Assembly does not satisfy a question in relation to the Legislative Council and ask

that you seek a written response to part one of that question.

The PRESIDENT — Whilst to your view it might not be appropriate that the minister has answered in that fashion, I felt that his offer there did acquit that question. I must say I was a little concerned about the attribution of motives and the direction that your questions were coming from, which I thought were more about process and the actual arrangements of the organisation that won the contract rather than about any personal aspects of the individual that was named in those questions. I was concerned about the direction it was taken in. But certainly in terms of the answer that the minister gave, I believe he acquitted it by offering that briefing.

Ms Bath — On a point of order, President, although we had some fun with my question, it was actually quite a serious question in relation to the costs of the clean-up from the death of the barramundi. I wonder if the minister might be able to provide some detail around those costs?

The PRESIDENT — On the basis that cost was not touched on in that answer, I will reinstate the substantive question which went to costs, and that is one day.

Mr O'Donohue — On a point of order, President, I have just received back from the Leader of the Government a number of answers to questions on notice, and one answer is:

> This data will be reported publicly in the forthcoming Department of Justice and Regulation annual report for 2016–17, which is due for release later this year.

I seek your guidance about whether it is appropriate for basic questions not to be answered on the basis that information will be provided at some later stage.

The PRESIDENT — I ask the member to write to me and give me the information because I am not across what he is raising.

CONSTITUENCY QUESTIONS

Eastern Metropolitan Region

Ms WOOLDRIDGE (Eastern Metropolitan) — My question is for the Minister for Roads and Road Safety and relates to the proposed corridors outlined by the North East Link Authority for completing the ring-road in Melbourne's north. Eltham commuters are worried about the lack of an interchange near Fitzsimons Lane. If it is not there, it will not result in much relief to this very congested road which carries substantial daily traffic loads. Therefore I ask the minister whether consideration will be given to adding additional interchanges to the proposed corridor interchanges for the north-east link to also provide traffic relief for long-suffering Eltham commuters.

I do this on the basis of having attended a public information night hosted by the Nillumbik Shire Council, which over 500 residents attended. It was very much an issue of regular concern — the placement of the interchanges, particularly for routes one and two. The interchanges would potentially be at Lower Plenty Road; Manningham Road and Banksia Street; Reynolds Road; and Ryans Road in the various options, but it is of great concern that Fitzsimons Lane is missing out. So I would like that response from the minister.

Eastern Victoria Region

Ms SHING (Eastern Victoria) — I have a question today for the Minister for Sport in relation to the National Basketball League (NBL) preseason blitz, which began yesterday, kicking off in Traralgon and running until Sunday. It is enabling a range of community activities, including clinics and school visits around the region and wheelchair basketball games during half-time at NBL games. This is a really fantastic initiative around community sport and sport participation. I would ask the minister to provide further information on how we can maximise the economic benefit and to detail what the economic benefits and broader community benefits will be as a result of this particular blitz and what they will be in the lead-up to the Twenty20 cricket extravaganza, also later in the year, as a result of the government's investment in sport and sporting infrastructure to the tune of $85 million for the Latrobe Valley.

Eastern Victoria Region

Mr O'DONOHUE (Eastern Victoria) — I raise a constituency question for the Minister for Energy, Environment and Climate Change. The Olinda precinct plan has undergone a period of consultation with the local community following the closure of the Olinda golf course. I have been contacted by constituents who are extremely concerned at the enormous fence that has been put up along the rhododendron gardens' new boundary. This has led to concerns about future consultation regarding the implementation of this plan. There are a number of competing interests and uses for this beautiful part of Olinda, this beautiful part of Victoria. My constituency question is: what engagement with the local community will there be

before new infrastructure or changes are made and take place in this precinct?

Southern Metropolitan Region

Ms PENNICUIK (Southern Metropolitan) — Amongst the piles of secret documents that can never be released to the public about the Australian grand prix that is held in Albert Park every year is one titled *An Eventful Year: Economic Impact of the Victorian Major Events Calendar*. It is an Ernst & Young and Victorian Major Events Company joint research project of September 2014. My constituency question is to the Minister for Tourism and Major Events. This document was referred to by Mr Ron Walker in his final report as Australian Grand Prix Corporation chairman, where he claimed that the Australian grand prix helps to contribute $1.8 billion to the economy, which I would take great issue with, given that it has cost the Victorian community more than $1 billion in the time it has been run. My question is: will the minister release this document?

Southern Metropolitan Region

Ms FITZHERBERT (Southern Metropolitan) — My question is to the Minister for Education in the other place in relation to the South Melbourne Park Primary School. This was promised by the government when in opposition, to be delivered in 2018, but with delays, disputes and problems with getting tenants out, this has been moved to 2019. The government promised that there would be no loss of parkland due to the school being built. Does the minister still commit to that, and in particular will changes to the road layout reduce parkland in Albert Park Reserve?

Eastern Victoria Region

Mr MULINO (Eastern Victoria) — My constituency matter is to the Minister for Families and Children, who is also the Minister for Youth Affairs. It relates to men's sheds in my electorate. Many men experience social isolation as they age, and this is a leading cause of mental health issues for people in this demographic. Men's sheds play a vital role in helping men in this demographic to cope with isolation. There are already a number of men's sheds operating in my electorate and a number that have been operating successfully for quite some time. I am wondering if the minister could please provide me with an update on any additional men's sheds that may be getting support from the state government over coming months to begin operations in my electorate of Eastern Victoria Region.

The PRESIDENT — It sounds like you might have an inkling.

Eastern Victoria Region

Ms BATH (Eastern Victoria) — My constituency question is for the Minister for Roads and Road Safety, the Honourable Luke Donnellan, and it relates to the reinstatement of proper funding for country roads. In accordance with the 2017–18 state budget the allocation for roads in rural and regional areas was pitiful, to say the least. In my electorate, the Traralgon Creek Road serves as a main thoroughfare to and from the townships of Traralgon South, Callignee and Koornalla. This road is also frequented by log trucks. Sections of the Traralgon Creek Road are in desperate need of repair, and the lack of funding from the government means that residents have to put up with patchy repairs. Minister, with the distinct lack of money and the impact on road maintenance, I ask you to increase the budget to provide proper allocation for country roads so that people can travel on our roads safely, with no dodgy repairs.

Northern Victoria Region

Mr GEPP (Northern Victoria) — My question is for the Minister for Industry and Employment regarding the Jobs Victoria Employment Network in Shepparton, Mildura and Swan Hill in my electorate of Northern Victoria Region. The Jobs Victoria Employment Network was initiated in August last year, with a broad range of jobseekers being supported, including refugees, regional Victorians, retrenched auto workers, youth justice clients, long-term unemployed, disengaged young people, single parents, Indigenous Victorians, people with a disability and public housing tenants — something near and dear to my heart. Employment is a major issue in regional Victoria, especially northern Victoria. Jobs Victoria provides tailored services to support and connect regional jobseekers and employees, with an aim to help jobseekers get job ready through mentoring, training and development. Can the minister please inform me and the house how this important government initiative is progressing and what training and support services are available to jobseekers in northern Victoria?

Western Victoria Region

Mr MORRIS (Western Victoria) — My constituency question is directed to the Minister for Emergency Services, and I note that earlier this week, on Wednesday, after an unrelenting campaign from the local community, the government finally announced that an aircraft will be based in Bacchus Marsh for the

upcoming fire season. However, the aircraft that has been announced to be located in Bacchus Marsh is not the larger skycrane that we originally had in Ballarat that basically protected all of western Victoria. We know that western Victoria is exceptionally fire prone and in need of protection from an aircraft, such as the protection that the skycrane has given in the past, so will the minister ensure that a skycrane is based in Ballarat for the upcoming fire season?

Eastern Metropolitan Region

Mr LEANE (Eastern Metropolitan) — My constituency question is directed to James Merlino, the Minister for Education. It pertains to The Basin Primary School, which has an upcoming project that is quite unique in that The Basin Community House will be relocated as part of that project. The Basin Community House does great work. Former MP Heather McTaggart is actually involved in this particular community house. The question that I have for the minister is: what is the projected completion date of this particular project so they know when they can move into their new facility?

Sitting suspended 1.00 p.m. until 2.03 p.m.

LAND LEGISLATION AMENDMENT BILL 2017

Second reading

Debate resumed.

Mr MULINO (Eastern Victoria) — As I was saying, the Land Legislation Amendment Bill 2017 amends three acts. If passed, it will amend the Transfer of Land Act 1958, the Subdivision Act 1988 and the Valuation of Land Act 1960. Before getting onto some of the specifics I just wanted to reiterate the point, which is in agreement across all of the speakers on this bill, of the importance of land transactions, the efficiency of land transactions, people's confidence in the reliability of them and people's confidence in the security of data surrounding them. I think that is a broad policy parameter that all of us can agree on, and I think it is worth stating on the record before talking about some of the specific items in this bill.

If I look at some of the specific changes this bill will make to the Transfer of Land Act 1958, it will amend the provisions relating to the conversion of general law land into registered land under the operation of that act, and it will amend a number of provisions. For example, it will amend section 59 to simplify the process for persons who have land vested in them. It will enable section 59A to apply when a successor in law is not a body corporate, and of course succession is one of the key areas in which transfer of land is critical. Transfer of land is one of the key aspects of succession for many families, and it is critical that there is low cost and certainty.

The amendments in the bill that relate to the Transfer of Land Act 1958 will also amend section 89A to include proceedings in VCAT, if VCAT has jurisdiction, and will remove the requirement for a caveator's consent to be lodged with the registrar of titles. Among other changes it will insert a standardised section permitting the recording of notices of statutory changes and the removal of those notices. So there are a number of changes in this bill that will make the system and the conveyance of land smoother for the many users of that system and reduce costs for those people.

In addition the bill will amend the Subdivision Act 1988. Some of the specific amendments to that act include clarifying definitions — the definitions of 'unlimited owners corporation' and 'limited owners corporation' — and the bill will also provide clarity in relation to provisions relating to easements implied under section 12(2) of the Subdivision Act 1988. In addition it will remove the requirement for certain types of owners corporation information to be provided in a separate document. That is a measure that will reduce red tape. The bill will also make a lot of miscellaneous amendments. So there are a series of significant changes to existing acts that relate to the conveyance of land.

Can I also, in providing some context for this bill, just make the point that this bill will not change the principles of the Torrens title system, and that is something that earlier speakers have referred to — in particular Mr Davis. So that is not something that will be affected or changed by this bill. It will also not affect Crown land, and it will not affect native title. So I think it is important to clarify that the provisions of this bill have been defined in scope so as to not affect any of those broader principles.

Mr Davis flagged in his contribution a number of stakeholders that he and the opposition had consulted. I think it is also important to put on the record that a number of stakeholders were consulted by the government in the development of this bill. Court Services Victoria and VCAT were consulted about the change to section 89A. Interstate counterparts of the Victorian registrar of titles and the Australian Bankers Association (ABA) were consulted, and in addition the ABA provided comments on changes to mortgage provisions. The State Revenue Office was consulted on

a number of technical provisions, and in addition a range of other bodies, including municipal councils, were consulted. Obviously a lot of the acts that will be affected by this bill, should it pass, are very technical in nature, so that kind of consultation is absolutely critical.

In returning to my overall comments about the bill, I reiterate that housing is absolutely fundamental to people's quality of life. For most families it is one of the most important stores of value, so the conveyance of that land must be something that can be achieved with a great deal of certainty. I remember, going way, way back to the days when I graduated from law school, the conveyance of land was unduly complicated. I think there have been a number of improvements to the conveyance of land since that time. As Mr Davis said, some aspects of that are a work in progress — electronic conveyancing, achieving greater alignment across jurisdictions. There is more work to be done, but a lot of progress has been made. This bill contains a number of important steps forward in relation to this absolutely critical asset class.

As indicated earlier, in addition to being a store of value for individual people, there is a strong intergenerational aspect to housing. As we know, many, many families now are using the parents' home as collateral for children or younger generations to access the housing market. In addition, many parents choose to pass on assets to younger generations through the housing stock, so it is absolutely critical that we have a system of conveyance that is as robust as possible.

Finally, can I just say there has been so much in this debate from the other side that was a conflation of, frankly, completely separate and distinct issues. I think we should, when looking at this bill, look at it on its merits. It is clearly a bill that all sides of this house — all that have spoken so far, at least, and I suspect all sides of this house including those who have not spoken — support. Let us allow for a bit of grandstanding in people's lead speeches. That is something which is part of the colour and movement of this place, but I think it is critical to put on the record that these important changes are ones that everybody is in agreement with. It will be a very good thing for the land conveyancing system and for the legal system, but also for the community more broadly, when this bill passes. In light of all of those different components of this bill and the three acts that it improves, I commend the bill to the house.

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I will be very brief in my summing up. This is an important and appropriate piece of legislation. We should get on with it and not waste the time of our Parliament in order to be efficient and expedite it. Let us move to the committee stage forthwith.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1

Mr DAVIS (Southern Metropolitan) — I am going to be very brief in this committee stage, and I want to ask just a few general questions about the Land Legislation Amendment Bill 2017. In the first instance, it is the purposes clause and the long title that I want to ask about. The purposes clause points to the main purposes to amend the Transfer of Land Act 1958, the Subdivision Act 1988 and the Valuation of Land Act 1960, but one of the points that is pointed to is the conversion of general law land. That is basically land pre-1862. I wonder if the minister might explain to me why the government has chosen this time to bring forward the process of conversion of pre-1862 title — why this is the point that the government has chosen to bring this forward. Governments of all colours could have chosen to deal with this matter over many, many decades — in fact, 155 years. Why is it this year and this time that the government with such a rush has brought this forward?

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I thank the member for his inquiry. Let me be very clear that there are a number of elements to this legislation that the member accurately describes as not having been changed for some time. In 1858 we had a very different Victoria to that which we have today. In fact if you had walked down Collins Street, you would have struggled to find a vehicle. You would have found many buggies and horses — no vehicles. We have changed quite a bit in society. This Parliament began construction in 1856 and it was finished in 1896, or thereabouts. So the Parliament was new. Despite your youthful looks, Mr Davis, we know that you have been in Parliament for some time, but not even you have been in Parliament since 1858. So there are a range of things that have changed over time, and legislation also changes over time.

Even though I only joined the Parliament in November 2014, I know that Mr Davis had the honour of being a minister in the previous government — although its term was brief, to the benefit of all Victorians — and he had the carriage of legislation in this Parliament for four

years. They were four long years for many Victorians, but nonetheless he brought forward and had the carriage of legislation, because legislation does in fact change from time to time.

The bill very specifically amends the Transfer of Land Act 1958 to amend the provisions relating to the conversion of general law land into land under the operation of the Transfer of Land Act 1958. Secondly, it amends the Transfer of Land Act 1958 to better reflect the processes associated with registering plans under the Subdivision Act 1988. Thirdly, it amends section 28 of the Transfer of Land Act 1958 to reflect current practices —

Mr Ramsay — On a point of order, Deputy President, I am just a little bit confused. I thought we were in committee. Is Mr Dalidakis doing a second-reading speech?

Mr DALIDAKIS — No, I am explaining, in response to Mr Davis's question, why this legislation is being brought forward. I am identifying the changes that the legislation is making to statutes. I believe that this is entirely in keeping with the respectful nature of the question posed by Mr Davis and, I hope, the respectful nature of my response to Mr Davis.

Ms Shing — On the point of order, Deputy President, the broad-ranging nature of the question has in fact enabled the minister to canvass the detail and context which has brought us to this point around why the process has been brought forward. Mr Davis, in his preamble to the question, in fact did go back at least a century, and now it is important to cover that ground in providing the answer, which the minister is in the process of doing.

The DEPUTY PRESIDENT — There is no point of order. The minister is being comprehensive in his response.

Mr DALIDAKIS — If nothing else, Mr Ramsay, the people in the gallery have had the chance to hear you speak, and I am sure they will go home tonight and tell all their friends and families that they had the opportunity to hear from the great Mr Ramsay.

So, Mr Ramsay, I appreciate the opportunity to continue forward. As I was saying, the third aspect of this legislation before this place amends section 28 of the Transfer of Land Act 1958 to reflect current practices in relation to the processing of Crown grants. There are a lot of eights in this — 1958, 1988 and of course, according to Mr Davis, it was 1858. There are lots of eights here. Of course in the Chinese community eight is in fact a very good number, so I suggest that this piece of legislation, at least within the Chinese community, Mr Davis, is one that would afford us a great degree of luck and joy going forward.

Another reason for this legislation to be here — and I will indulge you, Deputy President, just a moment longer to explain why this legislation is being brought forward — is to enable vesting orders when the purchaser of property cannot provide proof of payment but the registrar of titles is otherwise satisfied there is entitlement to a vesting order. We want to amend section 52 so that a court order against land, often a warrant, can be removed from the register of land upon application to the registrar of titles of the judgement creditor without full satisfaction of the debt. We need to amend section 59 to simplify the process for persons who have land vested in them, and enable section 59A to apply where a successor in law is not in fact a body corporate. We want to clarify mortgage provisions to ensure consistency with the model participation rules for electronic conveyancing — again, electronic conveyancing, something else that was not here in 1858. I am happy to provide these answers despite Mr Davis wanting to speak to other people, and that is okay too.

We are also enabling the registrar of titles to remove a mortgage if a discharge cannot be obtained, and section 20 of the Limitation of Actions Act 1958 applies. We are amending section 89A to include proceedings in the Victorian Civil and Administrative Tribunal — VCAT, as Mr Davis and others would know it — if VCAT has jurisdiction. We are removing the requirement for a caveator's consent to be lodged with the registrar of titles and permitting priority notices to be extended for one period of 30 days. We want to insert a standardised section permitting the recording of notices of a statutory charge and the removal of those notices. We will make numerous miscellaneous and other minor amendments through the bill.

The bill also amends the Subdivision Act 1988. It removes the requirement for certain owners corporation information to be provided in a separate document. It also clarifies the definitions of 'limited owners corporation' and 'unlimited owners corporation'. It provides clarity and flexibility to the provisions relating to easements implied under section 12(2) of the Subdivision Act 1988, and it makes numerous miscellaneous amendments.

There is more. I know this is a big piece of legislation, and I know this will surprise Mr Davis, given the depth and breadth of his question, but the bill will also amend the Valuation of Land Act 1960 — 1960; that is a long time ago too, Mr Davis. It will enable the provision of

releasable information from the valuation record in the same way as the provision of property sales information and consistent with government policy on information accessibility. I think that was a pretty comprehensive answer.

Mr Dalla-Riva — We missed it.

Mr DALIDAKIS — Would you like me to say it again, Mr Dalla-Riva? You have the chance to ask a question in the committee stage.

Mr DAVIS — The minister certainly responded, but I do not think he provided an answer to what was a very narrow and simple question of when, and why now. Why, after 155 years, is there a rush to deal with the pre-1862 titles? But I will let his answer stand and ask a different question instead.

In terms of the purposes, which are to amend the Transfer of Land Act, the Subdivision Act and in particular the Valuation of Land Act, I seek to ask the minister: with respect to the government's plan to put private involvement with the valuation office, the titles office in particular, will he indicate how this will assist or how it relates to the government's announced sale of the titles office?

Mr DALIDAKIS — I thank the member for his question in good faith. Let me reflect upon the very lengthy answer that I provided. Unfortunately Mr Dalla-Riva appears to be leaving the chamber; otherwise I would go through that lengthy answer for his benefit. For expediency and efficiency, I will choose not to do that but allow Mr Dalla-Riva to read that in *Hansard*. Let me put on record that Hansard do an outstanding job of recording the myriad of discussions and thoughts of those opposite and of course those on this side of the chamber.

Again I have fulsomely answered Mr Davis's question about why now. Legislation is a body of work that continues to change over time. Very specifically, I do not believe in fact that in my very lengthy discussion I provided any answer to Mr Davis whatsoever that made any implication or any connection or included any discussion in relation to other policies that this government is pursuing.

Mr DAVIS — I see that the minister is not wishing to indicate the relationship between this bill with the amendment of the Valuation of Land Act and the government's plan to bring private involvement into the titles office. I might therefore ask him a very simple question. The Secretary of the Department of Treasury and Finance at the Public Accounts and Estimates Committee breakfast on the Thursday after the budget indicated not only that the announcement had been made that the government would privatise the titles office or would bring private involvement to the titles office but that the government had booked the money. I wonder if the minister might tell me whether that amount exceeds $2 billion?

Mr DALIDAKIS — Thank you, Deputy President, for this opportunity, and I thank Mr Davis for his question, which bears absolutely no relevance to the legislation that is before us. Indeed that question is something that Mr Davis could have posed when the budget bills were going through the Parliament. Let me suggest that at our next question time within this Parliament I expect Mr Davis to in fact ask Mr Jennings, the Leader of the Government in this place and the minister representing the Treasurer in the other place, a very specific question about the Treasury portfolio. This bill, as I have indicated, will make a number of changes to three pieces of legislation in particular: the Transfer of Land Act 1958, the Subdivision Act 1988 and indeed the Valuation of Land Act 1960. Anything beyond that is either a stretch of imagination or indeed a flight of fancy.

Mr DAVIS — Just for the house, the community's record and the minister's information, I did ask the secretary of Treasury this question in budget week, and he indicated that in fact the government obviously had made the announcement and that they had booked the amount in the budget, although it is not transparent. I asked him whether he would reveal the amount and he said he would not. So I am taking a further opportunity now to ask the minister the question, and he is clearly not wishing to reveal the amount either. I ask him if he can indicate whether an assessment has been done of this legislation and of the impact of this legislation on the government's proposal to bring private involvement to the titles office.

Mr DALIDAKIS — I thank the member for his question. Again, at this stage, whilst the government has been forthright with the public and indeed with the community in relation to future policies that we will look to pursue, what Mr Davis is actually putting forward is a request about a hypothetical, about an event that may happen in the future. As I have indicated to you, Deputy President, and as in fact I have indicated to this chamber on several occasions now, this bill has three primary purposes: to amend the Transfer of Land Act 1958, to amend the Subdivision Act 1988 and of course to amend the Valuation of Land Act 1960. Those are the three aims of this piece of legislation before us. I do not think we need to complicate it further.

Mr DAVIS — With respect, it is not a hypothetical. The government have said that they intend to and the secretary of Treasury has indicated that they have booked the money in the budget, so it is not hypothetical at all. The government is intending to bring private involvement into the titles office, and I am simply asking a very relevant question as to whether the changes in this bill which relate to those three acts that we have both referred to have an impact on the government's announced proposals and whether an assessment has been done or not.

Mr DALIDAKIS — Again I thank the member for his further probing and prodding. Can I let the record reflect that I have not cast an aspersion on the question that Mr Davis has posed; all I have simply said is that it is not relevant to the legislation before us today.

Mr DAVIS — I am disappointed but indicate that I do not believe the minister has provided an answer to the simple question as to whether an assessment has been undertaken or not. In the circumstances, given the hour, we will finish that line of questioning and ask just one further question. If the government persists with its announced proposal for private involvement in the titles office, has the decision to tidy up titles pre-1862 been influenced by that decision to bring private involvement to the titles office?

Mr DALIDAKIS — I thank Mr Davis again for his continued probing and prodding down this line. In fact, if this was cricket, I would say that he had an almost metronomic McGrath-like line just outside off stump. But let me say that in fact again he is trying to link this legislation with government policy that we announced outside of this chamber some time ago about something separate, nothing to do with the legislation before us, as I have pointed out. There is no relation. I can comfortably and confidently say that the legislation before us is not anything other than the legislation that is before us — that is, amending those three bills that I have mentioned several times already. I do not think we need necessarily to continue to go down this line of questioning. I think I have eloquently dispatched this to the boundary. There is no catch — four runs, thanks very much — and, Mr Davis, it is now your turn to try and bowl another one.

Clause agreed to; clauses 2 to 72 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

Motion agreed to.

Read third time.

FIREFIGHTERS' PRESUMPTIVE RIGHTS COMPENSATION AND FIRE SERVICES LEGISLATION AMENDMENT (REFORM) BILL 2017

Second reading

Debate resumed from 7 September; motion of Ms PULFORD (Minister for Agriculture).

Mr O'SULLIVAN (Northern Victoria) — It gives me much pleasure this afternoon to rise on behalf of The Nationals and speak on the Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017. I had the pleasure of being asked to participate in the select committee that was established by this chamber to examine the piece of legislation that is before us today. As a part of that inquiry we went to all parts of the state to hear firsthand how the legislation would impact on fire services, volunteers and communities around the state. We also had the opportunity to have hearings in Melbourne where we heard from a whole range of people as well.

I learned a lot through this inquiry and through the report process, and I am very grateful I was given the opportunity to be a part of it. What I can say in relation to this piece of legislation is that the government has mucked this up from day one. There is no doubt, having been through this process, that there is some reform required within the fire services of Victoria. I think that is something that everyone who was a part of this inquiry has agreed to, and I think anyone who has got some sort of understanding of the fire services would also agree that there is reform required.

What is unfortunate is the way the government has gone about undertaking a reform that is so much needed in this space. Let us look at the start. When forming legislation in terms of something as important as our fire services, which keep our communities safe, this government started in the wrong place and started with the wrong idea. Unfortunately it was too stubborn to realise that it had got it wrong, had mucked it up, and continued down a bad path of public policy in this state. And that is unfortunate because there was a real opportunity for the government to actually do something that would have been worthwhile.

Unfortunately what the government has done is create division. They have created a division between the Country Fire Authority (CFA), its volunteers, the community, paid firefighters, members of this chamber and Victoria itself — all of which have an interest in this piece of legislation.

This reform was undertaken in secrecy, and that is not a good place to start. A small subcommittee of the cabinet was put together to come up with some ideas, and that progressed through to a small committee within the Department of Premier and Cabinet (DPC) that came up with a set of ideas as to the way it thought the fire services should be reformed. At no stage, while they were coming up with this idea, did they consider what would be in the best interests of the CFA, what would be in the best interests of the Metropolitan Fire Brigade (MFB) or what would be in the best interests of country Victoria and metropolitan Melbourne.

It took me a while to figure out why this piece of legislation was conceived so poorly to start with. I will take the house back a little while to get some history on why this was the case. This is not a piece of reform that is designed around what is going to be the best future operation of the fire services in Victoria — if only it was. This piece of legislation is very political — very political indeed — and I will tell members the reason why it is so political.

On April 2015 the secretary of the United Firefighters Union (UFU) Victoria branch, Peter Marshall, wrote an email to every Labor government MP who sits in this chamber and also in the other chamber. I will read a couple of paragraphs from the email that was sent to all government members:

> I write on behalf of the United Firefighters Union to seek your commitment in honouring the agreement your government made with … firefighters.
>
> Firefighters campaigned hard against the Napthine government:
>
> > participating in 23 days of doorknocking in strategic seats;
> >
> > had 40 000 one-on-one conversations with the public;
> >
> > handed out … 125 000 pamphlets at train stations and street stalls —

Mr O'Donohue interjected.

Mr O'SULLIVAN — one hundred and twenty five thousand, Mr O'Donohue; that is a lot —

> > protested outside 36 separate Liberal Party media events and fundraisers;
> >
> > appeared alongside ALP members at media events;
> >
> > and filled the Collingwood town hall and cheered as Daniel Andrews promised them that life after the election would be different.

The email continues:

> On election day:
>
> > 700 firefighters stood outside 109 polling booths and 9 marginal electorates and asked the public to put the Liberals last …
> >
> > internal polling conservatively estimates a 4.5 per cent swing in seats where there was a firefighter presence — and up to 7 per cent in some marginal seats;
> >
> > in seats where there was not a firefighter presence the swing was as low as 1.75 per cent.
>
> Your own electorate probably benefited from this swing.

This information is taken from an email that the UFU secretary, Peter Marshall, sent to all government members. The email goes on to say:

> The UFU has never broken an agreement — this is a core value of the union. But the ALP Andrews government is not honouring its pre-election and post-election agreements with firefighters.

Mr O'Donohue — What were those agreements?

Mr O'SULLIVAN — That is a very good question, Mr O'Donohue. What were those agreements? That is an interesting starting point in understanding where this legislation has been conceived from. Peter Marshall and the Labor government — the Premier — made some sort of a deal prior to the election which would see the UFU campaign on behalf of the government against many Liberal MPs and Liberal candidates, and in exchange for that support at election time the UFU demanded that there would be a reform of the fire services which would suit them. That is where this legislation has been conceived. Do not get that wrong for one second; that is where it has come from.

I have got some more evidence as to how we know that to be the case. Because what we know — and everyone acknowledges, even the government members that were part of the consultation, and the Greens have acknowledged it as well — is that the consultation on this piece of reform was atrocious. The government did not speak to the CFA, did not speak to the MFB, did not speak to the emergency management commissioner and did not speak to volunteers about anything that was going on, and they certainly did not speak to the Volunteer Fire Brigades Victoria. They were not consulted at all.

So you ask the question: who did they consult with? Obviously there was a sub-cabinet out of cabinet and there was a small group that was put together as part of the DPC, of which one of the members was Simon Crean. Obviously he had expertise in the industrial relations area. But during the inquiry we understood as a part of that process —

Mr Melhem — What about the other experts?

Mr O'SULLIVAN — Yes, there were other people that were a part of that — there were four other people — but what we learned during the process in terms of the consultation was that DPC confirmed that the UFU were consulted on somewhere between 10 and 15 times. That is what they said during hearings. That is not exactly right; it was less than that. It was only about nine times. When the DPC came back, as a part of the process they said that the consultation was only in relation to presumptive legislation, and we took that at face value, although I had my suspicions that that was not the case. I got criticised by other members of the committee because I said that there were probably occasions when it was more than just discussing the presumptive legislation.

On 7 August the DPC secretary, Chris Eccles, wrote to the chair of the committee, Mr Gordon Rich-Phillips, with some information in terms of answers in relation to the questions that were asked at the hearings — providing information as to what the actual results were — that they took on notice. That letter indicated that the UFU were consulted in relation to this piece of legislation on 7 February, 16 March, 20 March, 22 March, 23 March, 29 March, 4 April, 11 April, 13 April and 28 April, so that is quite a few times. We were led to believe that it was all on the presumptive legislation. The same letter goes on to say:

> In regards to structural reform, the first meeting was held —

with the UFU —

> on 20 March 2017.

The first two meetings were about presumptive legislation, but as early as the third meeting the UFU were consulted on the actual reform itself, not just presumptive legislation.

Mr O'Donohue interjected.

Mr O'SULLIVAN — Mr O'Donohue asks me when the other people — the experts — were involved in this consultation. Craig Lapsley, the emergency management commissioner, heard about something for the first time on 20 April, some two or three months after the UFU were consulted in relation to the legislation. He heard about it on 20 April and was more formally informed on 24 April. The CFA were briefed in late April, and the MFB were first briefed or, in the words of Mr Stacchino, made aware of the proposal on 19 May. So again, what we see here in terms of the consultation is that the government did not consult with the CFA, did not consult with the emergency management commissioner and did not consult with the MFB until after 20 April, but in the meantime they consulted with the UFU nine times — before they consulted with anyone else in terms of the experts. We should understand very clearly why this legislation is the way it is: it is because of the union payback that was required by this government in terms of the support that they gave ahead of the election.

Mr O'Donohue interjected.

Mr O'SULLIVAN — Mr O'Donohue asks me what happens to those people who do not actually agree with this reform on the way through, and there are many people who do not agree with this reform. It is fair enough that you have a piece of legislation such as this, which is a bit controversial and not everyone is going to agree with it — some people will, some people will not. You would think that in this sort of a society it is fair to have an open and reasonable discussion in terms of whether you do support it or you do not support it.

Ms Bath interjected.

Mr O'SULLIVAN — Ms Bath asks about the key stakeholders involved, and that is true, Ms Bath — that is very true. What happens to those key stakeholders who have a slightly different view as to whether this is a good piece of legislation or not? I will tell you what happens to them. They get sacked. First of all Jane Garrett, the then Minister for Emergency Services, came up with a couple of questions, and she found herself no longer the Minister for Emergency Services. She disagreed with it; she got sacked. The list goes on.

The board of the CFA was sacked because they had a different view and would not sign up to this poor piece of public policy. The CFA chief officer, Joe Buffone, got sacked because he disagreed. The CFA CEO, Lucinda Nolan, got sacked because she disagreed. The MFB chief officer, Peter Rau, got sacked because he disagreed. Deputy chief officer David Youssef disagreed; he got sacked. Jim Higgins did not agree; he was the MFB CEO, and he got sacked. Even just recently the MFB chief acting officer, Paul Stacchino, left as well. So what happens? If you disagree on

anything with this government in terms of this piece of legislation, you are removed from your position, and what they do is bring in yes-men and yes-women who will do whatever the government wants in this space.

I am not sure what Mr Marshall has got over this government, but it is very, very good, because the amount of baggage that this government is prepared to take on in terms of this piece of legislation is outrageous. It is a bad piece of legislation, and that is why The Nationals under no circumstances could support this piece of legislation that is going to have a bad outcome for volunteers. It is going to have a bad outcome for the community, and it is going to have a bad outcome for the very thing that people on the other side of this chamber were talking about yesterday in terms of community safety. This is not about community safety; this is about paying back Peter Marshall and about paying back the UFU for the support that they gave this government ahead of the last election.

This piece of legislation has created division, and that is disgraceful — that a government would use underhanded tactics to bring about division such as this piece of legislation. Like no other piece of legislation or issue I have seen, we have got such a divide in terms of people who either support or absolutely detest this piece of legislation. Under no circumstances can this piece of legislation be supported, because it is bad public policy, and our job in this chamber is to ensure bad pieces of reform, bad pieces of public policy and bad legislation are voted down.

Reform is needed in this state. This reform model is the wrong model. This government should withdraw this piece of legislation and come back with something that is absolutely something that we want to support, but under no circumstances will we support this piece of legislation.

Mr MELHEM (Western Metropolitan) — I also rise to speak on the fire legislation. I was listening to Mr O'Donohue yesterday and Mr O'Sullivan today. Between them, Mr O'Donohue went on for 50 minutes and Mr O'Sullivan for 58 minutes. I did not hear anything about content in relation to this legislation; what I heard was just about politics. It was just hatred for career firefighters and the United Firefighters Union (UFU). What I understood Mr O'Sullivan was saying was that because the UFU and career firefighters were campaigning for Labor in the last election — they did not campaign for the Liberal Party — they should attack them and oppose the legislation.

I have not heard anything about public safety, why this legislation does not stack up in relation to public safety or how it is going to diminish the Country Fire Authority (CFA) role, the Fire Rescue Victoria role, the Metropolitan Fire Brigade or firefighting services, how we are going to protect Victoria or how the legislation will undermine that. I did not hear any of that. The only thing I heard was politics. It was basically an attack on the government and an attack on the very people we are talking about.

Ms Shing — It's the Tony Abbott technique on policy.

Mr MELHEM — Tony Abbott? It is the whole Liberal Party. They have not got over how they lost the election in 2014, and therefore basically —

Honourable members interjecting.

Mr MELHEM — You were against presumptive legislation in the last Parliament. I was just googling earlier. It was not that hard. In the *Age* of 21 August 2013 your then minister, Kim Wells, basically came out in public and said there was no evidence that firefighting actually contributed to the types of cancers we have been talking about. He was backed up by the Premier of the time.

Honourable members interjecting.

Mr MELHEM — Go and read the *Age* of 21 August 2013. What else did you do? You cut $66 million out of the CFA budget, so you do not care about public safety. You only care about politics. In contrast, we added 450 additional full-time firefighters to the service. We are putting in millions of dollars in new equipment. Part of the reform under this bill will be a further $100 million invested to support volunteers and for additional equipment and additional services so we can actually protect Victorians.

I was fortunate to attend a number of the hearings, and let us get it straight that this legislation only deals with the 35 integrated stations; the other 1200 are not affected. All the evidence we actually heard from these integrated stations, both from volunteers and from full-time career firefighters, was supportive of the proposed legislation. Not a single one of these integrated stations, which are actually the subject of this legislation — they are the ones that are going to be affected, not the 1200 other stations that are not going to be affected — was not in support, both volunteers and career firefighters.

I am not going to be lectured to by political operators or by Mr Ford, who is far removed. He may as well declare he is running for the Liberal Party and actually call it what it is. I want to pay attention and listen to people like the emergency services commissioner, Mr Lapsley, who comes out —

Mr O'Sullivan — Peter Marshall?

Mr MELHEM — No, I do not even want to listen to Peter Marshall. I do not care what Peter Marshall thinks, to be frank. I do not care what Peter Marshall or Mr Ford think. But let me tell you, one thing I will say about Peter Marshall is that he does care about his members, and good on him for representing his members. But I think Mr Ford should start representing his members instead of playing Liberal Party politics.

I would rather pay attention to Mr Lapsley, for example. He took the Fire Services Bill Select Committee through what the proposal was actually all about, and he actually was very supportive.

Mr Ramsay interjected.

Mr MELHEM — Mr Ramsay, you were at the briefing, and he was very supportive of the proposed legislation.

Let us go to the select committee. Both Mr O'Sullivan and Mr Ramsay were on the committee. The committee put out a number of recommendations in relation to the proposed legislation — let us go through them — and yesterday the government tabled its response to the select committee's recommendations. I will not read it all because I have only got 9½ minutes.

The first recommendation is that the government is to ensure compliance with consultation obligations et cetera, and the government said, 'We'll support your recommendation'. That was the decision of the committee — which had a Liberal Party majority. That was your recommendation. That was accepted.

Mr Ramsay — After the fact.

Mr MELHEM — Before the fact, after the fact — at least we are listening. We agreed with you. Make your mind up. We agreed with you — take it; accept it. You are running out of arguments. The second one is:

> The government undertake meaningful and balanced consultation with Emergency Management Victoria, the Country Fire Authority, the Metropolitan Fire Brigade … and volunteer representatives …

It supports that, and the government made various comments about putting things in place to do that.

The third recommendation:

> … develop and publish a detailed implementation plan in parallel with any further fire services reform proposal.

That was supported. Let us keep going. The fourth:

> CFA staff should continue to be employed directly by the CFA, and solely within the CFA chain of command. Secondment should only be used for staff exchange/development opportunities, not as a default employment mechanism.

It was supported in principle. The government supports the role of the CFA to:

> … continue to employ a large number of staff that will support volunteer brigades …

et cetera. The fifth one:

> The government and its agencies not endorse any enterprise agreement, instrument or accord, which has the effect of limiting the exercise of statutory powers of the chief officer(s) of the fire service(s).

That has been supported. Number six was not supported, but let me go through it:

> Due to lack of implementation, operational, and funding certainty; failure to undertake consultation, and consequential polarisation of fire services volunteers and staff, the bill should be withdrawn. If not withdrawn, the Legislative Council should reject the bill.

Obviously we do not support that. You did not even give reasons. You just said, 'We've got heaps of recommendations. If you accept all these recommendations we are putting to you, we might support the bill'. We are saying, 'Yes, we're going to actually do all that stuff you're talking about', but you still want us to withdraw the bill. You are still going to vote against the bill. Basically to me this is not about fire services, it is not about fire safety and it is not about protecting Victoria in the coming season; it is about politics. Well, grow some balls and say, 'It is about politics', and stop hiding.

An honourable member interjected.

Mr MELHEM — Stop hiding and pretending that you care — you do not. You do not even care about volunteers. You do not care about the CFA. You are just playing grubby politics; that is what you are doing. You have been doing that for the last two years.

Mr Ramsay interjected.

Mr MELHEM — You have not yet provided a single argument for why this bill should not be endorsed. You have created obstacle after obstacle in the last two years to prevent an enterprise agreement to be negotiated between the Country Fire Authority and its employees. You have used the federal legislation to prevent that. You keep doing that because you say 'This organisation and its members supported the Labor Party at the last election, so we're going to do everything to destroy the organisation'.

Honourable members interjecting.

Mr MELHEM — Call it what it is. If tomorrow Peter Marshall says, 'Look, I'm going to vote for you at the next election', you would probably support the legislation. I do not know. Maybe you should ask him the question. He might come to your aid.

Ms Shing — Response times — let's talk about response times.

Mr MELHEM — Response times? They are not interested in that. Number seven is that the firefighters' presumptive rights compensation actually be separated.

Honourable members interjecting.

Mr MELHEM — Well, let us talk about response times.

Honourable members interjecting.

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

Ms Hartland — They ignore the evidence.

Mr MELHEM — Exactly. They do not care about the evidence. That is no reflection on the volunteers.

Ms Hartland — They do not care about those communities.

Mr MELHEM — No, they do not. It is all about politics. Recommendation 8 is:

> The government ensure adequate infrastructure funding …

We support that. Number 9:

> Government develop and publish a detailed funding plan in parallel with any further fire services structural reform proposal …

and it goes on. We support that recommendation.

On number 10, I do not know. Maybe they want to send the Secretary of the Department of Premier and Cabinet (DPC) to jail because the government decided that it is important for all agencies within government to actually coordinate their responses to be efficient about the whole thing, which has been the practice for all governments in the past. We need to possibly launch a royal commission into the DPC for that. Obviously we did not support that, but I do not see that it is relevant to this.

Ms Shing — The government has responded to the inquiry.

Mr MELHEM — That is right. The government have responded to the inquiry and have provided a detailed response and evidence from the various agencies.

The question here is this. I think it is important that parties and members on the other side — particularly Mr O'Sullivan as a member of the National Party representing regional Victoria —

Ms Shing — No, they don't represent regional Victoria.

Mr MELHEM — Well, trying to. Part of it is to basically stop playing politics and start supporting the additional investment that is going to go to the CFA.

Honourable members interjecting.

Mr MELHEM — Well, I have gone into the evidence. You did not in your time provide a shred of evidence for why this bill is not in the best interests of the fire services.

Mr O'Sullivan — Yes, I did.

Mr MELHEM — No, you did not. Even through the evidence we had when the public hearings were conducted, you were not interested.

Mr O'Sullivan — I went to every meeting. Did you?

Mr MELHEM — You did.

Honourable members interjecting.

Mr MELHEM — Well, Ms Shing read the transcript. The challenge for the other side is this. We have a bill which talks about presumptive legislation and doing the right thing by firefighters — volunteers and career firefighters — who are unfortunately suffering from cancer.

Mr Ondarchie — When did you ever care about volunteers?

Mr MELHEM — We care about the volunteers far more than you do. You cut $66 million for volunteers when you were in government. That is a fact.

Mr Ramsay — That's rubbish.

Mr MELHEM — Rubbish? Go and look at the budget papers. We have invested more money in volunteers. There is another $100 million going in.

Mr O'Sullivan did not talk about much at all. He talked about all these people being sacked, even though it was before the legislation was contemplated.

Let me say this: this bill, this reform, is long overdue. It is 60 years overdue. Volunteers have to go to work in the morning or at night — whatever shift they work — and come home from work, and then we abuse their generosity by expecting them to respond to fires rather than ask for the same service from paid, full-time firefighters. There are 35 integrated stations in metropolitan Melbourne. The volunteers still can respond to fires, but I think the focus should be on the fact that we are paying taxes so we expect service, and we expect full-time people in these areas to respond. Stop your hatred, because one day one of these career firefighters may be attending a fire and saving your life.

I think it is time we showed respect for our firefighters. Whether they are volunteers or career firefighters, they should be treated equally. Stop your discrimination and hatred towards paid firefighters. The only crime they have committed, in your eyes, is that they hold a union ticket. That is what you have got against them — that they are union members, and that is disgraceful.

Mr Jennings interjected.

Mr RAMSAY (Western Victoria) — Yes, Mr Jennings. Sit back, put your feet up and enjoy, because for 15 minutes I am going to make you much more aware of what we are dealing with in relation to what you are trying to do with this bill.

Ms Shing interjected.

Mr RAMSAY — Could I firstly say, though, Ms Shing, I have had the fortunate opportunity to listen to two speeches during this week and one day which are probably the most powerful speeches I have ever heard in my life, and I have heard a lot of speeches and given a lot of speeches over a period of time. The first speech I heard, which was one of the most emotive and powerful speeches I have heard, was on last Thursday when Jane Garrett from the Assembly made a speech in Northcote in memory of Fiona Richardson. It would have to be one of the best speeches I have heard in my life. I took the opportunity to text Jane and tell her it was one of the best speeches I had ever heard. The other speech was Rachel Carling-Jenkins's speech three days ago. It probably almost eclipsed Jane Garrett's speech in its emotive power and the strength —

Mr Jennings — That's what you do — you talk about everything but fire services.

Mr RAMSAY — No, I am getting to it. There is strength of character in both those women. I have huge respect for them both. It is interesting that neither of those women support what you are trying to do with this legislation. It is interesting —

Ms Shing — On a point of order, Acting President, this is an absolutely outrageous assertion being made by Mr Ramsay, that on the basis of the position two members of this Parliament, who have made exceptional, extraordinary addresses in the last week, take on the subject matter of this particular bill, this is a reason to conclude that any members of this government —

The ACTING PRESIDENT (**Mr Morris**) — Ms Shing, can you get to a point of order.

Ms Shing — That any members of this government —

Honourable members interjecting.

The ACTING PRESIDENT (**Mr Morris**) — Order! Thank you, members. I am trying to hear Ms Shing's point of order. I ask, Ms Shing, can you please come directly to your point of order.

Ms Shing — Mr Ramsay is engaged in an absolutely extraordinary attack through his assertion that government members do not support a position being taken by two people who have made extraordinary addresses.

The ACTING PRESIDENT (**Mr Morris**) — Thank you. Ms Shing, that is —

Ms Shing — No. I am in the process of making my point of order, Acting President, and I would say that in fact this bears no relevance whatsoever to the subject matter, and I ask you to draw him back to the relevance of the bill. Unbelievable.

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

Mr RAMSAY — Thank you, Chair. As I was saying, I have tremendous respect for those two —

Honourable members interjecting.

The ACTING PRESIDENT (**Mr Morris**) — Order! Ms Shing, I ruled on your point of order that there was no point of order. I have asked Mr Ramsay to continue. It is very difficult for Mr Ramsay to continue with this level of interjection.

Mr RAMSAY — Thank you, Chair. I am going to speak very quickly because now Ms Shing has wasted almost 5 minutes of my allotted time.

The ACTING PRESIDENT (**Mr Morris**) — Thank you, Mr Ramsay. We have a point of order from Ms Shing. Ms Shing, I ask you to get directly to any point of order that you may have.

Ms Shing — On a point of order, Acting President, I would ask you to provide a reason for ruling that my point of order was not based on relevance. You are required under the standing orders, Acting President, to take into consideration matters of relevance to the debate.

The ACTING PRESIDENT (**Mr Morris**) — Ms Shing, it was a matter of debate; it was not a point of order.

Mr Jennings — Relevance is a point of order.

The ACTING PRESIDENT (**Mr Morris**) — Thank you.

Ms Shing — Acting President, I would ask that you seek some guidance from the President and provide reasons for your decision. The allegation being made is absolutely extraordinary and disgraceful.

The ACTING PRESIDENT (**Mr Morris**) — I have sought advice from the clerks, and there was no point of order. Mr Ramsay was being relevant.

Mr RAMSAY — On a point of order, Acting President, I ask that the clock be set back 15 minutes. I have only made a 1-minute contribution and the points of order have wasted 4 minutes.

The ACTING PRESIDENT (**Mr Morris**) — Mr Ramsay, please continue.

Mr RAMSAY — Thank you, Chair. As I was saying, I have the greatest respect for both those women, who left an indelible memory through the presentations that they made over the last week. I want to get back to why we are here. We know why we are here: because Daniel Andrews was not able to negotiate an enterprise bargaining agreement (EBA) with Peter Marshall. Try as he did, he was not able to facilitate a successful EBA, so options B, C and D were to sack the boards of the CFA and MFB and put his own cronies onto them, sack the minister and make another cronyism choice for the new Minister for Emergency Services in his deputy. When all that failed to provide what Peter Marshall was calling for in relation to an EBA, he saw fit to bring up this turkey of a new fire services model that the CFA was not consulted on, as should have happened per the volunteers charter. In fact none of the key stakeholder groups were consulted. My understanding is that this was an idea that burst out of the Department of Premier and Cabinet (DPC) back in January. In the evidence he gave to the select committee Greg Mullins said he was not even aware of or engaged in this proposed model until April. Poor old Craig Lapsley, who Mr Melhem referred to, was not even told until June or July — about a week before it was slapped on the table. So even the emergency management commissioner was not consulted. No-one was consulted, except for those three or four individuals in the inner cabinet.

Finally, when the proposed structure was already in place, you decided to then consult with an expert panel put together around Greg Mullins and say, 'This is what we're going to do. Here's the draft bill, and we'll go from there'. We know that is the origin.

I did want to raise a couple of issues out of the select committee. I appreciated being able to sit on that committee, and I commend the chair, Gordon Rich-Phillips, for the way that he chaired quite a difficult and challenging committee with I think over 2000 submissions.

Mr Melhem interjected.

Mr RAMSAY — We consulted far and wide, Mr Melhem — something that you did not do with the proposed structure we see here in this bill — and we took a lot of evidence from career and volunteer firefighters. I have to say this is not about career versus volunteer firefighters, as you have tried to make out, Mr Melhem. In fact you have invented this political dispute between career and volunteer firefighters. I tell you it is not happening in the Birregurra, Barwon Heads, Queenscliff or Ocean Grove CFA stations, or any other CFA stations; it is happening right here in the Labor caucus. That is where the great divide is. What you are trying to do is create this fight between career

and volunteer firefighters. It is not our side that has done this.

What has happened here is that try as the Andrews government might to find a successful outcome for the EBA, they have created this hidden agenda, this supposed fire structure model which they say has come out of the royal commission. I have read the royal commission report, Ms Shing, and I have read the fire services review and the panel reports, and there is nothing in any of those inquiries or investigations that suggests we should have a model of Fire Rescue Victoria and a separate CFA. This has been born out of Peter Marshall. It was Peter Marshall's idea to —

Mr Dalidakis — On a point of order, Acting President, I believe that the member actually sought an interjection from Ms Shing, and I ask you to call the member back so as to not engage with interjections going forward.

The ACTING PRESIDENT (**Mr Morris**) — I do not believe that is a point of order. I ask Mr Ramsay to continue.

Mr RAMSAY — What we have seen is when the select committee engaged with career and volunteer firefighters right across the state the government could not help themselves — they had to intervene. The Department of Premier and Cabinet actually had to intervene in the submission process. Submissions to committee inquiries, whether they are joint parliamentary committees or select committees, go through a secretariat, but the Andrews government tried to intervene and have DPC be the convener and collector of these submissions, which gave the secretariat of the select committee twice as much work as they would normally have to do.

Over and above that, when we tried to elicit information from the Victorian Equal Opportunity and Human Rights Commission in relation to the inquiry into sexism and bullying — and I understand Peter Marshall is still facing allegations in relation to his behaviour in that respect — they refused to provide the information, because they said it was cabinet in confidence. What have you got to hide in relation to that report, and who was doing the bullying? We know that Peter Rau was being bullied; in fact he gave evidence to say that he had significant mental problems associated with being bullied for the way that he was standing up for CFA volunteers in relation to what was going on here.

We also know that the Fair Work Commission actually put into its charter a provision to protect CFA volunteers, and again what did the Andrews government, for Peter Marshall, try to do? They blamed the amendments to the commonwealth Fair Work Act 2009 for not being able to proceed with the EBA. There was nothing in the amended Fair Work Act that would stop the EBA negotiations, but they used that as an excuse, which was absolute rubbish.

Ms Shing interjected.

Mr RAMSAY — In relation to funding, I heard the screeches about funding from the other side. Ms Shing was screeching away about $61 million being lost.

Mr Jennings interjected.

Mr RAMSAY — I will give you the facts, Mr Jennings; I know it is something that you do not appreciate. In 2010–11 funding for —

Ms Shing — On a point of order, Acting President, Mr Ramsay has just verballed me in relation to an assertion around a $61 million figure; in fact it was $66 million that was ripped out of fire services.

The ACTING PRESIDENT (**Mr Morris**) — Ms Shing, you know that is not a point of order. Mr Ramsay to continue.

Mr RAMSAY — In 2010–11 the budget was $399 million; in 2011–12 it was $416 million. We also allocated an extra $100 million to meet the royal commission's Black Friday recommendations. In 2012–13 it was $416 million, in 2013–14 it was $446 million and in 2014–15 it was $457 million. Every year it went up collectively, and at the end date it has, significantly, increased over $260 million from when Labor lost office. Collectively there was an increase from 2010–11 to 2014–15 of $260 million to the budget. So do your sums, Mr Jennings and Ms Shing, and stop lying about the fact that there was a reduction in the CFA budget.

Ms Shing interjected.

The ACTING PRESIDENT (**Mr Morris**) — Order! Mr Ramsay, I ask you to withdraw.

Mr RAMSAY — I withdraw the word 'lying', and I will replace it with 'mistruths'. In this model —

Honourable members interjecting.

The ACTING PRESIDENT (**Mr Morris**) — I have sought advice from the clerks, and what occurred was acceptable.

Ms Shing — On a point of order, Acting President, I did not ask for the word to be replaced. That is not within the capacity of the standing orders.

The ACTING PRESIDENT (**Mr Morris**) — I have ruled on your point of order. I sought advice from the clerks that it is acceptable to do so.

Ms Shing — I seek an unconditional withdrawal.

The ACTING PRESIDENT (**Mr Morris**) — There was an unconditional withdrawal.

Mr RAMSAY — As I was saying, this mendacious government was not correct in its criticism of the funding, as we now know. It is in *Hansard*; it is on the record.

But in finishing — and I think I only had about 4 minutes in this contribution, thanks to the points of order from the other side, which I know was their purpose — we will be opposing the bill, and we are doing it for good reason. It is not in the interests of career or volunteer firefighters. It is not about community safety. It is not about fire resources. What it is about is trying to satisfy Peter Marshall in negotiating an EBA, the origins of which obviously come back to something that Daniel Andrews did that Peter Marshall has on him for him to run around like a puppet on a UFU membership.

The ACTING PRESIDENT (**Mr Morris**) — Order! Thank you, Mr Ramsay, your time has expired.

Debate adjourned on motion of Ms SYMES (Northern Victoria).

Debate adjourned until next day.

ADJOURNMENT

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I move:

That the house do now adjourn.

Hospital funding

Ms WOOLDRIDGE (Eastern Metropolitan) — I am very pleased to speak on the adjournment tonight, and the matter relates to this afternoon, shortly after lunch. The action I seek is for the Minister for Health to provide additional funding to our health services, which have had their funding cut by the Andrews Labor government in relation to the complexity coding and also the massive impacts that electricity costs are having on their budgets as a result of Daniel Andrews's failed energy policies.

The hospitals are no doubt under massive pressure. My understanding is that many of them are starting the year with deficit budgets, trying to work out how to fill those massive gaps. The very concerning implication of this is that services will have to be cut and staff will have to be cut in order for our health services' CEOs and boards to be able to have a budget that is in the black this year, rather than in the red.

The reason is twofold. It is because electricity costs, in terms of the prices, have tripled under the new Health Purchasing Victoria contracts, which has led to a massive increase in many budgets. For some big health services, there has been an increase up to as much as $6 million in their bills for energy as a result of this massive increase we are seeing across the board in terms of our energy prices. Families are feeling it, communities are feeling it, businesses are feeling it and now our health services are also feeling it. This needs to be made good. The health services need to be funded for these massive increases, and I am certainly seeking that action from the minister.

Secondly, it is as a result of a change in the policy and funding guidelines to the way that complexity is funded. Effectively, rather than topping up our particularly tertiary and quaternary health services, which have a lot of complex patients — instead of topping them up for the complexity of the patient — any second diagnosis or comorbidity that would have got funding last year is not going to be funded additionally this year. Some of our health services think this might be in the order of a $20 million cost impact — a cut from their budget that they would have got last year that they are not getting this year.

This is having a very dramatic effect on the ability of health services to plan for and meet their budgets this year. This cut is very harsh. Many of them have teams searching through their budgets to work out what they can cut, what can be reduced or what programs can be discontinued in order to meet their budgets. So there is no doubt that there is a very significant impact, and the *Herald Sun* described it as 'Hospitals face budget crisis'. It is a massive issue, and I call on the Minister for Health to make good in the negotiations that are occurring on additional funding so that our health services can get on with the job of treating patients, which they do so well in this state.

Metropolitan partnerships representation

Ms SPRINGLE (South Eastern Metropolitan) — My adjournment matter is for the Minister for Suburban Development. Metropolitan partnerships announced earlier this year comprise eight community and

business representatives, the local council CEOs, a senior Victorian government official and a representative from the metropolitan Regional Development Australia committee. These partnerships are playing a pivotal role in establishing regional priorities and advising on priorities at both state and federal level. They aim to enable government to be more responsive to community-identified priority areas for action and better targeted future investment. The partnerships website makes clear the process for selecting community and business leaders, but the process of determining how local government would be represented in these partnerships is unclear. The action I seek is that the minister ensures that local government councillors, as elected representatives accountable to the community, form part of the Metropolitan Partnerships Committee.

Bangerang Cultural Centre

Ms LOVELL (Northern Victoria) — My adjournment matter is for the Minister for Aboriginal Affairs and relates to funding for the Bangerang Cultural Centre located in Shepparton. My request of the minister is that she commit adequate funding to ensure the continued operation of the Bangerang Cultural Centre. The Bangerang people are the traditional owners of parts of land in the Murray-Goulburn region — from Shepparton to Echuca, north to Deniliquin, across to Finley and south to Katandra. The Bangerang are known as river people in recognition of the Murray, Goulburn, Edward, Campaspe and Broken rivers and the Broken Creek that all flow through their country.

A jewel in the crown for the Bangerang people is the Bangerang Cultural Centre located in Shepparton. This centre was Australia's first Aboriginal cultural keeping place and museum developed and managed by an Aboriginal community, and it is a source of great pride for the Bangerang nation. The centre celebrates Aboriginal culture through learning and discovery and houses an important collection of artefacts and artworks from the Bangerang community.

The Bangerang Cultural Centre was the site chosen by the minister when she launched the *Victorian Aboriginal and Local Government Action Plan* in December 2016. At this launch the minister acknowledged the importance of the centre and the need to provide adequate funding to ensure its ongoing operation. Since that time the Bangerang Cultural Centre has failed to receive any government funding and continues to face the prospect of closing its doors. Apart from a place to preserve and celebrate their people's culture and history, the centre is providing services and programs that are making a difference in the lives of Aboriginal people in the Goulburn Valley. A men's shed program run by local Bangerang man Clint Edwards teaches young Aboriginal men about the impact of family violence and strategies to decrease the number of family violence incidents in the Aboriginal community. This is a vital program that is doing good work with Aboriginal men, and Mr Edwards should be congratulated for the work he is doing with his people.

Applications by the Bangerang community have been rejected three times by the Victorian Aboriginal Heritage Council in their bid to be recognised as a registered Aboriginal party, a situation I have lamented many times in this chamber. These decisions to deny the Bangerang official recognition are a slight on the entire community, and I will continue to advocate for the Bangerang people to receive official party registration in the future. To lose its cultural centre due to a lack of government funding would be a bitter blow to the Bangerang people, and the entire Goulburn Valley community would be poorer for it. My request of the minister is that she commit adequate funding to ensure the continued operation of the Bangerang Cultural Centre.

Environment Protection Authority Victoria pilot program

Mr EIDEH (Western Metropolitan) — My adjournment matter today is for the Minister for Energy, Environment and Climate Change. Following the independent inquiry into Environment Protection Authority Victoria (EPA), an announcement was made that 13 municipal councils would be taking part in a pilot program which would place EPA officers in local councils to help deal with smaller scale waste and pollution issues such as litter, noise, dust, odour and small to medium-scale illegal dumping. These officers are officers for the protection of the local environment, and the municipalities of Brimbank, Hobsons Bay and Wyndham in my electorate will work closely with them to complement the role of existing EPA officers. The action I seek from the minister is that she provide an update on when these three councils in my electorate will have access to their officers for the protection of the local environment, as the local community is looking forward to them commencing work.

Waurn Ponds train stabling depot

Mr RAMSAY (Western Victoria) — My adjournment item is for the Minister for Public Transport, Jacinta Allan, and what I seek from her is an indication as to when the Andrews government might start building the long-promised railway stabling and

maintenance yards at Waurn Ponds. This project was announced more than two years ago, with the potential to create 130 jobs. Indeed the government reportedly allocated $115 million for the Waurn Ponds depot in the 2015–16 state budget, but more than 800 days later the proposal is still not shovel ready. Not only would building it immediately create jobs for 100 construction workers, but it would deliver 30 ongoing railway jobs.

Premier Daniel Andrews first announced the project in May 2015 as part of a $257 million regional rail package. Minister Allan then said the new stabling yards together with 87 new carriages would improve services for the more than 50 000 passengers who currently use V/Line services every weekday. The Waurn Ponds depot was also supposed to provide local trade training opportunities, with the government pledging to back the Gordon Institute in developing apprenticeship programs aimed at producing the next generation of train and tram engineers.

Surveying, geotechnical work, cultural heritage studies and even flora and fauna investigations have apparently been carried out across Waurn Ponds to identify a viable build site, but what has the government got to show for it? One of my constituents, Reservoir Road farmer Stanley Larcombe, reports he was first approached two years ago with a state government proposal to acquire 30 hectares of his 455-hectare property. Had he accepted the proposal as outlined at the time it would have isolated all of his farm amenities — his wool sheds, his yards and so on — in one-half of his property while 5000 sheep were enclosed in the remaining half. The problem, he tells me, is that the relevant officials could not commit to providing a connection of any sort, neither a tunnel nor a bridge, between the two parcels of farmland.

This failure to deal with Mr Larcombe must be one of the reasons, I suspect, for the project not starting. Mr Larcombe insists that the building products manufacturer, Boral, had offered land for the project but was turned down. I do not quite understand that. He also insists that a 60-hectare property next to his place was sold to a private buyer two weeks ago after the state government missed that opportunity too. I therefore ask the minister: could she disclose a likely start date for this critical project and indicate what is being done to expedite it?

Victoria State Emergency Service Cobram unit

Mr O'SULLIVAN (Northern Victoria) — My item for the adjournment debate this afternoon is for the Minister for Emergency Services, and the action I am seeking from the minister is that he meet with members of the Victoria State Emergency Service (SES) Cobram unit to listen to them in relation to their desperate need for a new SES station.

Just last week or the week before I had the pleasure, with local Nationals member Tim McCurdy in the Assembly, of attending the local Cobram SES station. The problem with the Cobram SES station is that it is not actually in Cobram. The local brigade have to house their equipment over in Tocumwal in New South Wales, which is obviously across the river, because they do not have the proper facilities within Cobram itself to handle the equipment they have got.

What they do on occasions, when they know there is a storm or something coming up, is actually take the SES truck across and put it in one of the volunteers sheds in case it is needed more quickly. Otherwise, when there is an incident, they actually have to go across the river to Tocumwal, get their equipment and then head back into Victoria to address the issue they need to address. But from Cobram to Tocumwal it is not just straight across the river; it is about a 20-minute drive to get from Cobram across to Tocumwal. So it is not an ideal situation. If there is a flood in the Murray River, it actually blocks access between Tocumwal and Cobram, so that means that they are unable to get their equipment out of the SES station.

Cobram is a large regional community. During the summer months, being up on the Murray River, it has an influx of visitors, tourists and so forth. So at that time there is a much larger number of people in that area. In terms of road rescues and so forth, it is imperative that they have their own SES station actually based in Cobram. So I think it is absolutely worthwhile that the Minister for Emergency Services comes up to Cobram, meets with me, Tim McCurdy and also John Stava, the Cobram SES unit controller, to discuss the need for a new Cobram SES station actually based in Cobram.

Australian Formula One Grand Prix

Ms PENNICUIK (Southern Metropolitan) — My adjournment matter is for the Minister for Tourism and Major Events, and it relates to the costing of major events. This week it was announced by the minister that the Victorian government will no longer be sponsoring the Logies. The minister said:

> We're proud to have been home to the Logies for more than 30 years, but it's time to pass on the baton. No matter where the Logies go, Victoria will remain the cultural and events capital of Australia.

The minister said 30 years. In fact Melbourne has staged 54 of the 59 ceremonies, including 10 years at the former Southern Cross Hotel, four at the Grand Hyatt on Collins Street and the last 10 at the Palladium room in Crown Towers. The minister went on to say the Logies could remain in Melbourne but the state government would not be paying for it, declining to say how much taxpayers had been forking out.

Well, let us say if he is saying it is 30 years, that is $30 million. The minister says:

> These things are re-evaluated from time to time, and we know the visitor economy is worth a lot of jobs to our state …
>
> When it comes to the value of events, we have to reassess them all the time, and we would like to accommodate the Logies into the future but unfortunately there comes a time when we have to reassess these events and make our determinations based on the bests interests of Victorians.

He said:

> This particular event, the Logies, was not as valuable as other events we've had in the state.

So at an estimated cost of $30 million over the last 30 years, let us compare that with the Australian Formula One Grand Prix. In the last five years, the state government — taxpayers — has forked out almost $290 million to prop up the spiralling cost of the grand prix. The race is set to cost us another $60 million this year and with a further six years at $60 million per year Victorians will have paid three-quarters of a billion dollars from 2012 to the end of the contract in 2023.

Honourable members interjecting.

The PRESIDENT — Order! If that persists, we will take it from the top. So would you like to hear it all again? Ms Pennicuik, probably go back a few sentences at any rate when the two had their interchange.

Ms PENNICUIK — Thank you, President. As I was saying, compare this to the cost of the Australian Formula One Grand Prix. In the last five years, 2012 to 2016, taxpayers forked out almost $290 million to prop up the spiralling cost of the grand prix. With the next race set to cost us another $60 million in addition to $60 million for a further six years, Victorians will have paid three-quarters of a billion dollars from 2012 to the end of the contract in 2023. If you add that to the estimated $400 million up until 2012, then this race will have cost taxpayers $1.1 billion by the end of 2023 at a minimum — because these are only the costs that we know and are publicly released.

So given that we have had this massive saving of $1 million by not hosting the Logies for the next year, I call on the minister to undertake what he said he did in terms of making this decision, which is extensive consultation with stakeholders and a comprehensive event analysis of the Australian Formula One Grand Prix, including a cost-benefit analysis, as was recommended by the Auditor-General 10 years ago.

Family violence

Mr O'DONOHUE (Eastern Victoria) — My adjournment matter this evening is for the Attorney-General, and the action I seek is that he review the current penalty regime for breaches of intervention orders and also look for ways to expedite the bringing of breaches of intervention orders back before the court. I do this because of some concerning constituent meetings I have had in recent times with women who have had an intervention order against a person and there have been allegations of breaches of the intervention orders.

Despite the very best efforts of Victoria Police, the amount of time it has taken for the intervention order to be brought before the court has been several months. The penalty that has been dealt as a result of the breach of the intervention order has been quite limited. So at a time when the Parliament has been honouring the former Minister for Women, Fiona Richardson, after her sad passing, I think it is important for us to work together to make sure that the enforcement regime is as strong as it needs to be to send a very clear message to perpetrators and that when alleged breaches take place they are dealt with swiftly by the courts.

We know the courts have a very large workload and there are many competing priorities for their time, but, as I said at the start, I would ask the Attorney-General to review the current penalty regime for breaches of intervention orders and look for ways to ensure that those breaches or alleged breaches are brought before the court at the earliest possible opportunity.

Youth control orders

Ms CROZIER (Southern Metropolitan) — My adjournment matter is to the Minister for Mental Health, the Honourable Martin Foley, and it relates to drug and rehabilitation services being provided in preparation for the new youth control orders that will be put in place following the passage of the Children and Justice Legislation Amendment (Youth Justice Reform) Bill 2017.

During the course of debate on the bill yesterday I asked the Minister for Families and Children about the current wait times for counselling and drug and alcohol

rehabilitation. Evidence from the current youth justice inquiry, media appearances by the management of youth justice facilities and the minister herself suggests that drugs, in particular ice, are having a significant impact on what is happening not only inside youth justice facilities with the significant rioting behaviour that we have seen over the last two and a half years of the Andrews government, which the community is also well aware of, but also the crimes being conducted out in the community. Under the new legislation the courts will have a variety of options, including placing young offenders in diversion programs or on youth control orders. With both of these scenarios I am led to believe that it might be necessary for the court to insist that there be some conditions attached, such as attendance in counselling or drug and alcohol rehabilitation programs in order that young offenders comply with those particular orders.

The minister, in her answer to the question I asked yesterday in the committee stage about the access and wait times, said, and I quote:

> … in terms of funding and those types of programs they are matters that sit with Minister Foley in his capacity as Minister for Mental Health in terms of drug rehab programs more broadly in the community, and that would also be the case for young people.

My action for the minister is that he provide the waiting lists for drug and alcohol programs, particularly those programs that are aimed at young people, who are, as the Minister for Families and Children, said:

> … the youth justice staff and those who work with those young offenders need to ensure that there is access to those particular programs.

Southern Metropolitan Region rail services

Mr DAVIS (Southern Metropolitan) — My matter for the adjournment tonight is directed to the Minister for Public Transport and concerns the performance of the rail lines in Southern Metropolitan Region. What I seek is that she order an urgent review into the declining performance of rail lines in Southern Metropolitan Region.

I draw the minister's attention to the performance of the Cranbourne line, which in terms of trains arriving on time during the peak period has fallen from 91.9 per cent in December 2014 to 85.6 per cent, according to figures from June 2017. The Pakenham line has fallen from 93.6 per cent in December 2014 to 89.2 per cent. This compares with figures under the previous government, where in the period before the election we saw those figures rise from 89.7 per cent on the Cranbourne line and 91.2 per cent on the Pakenham line in December 2013. On the Frankston line — a very important line — we saw the performance fall from 92.1 per cent of services arriving on time in December 2014 to 89.4 per cent in this recent period. On the Sandringham line there has been a significant fall from 97.9 per cent to 96.5 per cent, as opposed to increasing reliability from December 2013 through to the last period that we were in government. These relate directly to the impact on people and those commuters who are seeking to get to and from work, to appointments of various types and to family meetings. They need that reliability, they need safety and security but they also need the reliability, and that is clearly not being delivered by this government.

Obviously with rail services in Southern Metropolitan Region we have seen the impact of sky rail and we have seen the impact of sky towers in some areas of the electorate, but what is of direct concern today to many people who are using the rail lines in Southern Metropolitan Region is the decline in performance. The fact is that people cannot rely, in the way they should be able to rely, on those trains. I can say this as somebody who catches trains all of the time — as well as trams — a huge amount of time; it would be four or five trains I catch a week. This week I went to South Yarra and back very quickly on the train, and that is the quickest way to move there, but having said that, there were problems even there on that journey, and you could feel not only the lack of punctuality but the overcrowding as well.

Responses

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — We have had adjournments this evening from Ms Wooldridge to the Minister for Health — if the minister could provide additional funding to cover increased costs and an explanation of increased costs within the health system; from Ms Springle to the Minister for Suburban Development asking why elected representatives are not on the metropolitan partnership boards; from Ms Lovell to the Minister for Aboriginal Affairs regarding Bangerang Cultural Centre funding; from Mr Eideh, the Deputy President, to the Minister for Energy, Environment and Climate Change in relation to the actions of the three municipalities within his electorate on Environmental Protection Authority Victoria issues of dumping; from Mr Ramsay to the Minister for Public Transport asking for an indication of when maintenance yards in Waurn Ponds will be built; and from Mr O'Sullivan to the Minister for Emergency Services asking the minister to go and meet with the Victoria State Emergency Service Cobram unit to discuss the needs for funding of a new station.

We also had adjournments from Ms Pennicuik to the Minister for Tourism and Major Events asking the minister to undertake a comprehensive cost-benefit analysis on the grand prix; and from Mr O'Donohue to the Attorney-General looking at how to expedite breaches of intervention orders. I know that Mr O'Donohue is not here, but he also very generously spoke of my former colleague, Ms Richardson. We had an adjournment from Ms Crozier to the Minister for Mental Health regarding a request to provide waiting lists for drug and alcohol programs, especially programs provided to young people. Finally we had an adjournment from Mr Davis to the Minister for Public Transport asking for information in relation to the performance of the Cranbourne, Pakenham and Dandenong lines as well as to Frankston and Sandringham performance issues.

I also have written responses to adjournment matters raised by Ms Springle on 8 August 2017, Ms Patten on 9 August 2017 and Mr Finn on 10 August 2017. Go Tiges!

The PRESIDENT — On that basis, the house stands adjourned.

House adjourned 3.45 p.m. until Tuesday, 19 September.